

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	CT	08.03.2023
Planning Manager / Team Leader authorisation:	JJ	09/03/2023
Planning Technician final checks and despatch:	<u>ER</u>	<u>09/03/2023</u>

**Application:** 22/01942/DETAIL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** FGH (Essex) Ltd

**Address:** Land adjacent Larkwood Kirby Road Great Holland

**Development:** 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.

### **1. Town / Parish Council**

Frinton & Walton Town Council      RECOMMEND APPROVAL

### **2. Consultation Responses**

Environmental Protection 11.01.2023      I can advise we have had the opportunity to review the proposal and submitted documents. Therefore please see below for comments from the EP Team:

Contaminated Land: Given the sites surrounding areas historical use for agriculture, we are requesting a Watching Brief be conditioned (on any subsequent approval) and adhered to throughout the demolition and construction phase. We request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken until such time as the LPA responds to the notification. I would also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

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

1. All site works at the position of the suspected contamination will stop and the Local Planning Authority and Environmental Health Department will be notified as a matter of urgency.
2. A suitably trained geo-environmental engineer should assess the visual and olfactory observations of the ground and the extent of contamination and the Client and the Local Authority should be informed of the discovery.
3. The suspected contaminated material will be investigated and tested appropriately in accordance with assessed risks. The investigation works will be carried out in the presence of a suitably qualified geo-environmental engineer. The investigation works will involve the collection of solid samples for testing and, using visual and

olfactory observations of the ground, delineate the area over which contaminated materials are present.

4. The unexpected contaminated material will either be left in situ or be stockpiled (except if suspected to be asbestos) whilst testing is carried out and suitable assessments completed to determine whether the material can be re-used on site or requires disposal as appropriate.

5. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.

6. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.

7. Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.

8. Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared surface of clay, or on 2000-gauge Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.

9. Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.

10. A photographic record will be made of relevant observations.

11. The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions. After consultation with the Local Authority, materials should either be: o re-used in areas where test results indicate that it meets compliance targets so it can be re-used without treatment; or o treatment of material on site to meet compliance targets so it can be re-used; or o removal from site to a suitably licensed landfill or permitted treatment facility.

12. 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

Construction Activities: In order to minimise potential nuisance caused by demolition/construction works, Environmental Protection recommend that the following hours and actions be adhered to, should the application be approved;

- 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.

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).

REASON: to protect the amenity of nearby residential premises

Should you have any queries concerning this, please do not hesitate to contact me.

ECC Highways Dept  
09.01.2023

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image.

Given the previous permission granted under planning application no. 19/01760/OUT, the proposal is acceptable to the Highway Authority, subject to the following requirements;

1. Prior to occupation of the development, the 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.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

2. Prior to the occupation of any of the proposed dwellings, 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 in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. 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 in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

4. Each 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 in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

5. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

6. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per 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 in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

Informative:

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.

### **3. Planning History**

17/00667/OUT	Outline planning application with all matters reserved for the development of one dwelling.	Refused	20.06.2017
19/00726/OUT	Outline planning application with all matters reserved for the development of one dwelling.	Refused	15.11.2019
19/01760/OUT	One Dwelling.	Approved	17.01.2020

22/01942/DETAIL	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.	Current
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#### **4. Relevant Policies / Government Guidance**

##### 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)

##### Other documents

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

##### **Status of the Local Plan**

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

In relation to housing supply:

The Framework requires Councils boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Site Description

The site lies on the south-east side of the residential property known as Larkswood on the east side of Kirby Road which runs through Great Holland village and comprises an overgrown rectangular parcel of level amenity land consisting of 0.1 ha set back deep from the road frontage behind the dwelling at Larkswood, an adjacent bungalow understood to have replaced two cottages which previously stood on the application site until the 1960's whereby the site has remained undeveloped ever since. A wide greensward maintained by the local highways authority exists at the front of the site extending to the road frontage which follows the road round to the south. The site is heavily screened to the back edge of the frontage greensward by extensive vegetation.

