

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	MP	18/05/23
Planning Manager / Team Leader authorisation:	AN	22/05/23
Planning Technician final checks and despatch:	CC	23.05.2023

**Application:** 23/00454/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Penny Investments Ltd

**Address:** Land to The rear of 23 Manor Road Great Holland

**Development:** Proposed erection of one bungalow.

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

Frinton and Walton Town Council Recommends Refusal – backland development, local plan designates as protected open space. Tendring District Council is signed up to communicating in plain English, TDC's letter relating to this plan is not clear.

### **2. Consultation Responses**

ECC Highways Dept  
20.04.2023

The information submitted with the application has been assessed by the Highway Authority and conclusions reached based on a desktop study in conjunction with a site visit. It is noted that the proposal will share a private access road which serves three existing bungalows plus a dwelling fronting Manor Road. The proposal is similar to an earlier application, 23/00026/FUL which the Highway Authority did not object to, the proposal retains adequate parking for the size of dwelling, while Manor Road forms part of an existing bus route, considering these factors:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. Prior to 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.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

2. 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.

3. 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.

4. 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.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County 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.

UU Open Spaces  
04.04.2023

Public Realm Assessment

Play Space - current deficit:

-Deficit of 14.61 hectares of equipped play in Frinton, Walton & Kirby

Formal Play - current deficit:

-Adequate formal open space in the area to cope with some future development

Settlement provision:

-Pork Lane Play area located, 0.3 miles from the development

Officer Conclusions and Recommendations

Contribution necessary, related, and reasonable?  
to comply with CIL Regs\*

No contribution is requested on this occasion, it is considered adequate play and open space to cope with this size of development.

Identified project\*:

(In consultation with Town / Parish Council on upcoming projects or needs for maintenance)

None requiring a contribution from this development

Tree & Landscape Officer  
18.04.2023

There are no trees or other significant vegetation on the application site.

To the northwest of the application site and within the curtilage of an adjacent property there is an established Eucalyptus.

From a visual inspection from the ground the tree is a mature healthy specimen that can be glimpsed from the highway between dwellings and above rooftops. The tree makes a moderate contribution to the character and appearance of the locality.

Taking into account the position of the tree and the position of the proposed new dwelling it is considered that the proposed development could be implemented without causing harm to the tree.

There appears to be limited public benefit to be gained by any soft landscaping associated with the development.

Environmental Protection  
04.04.2023

With reference to the above application, please see below for comments from the EP Team:

Contaminated Land: The site lies within close proximity to an historical, registered piece of contaminated land ( Foundry, Iron and Steel Works, <50m ); however after reviewing the registration information, we are satisfied that the burden of a Phase One is not required, given the size of the proposal. However we are requesting a Watching Brief be conditioned and adhered to throughout the 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.

Asbestos: Should any asbestos containing materials be present on the development site, or used within the original construction of the building in question, it must be safely removed by a qualified contractor, with relevant transfer notes being obtained to confirm safe and responsible removal and disposal.

REASON - To ensure that any risks (to future users of the land and neighbouring land and to controlled waters, property and ecological systems) arising from any land contamination are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Construction Activities: I can advise we are satisfied with the submitted CMS, and have no comments to make in relation to this aspect of the proposal.

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

### **3. Planning History**

23/00062/FUL	Proposed erection of a 3-bed bungalow with integrated garage.	Refused	07.03.2023
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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)

- 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
- 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
- HP4 Safeguarded Local Greenspace
- HP5 Open Space, Sports & Recreation Facilities
- DI1 Infrastructure Delivery and Impact Mitigation
- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- PPL5 Water Conservation, Drainage and Sewerage
- PPL10 Renewable Energy Generation
- CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

### **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**

### Site Description

The application site is land sited to the north of Number 23 Manor Road, which is within the parish of Great Holland. The land is currently grassed land that is slightly overgrown and includes various structures to its eastern boundary, and is boarded by 1.8m high fencing to all sides. The site is allocated as Safeguarded Open Space within the adopted Local Plan 2013-2033, and also falls within the Settlement Development Boundary for Great Holland.

The character of the area is relatively urbanised, with predominantly residential development located to all sides. However, the land immediately to the north forms part of the larger area of safeguarded open space.

### Site History

In March 2023, under planning application 23/00062/FUL, planning permission was refused on this site for the erection of one dwelling. The reason for the application being refused was on the basis that the application site formed part of a larger area of safeguarded open space, and the proposal had failed to demonstrate that the lost provision would be replaced elsewhere in any form, while no evidence had been provided to demonstrate that there is no longer a demand for the site. In addition, a Unilateral Undertaking had not been agreed to secure a financial contribution towards RAMS.

Since the determination of 23/00062/FUL, discussions have taken place between the Council and the agent for the application, and it is now acknowledged that while the application site does form part of an area of safeguarded open space within the adopted Local Plan, the allocation is incorrect given that under a historic planning permission (reference 97/00591/FUL) the land was converted from allotments to allow for the land to form part of the gardens to surrounding properties.

### Description of Proposal

This application is a resubmission of 23/00062/FUL and again seeks planning permission for the erection of one residential dwelling, which is to be single storey and served by three bedrooms.

## Assessment

### 1. Principle of development

Adopted Policy SPL2 states that within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local plan policies.

The application site falls within the settlement development boundary for Great Holland within the adopted Local Plan 2013-2033. As such the principle of residential development on the site is acceptable subject to the detailed considerations relevant to this proposal which are set out below.

