



AGENT: Mr Robert Pomery - Pomery Planning Consultants Ltd
Pappus House
Tollgate West
Stanway
Colchester
CO3 8AQ

APPLICANT: Mr Peter and Glynis Avery
Sparrows Farmhouse
Sparrows Corner
Great Oakley
Harwich
Essex
CO12 5AB

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 22/01896/FUL **DATE REGISTERED:** 9th November 2022

Proposed Development and Location of the Land:

**Proposed erection of 3no dwellings and garages.
Sparrows Farmhouse Sparrows Corner Great Oakley Harwich**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY GRANT**
PLANNING PERMISSION in accordance with the application form, supporting documents and plans submitted, subject to the following conditions;

1 CONDITION: TIME LIMIT ON COMMENCEMENT OF DEVELOPMENT

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

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

NOTE/S FOR CONDITION:

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

2 CONDITION: APPROVED PLANS & DOCUMENTS

The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in

that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

The approved red line plan drawing is 2222-1101-P1 Received 09.11.2022

- Proposed Block Plan - drwg. 2222-1103 Received 09.11.2022
- Proposed Site Plan (Ground Floor Level) - drwg. 2222-1104 Received 09.11.2022
- Plot 1 - Proposed Floor Plan, Roof Plan and Elevations - drwg. 2222-1201 Received 09.11.2022
- Plot 2 - Proposed Floor Plan, Roof Plan and Elevations - drwg. 2222-1202 Received 09.11.2022
- Plot 3 - Proposed Floor Plan, Roof Plan and Elevations - drwg. 2222-1203 Received 09.11.2022
- Plots 1 & 2 - Proposed Garage Floor Plan, Roof Plan and Elevations - drwg. 2222-1204 Received 09.11.2022
- Plot 3 - Proposed Garage Floor Plan, Roof Plan, Elevations and Section - drwg. 2222-1205 Received 09.11.2022
- Planning Statement Received 09.11.2022

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.

3 CONDITION: SUBMISSION OF LANDSCAPING SCHEME

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

levels and which shall also include retention of the lane frontage hedgerow within the submitted scheme.

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

4 CONDITION: COMPLIANCE WITH DETAILS AND TIMESCALE REQUIRED - LANDSCAPING SCHEME

All soft/hard landscaping shown on the approved landscaping details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development, or in such other phased arrangement as may be approved in writing by the Local Planning Authority up to the first use/first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted, or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and same species unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the approved landscaping scheme has sufficient time to establish in the interests of visual amenity and the character and appearance of the area.

5 CONDITION: HEDGEROW PROTECTION

No development shall take place until the existing hedgerow along the frontage of the site has been protected by the erection of temporary protective fences of a design, height, size and in positions which shall previously have been approved in writing by the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works. Any part of the hedgerow that dies or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with planting of appropriate size and species during the first planting season or in accordance with such other arrangement as may be approved in writing with the Local Planning Authority up to first use or first occupation of the development following the death of, or severe damage to the hedgerow.

REASON: For the avoidance of damage to the hedgerow in the interests of visual amenity and the character and appearance of Soils Lane which is designated Protected Lane.

NOTE/S FOR CONDITION:

This condition is required to be carried out prior to the commencement of any other development to ensure the hedgerow is protected early to ensure avoidance of damage or loss due to the development and/or its construction. If agreement was sought at any later stage then there is an unacceptable risk of damage or loss to the hedgerow.

6 CONDITION: AGREEMENT OF MATERIALS

No development/works shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction of the dwellings 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: In the interests of visual amenity and the character and appearance of the

area.

NOTE/S FOR CONDITION:

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.

7 CONDITION: CLEAR TO GROUND VISIBILITY SPLAYS

Prior to occupation of the dwellings hereby approved, the proposed access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 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.

8 CONDITION: PRIVATE DRIVE WIDTH

Prior to occupation of the dwellings hereby approved, 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 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.

9 CONDITION: PARKING BAY SIZES

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.

10 CONDITION: CYCLE PARKING PROVISION

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 of the proposed dwellings and retained at all times.

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

11 CONDITION: RESIDENTIAL TRAVEL INFORMATION PACK

Prior to occupation of the proposed dwellings, 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.

12 CONDITION: CONSTRUCTION TRAFFIC MANAGEMENT PLAN

Prior to commencement of development, a Construction Traffic Management Plan (CTMP), to include but not be limited to, details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway as well as vehicle parking and turning areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed plan.