### Site Proposal

This reserved matters application relates to the submission of details pursuant to the grant of outline permission on 17 January 2020 under ref; 19/01760/OUT with all matters reserved for the erection of one dwelling at Land adjacent Larkswood, Kirby Road, Great Holland.

The proposed dwelling as shown would be in the form of a 3-bedroomed bungalow of traditional appearance with low eaves line based on a deep T shaped floor plan and would be externally clad in slate, brick and weatherboarding, whilst a proposed double garage to serve the dwelling would have external materials to match.

A trapezium shaped area of land at the immediate rear of the application site is shown edged in blue on the submitted site layout plan and is described as 'Amenity Area', although does not form

part of the application site edged in red whereby it is noted that the same blue land was shown for outline application 19/01760OUT for this proposed development.

### Background

The delegated officer report for approved outline application 19/01760/OUT concluded that the erection of a dwelling at this undeveloped location situated immediately outside the Settlement Development Boundary was acceptable in principle against the provisions of the NPPF in the tilted planning balance given the Council did not have a 5 year housing land supply at the time of decision and as it was considered that the site was capable of accommodating one dwelling without resulting in any harm to the character and appearance of the surrounding area.

**The main issues arising for this application are as follows;**

- **Access considerations**
- **Scale**
- **Layout, including parking**
- **Appearance**
- **Landscaping measures**
- **Impact on residential amenity**
- **Legal obligations – RAMS**
- **Other Matters – Drainage, Energy Efficiency and Renewable Energy**

### ***Access considerations***

Policy SPL3 of the Tendring District Local Plan states that access to the proposal site must be practicable, whilst Policy CP2 states that proposals will not be granted planning permission if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe where this latter policy advice is reflected in paragraph 111 of the NPPF.

The proposal would introduce a new vehicular access point onto Kirby Road, a Class B highway (B1032), whereby the new access would cross over the highway greensward at the front of the site where this proposed means of vehicular access was indicated on the site layout plan which accompanied outline application 19/001760/OUT to serve the new dwelling. The new access would involve the construction of a long run-in drive whereby a turning head is shown to be provided at the head of the drive by the new dwelling.

It was the case that ECC Highways did not raise any highway objections in principle to this new means of access onto the highway for outline application 19/01760/OUT subject to highway conditions being imposed at detailed application stage whereby the delegated officer report for the outline application stated that the information supplied demonstrated that an access point could be provided in principle at this location.

ECC Highways have similarly raised no highway objections to the reserved matters application as submitted who have advised that the access arrangements as shown on revised drawing LARK-01 A have been thoroughly assessed which state that the new vehicular access would be set at 90 degrees to the highway, that the new access driveway would have a minimum width of 3.7m and that 2.4m x 90m site visibility splays can be achieved in both directions along Kirby Road from the centre point of the new access (including over the existing greensward to the immediate south).

Accordingly, the proposed site access arrangements as shown for this reserved matters application are considered acceptable whereby the proposal complies with Policies SPL3 and CP2 of the adopted Local Plan and the requirements of the NPPF.

### ***Scale, Layout, Appearance and Landscaping***

Policy SP7 of the adopted Local Plan states that all new development must meet high standards of urban and architectural design, including responding positively to local character and context and enhancing the quality of existing places and their environs, whilst Policy SPL3 states that all new

development should make a positive contribution to the quality of the local environment and protect or enhance local character, including provision of appropriate boundary treatments and hard and soft landscaping measures. Policy LP3 states that new residential development must achieve an appropriate housing density having regard amongst other things to its site context, whilst Policy LP4 states that the design and layout of new residential development will be expected to meet set design criteria as set out in that policy, including providing appropriate levels of resident parking and also appropriate levels of private amenity space that meets the needs and expectations of future residents commensurate to the size of the dwelling and the character of the area to ensure a positive contribution towards the district's sense of place having regard to relevant design guidance. Chapter 12 of the NPPF places an emphasis on good design and states that development that is not well designed should be refused. Policy PPL3 of the Local Plan states that the Council will protect the rural landscape and refuse planning permission for proposed development which would cause overriding harm to its character and appearance.

### *Scale*

The proposed dwelling would take the form of a bungalow on a T plan which would have its rear gabled projection extending to the rear boundary of the site. The single storey nature of the dwelling as shown, the site's recessed location relative to the highway frontage, and also the siting positioning of the dwelling within the development plot itself would mean that the visual impact of the development within its localised setting would be limited. Furthermore, Larkswood contains a bungalow meaning that there would be a scale relationship between the new dwelling and this adjacent dwelling, whilst there is no distinguishable frontage building line running along the eastern side of Kirby Road, a fact noted in the officer report for outline application 19/01760/OUT. Additionally, Kirby Road and Pork Lane running off it contain a range of dwellings of varying scale and heights, many of which are detached meaning that the proposed dwelling would represent an appropriate form of development for its setting in terms of scale that would accord with the character of the area and preserve its sense of place.

Accordingly, Scale is considered acceptable whereby no policy objections are raised to the proposal under Policies SP7, SPL3, LP3, LP4 and PPL3 of the adopted Local Plan or the requirements of the NPPF.

### *Layout, including parking*

The new dwelling would be laid out centrally between the flanks of the site and set back from the frontage boundary to allow for a frontage parking and turning area. The dwelling would have an estimated private garden amenity space of 156sqm which would be compliant with the Essex Design Guide recommended minimum garden standards for a 3-bedroomed dwelling, albeit the amenity space would not be as large as the generous established rear gardens pertaining to Larkswood and Larges Farm Cottage to the immediate north. However, the amenity space shown should provide future occupiers of the new dwelling with a reasonable level of private amenity enjoyment.

The new dwelling would have garaged parking for two cars immediate to the front door of the dwelling as well as hardstanding parking space in front of the garage for a further two cars meaning that there would be a total of four on-plot parking spaces available for the dwelling. This parking provision would comply with ECC minimum parking standards for a 3-bedroomed dwelling and would allow for visitor parking as well. Note: specific cycle parking facilities at the site as recommended by condition by ECC Highways in their consultation response is considered unnecessary for this single dwelling scheme where none are shown.

Accordingly, Layout is considered acceptable whereby no policy objections are raised to the proposal under Policies SP7, SPL3, LP3, LP4 and PPL3 of the adopted Local Plan or the requirements of the NPPF.

### *Appearance*

The dwelling would have a traditional bungalow appearance designed in a muted almost barn vernacular style incorporating a good pitched roof, low eaves line, modest porch and a mix of



external finishes, namely a slate roof and a combination of red brick and weatherboarded walls on a red brick plinth with an appropriate number of window/door openings in terms of the voids to solids ratio. The garage would be designed in similar style and external materials.

Accordingly, Appearance is considered acceptable whereby no policy objections are raised to the proposal under Policies SP7, SPL3, LP3, LP4 and PPL3 of the adopted Local Plan or the requirements of the NPPF.

### *Landscaping*

The submitted external works plan shows that the first 6m of the proposed driveway from the proposed access point from the highway would be hard paved with the remainder of the driveway leading to the dwelling being laid in stone dressing laid on geotextile membrane to aid natural drainage. The driveway would be enclosed on its southern side by post and rail fencing, whilst the northern flank boundary of the site itself would be 1.8m high closeboarded and the southern flank boundary would be planted with native mixed hedging to a stated and acceptable planting specification. The rear boundary of the site is shown remaining open to the 'Amenity Land' to the immediate rear. A specimen 'Golden Hornet' native crab apple tree is shown proposed to be planted in the south-east corner of the site.

The external works proposed for the development as stated are considered appropriate for the site's setting and accordingly Landscaping is considered acceptable whereby no policy objections are raised to the proposal under Policies SP7, SPL3, LP3, LP4 and PPL3 of the adopted Local Plan or the requirements of the NPPF.