REASON: To protect highway efficiency of movement and safety.

13 CONDITION: ACCESS MATERIAL

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

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

NOTE/S FOR CONDITION:

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

14 CONDITION: REFUSE BINS AND COLLECTION AREAS

Prior to first use/occupation of the development, or in accordance with an alternative timetable for provision as may be agreed in writing by the Local Planning Authority, the area to be provided for storage of refuse/recycling bins as shown on the approved drawings shall be provided and then retained.

REASON: In the interest of highway safety to ensure that refuse recycling bins do not cause any obstruction or danger on the highway.

NOTE/S FOR CONDITION:

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

15 CONDITION: WATER, ENERGY AND RESOURCE EFFICIENCY MEASURES

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

- Agreement of carbon levels
- Agreement of provisions to ensure the development is zero carbon ready

- An electric car charging point per dwelling
- A Water-butts per dwelling
- Compost bin per dwelling
- Agreement of heating of each dwelling
- 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 better use of water, energy and resources to reduce harm to the environment and to result in wider public benefit in accordance with the NPPF.

NOTES FOR CONDITION:

Slab level is normally referred to as 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.

16 CONDITION: DELIVERY / WORKING HOURS

No vehicle connected with construction works in connection with the approved development shall arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours shall be restricted to 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 are being carried out.

REASON: In the interests of residential amenity protection.

NOTE/S FOR CONDITION

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).

17 CONDITION: NO BURNING OF WASTE ON SITE

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

REASON: In the interests of residential amenity protection.

NOTE/S FOR CONDITION

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).

18 CONDITION: MEANS OF FOUL DRAINAGE

Full details of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works to the dwellings it would serve. The dwellings shall not be first occupied until the agreed method of foul water drainage has been fully installed and is functionally available for use for the dwellings. The foul water drainage scheme as installed shall thereafter be maintained as approved.

REASON: In the interests of protection of the ground water environment.

19 CONDITION: PD RIGHTS WITHDRAWN

Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order with or without modification), no additional garages, car ports, fences, gates, walls or any other means of enclosure shall be erected except pursuant to the grant of planning permission on an application made in that regard.

REASON: Due to the location of the site and as part of the site is located outside the current Settlement Development Boundary (SDB) for Great Oakley, to enable the Local Planning Authority to retain future control over the development in the interests of the amenity of the locality and to safeguard local distinctiveness.

DATED: 30th March 2023

SIGNED:



John Pateman-Gee
Planning Manager

NATIONAL & LOCAL PLAN POLICIES AND GUIDANCE RELEVANT TO THIS 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)

SP1 Presumption in Favour of Sustainable Development

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP3 Spatial Strategy for North Essex

SP4 Meeting Housing Needs

SP6 Infrastructure and Connectivity

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP7 Self-Build and Custom-Built Homes

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL10 Renewable Energy Generation

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

DI1 Infrastructure Delivery and Impact Mitigation

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

INFORMATIVES:

1. 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

i: 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

ii: 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.

iii: 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. Foul Drainage:

No information has been submitted by the Applicant or their Agent in relation to the disposal of foul waste. The EP Team would suggest that should the proposal seek to implement the use of a Sewerage Treatment Plant as a way of disposing of foul waste should the application be approved that the applicant-agent ensures that the installation is fully compliant with the Environment Agency's Binding Rules and any other relevant Government guidance and British standards in respect of these systems. Information on this can be found at:

Septic tanks and treatment plants: permits and general binding rules: The general binding rules - GOV.UK (www.gov.uk).

It is strongly recommended these rules are complied with as they will minimise any potential nuisance to nearby residential dwellings, assist in preventing a potential Public Health nuisance, and minimise the potential for adverse incidents of which may result in formal enforcement action.

Unexpected contamination

Should any unexpected ground conditions be encountered either prior to and/or during construction, the following processes must be followed:

- a. 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.
- b. 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.
- c. 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.
- d. 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.
- e. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.

- f. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.
- g. Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.
- h. 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.
- i. Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.
- j. A photographic record will be made of relevant observations.
- k. 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.
- l. A Verification Report will be produced for the work.

Legal Agreement

This application is the subject of a legal agreement (unilateral undertaking) and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017. Please note that any subsequent variation / removal of condition applications (s73 applications) will require a new legal agreement to secure this obligation unless the development has commenced (subject to all necessary condition discharges) and the contribution has already been paid.

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 <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.