### ***Impact on residential amenity***

The new dwelling would be set back some 22m from the rear of the bungalow at Larkswood to the immediate north which is the nearest dwelling to the application site (only dwelling affected). This separation distance along with the single storey form of the proposed dwelling would ensure that any residential impacts of the new development on this adjacent residential property would be limited and less than significant, notwithstanding the recessed position of the new dwelling, whereby it is noted that the delegated officer report for the proposed dwelling at outline stage commented that sufficient space existed at the site to provide a development that could achieve a layout that would not detract from the amenities of nearby properties. A comprehensive Construction Method Statement has been submitted with the application details which can be conditioned on any grant of planning permission in the interests of residential amenity protection during dwelling construction.

No residential amenity objections are therefore raised to the proposal under Policies SP7 and SPL3 of the adopted Local Plan.

### ***Legal obligations - RAMS***

The site lies within the Zone of Influence (Zoi) for Special Protection Areas, Special Areas of Conservation and Ramsar sites for Hamford Water. As such, it is necessary for the applicant to commit to making a financial contribution by way of a unilateral undertaking for the proposed single dwelling scheme to offset the recreational disturbance impacts of the new dwelling on this SPA/Ramsar site prior to the commencement of development in accordance with the requirements of Policies SP2 and PPL4 of the adopted Local Plan and in accordance with the adopted Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020.

The applicant has already submitted a Unilateral Undertaking to the Council for approved outline application 19/001760/OUT relating to this residential development committing to making this financial contribution and has therefore already discharged its responsibility in this regard. The proposal therefore complies with Policies SP2 and PPL4 of the adopted Local Plan accordingly.

### ***Other Matters – Drainage, Energy Efficiency and Renewable Energy***

Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of water pollution. Furthermore, Paragraph 180 of the Framework states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment.

Policy PPL5 states that all new development must make adequate provision for drainage and sewerage and should include Sustainable Drainage Systems (SuDS) as a means of reducing flood risk, improving water quality, enhancing the Green Infrastructure network and providing amenity and biodiversity benefits.

Private sewage treatment facilities will not be permitted if there is an accessible public foul sewer. Where private sewage treatment facilities are the only practical option for sewage disposal, they will only be permitted where there would be no harm to the environment, having regard to preventing pollution of groundwater and any watercourses and odour.

No details have been submitted with the current reserved matters application on how foul waste from the proposed dwelling would be disposed of, although it would be expected that the aforementioned standing advice in dealing with such waste would be adhered to in terms of good practice. It is stated in the outline application details that surface water from the proposed development would be via a soakaway, which is acceptable.

Policy PPL10 addresses the renewable energy generation and energy efficiency measures for residential development involving the creation of one or more dwellings. Measures including solar panels, heat pumps and electric car charging points should be considered for all new dwellings. Paragraph 112 e) of the Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

It is stated in the submitted reserved matters application that an on-site electrical charging point is to be provided to an external wall of the double garage to serve the new dwelling. As such, this renewable energy measure chimes with the aforementioned policy advice, although should be conditioned on the grant of any planning permission to ensure its availability to future occupants of the new dwelling.

## **Conclusions**

The details submitted for this reserved matters application relating to Access, Scale, Layout, Appearance and Landscaping for the proposed dwelling at this site approved in principle under outline application ref; 19/001760/OUT are considered acceptable as are matters relating to impacts on residential amenity and ecology (RAMS).

## **6. Recommendation**

APPROVE RESERVED MATTERS

## **7. Conditions**

1. 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.

LARK-01 A PROPOSED PLANS AND ELEVATIONS, INCLUDING SITE VISIBILITY SPLAYS - Received 20/12/2022

LARK-02 A PROPOSED EXTERNAL WORKS / LANDSCAPING PLAN - Received 05/12/2022

PLANNING STATEMENT - Received 21/11/2022

CONSTRUCTION MANAGEMENT STATEMENT - Received 21/11/2022

ELECTRIC VEHICLE CHARGING POINT DETAILS - Received 21/11/2022

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

Note:

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.

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 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 appropriate.
5. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.
6. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.
7. Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.
8. Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared surface of clay, or on 2000-gauge Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.
9. Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.
10. A photographic record will be made of relevant observations.
11. The results of the investigation and testing of any 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 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.
12. 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.

## **8. Informatives**

### **1. 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.

### **2. 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.

3. Please note this approval of reserved matters relate 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.

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>	YES	NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	YES	NO