### 2. Safeguarded Open Space

The application submission indicates that the dwelling will be sited in an area allocated as Safeguarded Open Space within the recently Adopted Local Plan. However, as has been highlighted above, this allocation within the Local Plan is incorrect. The land was historically used as allotments, however the land was then sold by the Council to landowners whose properties surrounded the former allotments. This position was regularised within planning permission 97/00591/FUL, which granted consent for the change of use of the allotments to private garden land. Therefore, on this occasion, while the site is technically allocated as an area of safeguarded open space, Officers acknowledge this is an error and it would therefore be unreasonable to assess the proposal against adopted Policy HP4.

### 3. Scale, Layout and Appearance

Paragraph 130 of the National Planning Policy Framework (NPPF) (2021) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

Adopted Policy SP7 of Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout that relates well to its site and surroundings, create a unique sense of place.

The application proposes to include one additional dwelling on land sited to the north (side) of Number 23 Manor Road. The dwelling is to be single storey and served by three bedrooms; the dwellings immediately to the south and south-east are single storey, and therefore within this context the scale of the dwelling is acceptable.

The plots to the south, Numbers 23 and 21a, follow a stepped approach where Number 23 extends further. The proposed dwelling would follow this pattern, although would be sited fairly significantly further forward. However, in the wider context there is no real set character or layout in this section of Manor Road, and therefore on balance Officers do not object with the proposed siting of the dwelling.

In terms of the dwellings design, Officers acknowledge it is of a rather bland appearance overall, however note that features such as a front gable and window detailing help to break up the builds overall bulk. Given this and that the design is not necessarily out of keeping with the immediate plots adjacent, Officers raise no objections in this regard.

Adopted Policy LP4(j) states there should be provision for private amenity space of a size and configuration that meets the needs and expectations of residents and which is commensurate to the size of dwelling and the character of the area.

The proposed information shows an area to the rear of the property for use as an area of private amenity space. This is considered to accord with the above policy and no objections are raised on these grounds.

#### 4. Impact to Neighbouring Amenities

Paragraph 130 of the National Planning Policy Framework (2021) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

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

The proposed dwelling is most closely related to Number 23 Manor Road, being sited adjacent to the north. However, while there is only an approximate separation distance of 2 metres, the dwelling is single storey and is also designed to ensure the southern elevation closest to Number 23 is set back. Taking all of this into consideration Officers do not consider there to be significant harm to existing amenities in respect of loss of daylight/sunlight, overlooking or the dwelling appearing oppressive.

While the dwelling will also be noticeable to Number 23a to the south-east, there is sufficient separation distance to ensure there will be a neutral impact to their existing amenities.

#### 5. Highway Safety

Paragraph 110 of the National Planning Policy Framework 2021 seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 104 requires that streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

Adopted Policy CP1 (Sustainable Transport and Accessibility) of the Tendring District Local Plan 2013-2033 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and the design and layout of the development provides safe and convenient access for people.

Essex Highways Authority have been consulted, and have stated they have no objections subject to conditions relating to a vehicular turning facility, parking space sizes, cycle parking and the submission of a Residential Travel Information Pack.

Furthermore, the Essex Parking Standards (2009) require that for dwellings with two or more bedrooms, a minimum of two parking spaces is required. Parking spaces should measure 5.5m x 2.9m and garages, if being relied on to provide a parking space, should measure 7m x 3m internally. The plans provide for a garage, however this falls under the measurements above, however the site has sufficient space to accommodate the necessary two parking spaces.

#### 6. Tree Impacts

The Council's Tree and Landscape Officer has been consulted, and has provided the following comments:

*“There are no trees or other significant vegetation on the application site.*

*To the northwest of the application site and within the curtilage of an adjacent property there is an established Eucalyptus.*

*From a visual inspection from the ground the tree is a mature healthy specimen that can be glimpsed from the highway between dwellings and above rooftops. The tree makes a moderate contribution to the character and appearance of the locality.*



*Taking into account the position of the tree and the position of the proposed new dwelling it is considered that the proposed development could be implemented without causing harm to the tree.*

*There appears to be limited public benefit to be gained by any soft landscaping associated with the development."*

Therefore, Officers raise no objections in this regard.

## 7. Drainage

Paragraph 174 of the Framework 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 185 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 of Section 2 of the adopted Local Plan states that all new development must make adequate provision for drainage and sewerage. 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.

The agent for the application has confirmed on the application form that the development would be connected to the existing public foul sewer. This is in accordance with the above policy requirements and is therefore considered to be acceptable.

## 8. Financial Contributions - Open Space and RAMS

### (i) Open Space

Paragraph 55 of the National Planning Policy Framework (2021) states Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Paragraph 57 of the NPPF states planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly relate to the development and fairly and reasonably relate in scale and kind to the development.

Section 2 Policy HP5 states that the Council will work with partners and sports providers across the district to maintain, expand and improve the quality and accessibility of public open space, sports and recreational facilities of different types and will aim to achieve and exceed standards set out in the Council's 2017 Open Spaces Strategy or any future update. Financial contributions will also be sought through s106 legal agreements (or an appropriate alternative mechanism) towards ongoing maintenance.

In line with the requirements of Section 2 Policy HP5 the Council's Open Space Team have been consulted on the application to determine if the proposal would generate the requirement for a financial contribution toward public open or play space. The outcome of the consultation is that there is currently a deficit of 14.61 hectares of equipped play in Frinton, Walton & Kirby and Great Holland, however no contribution is requested on this occasion.

### (ii) Habitat Regulations Assessment

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.

The application scheme proposes a residential dwelling on a site that lies within the Zone of Influence (Zol) being approximately 3.4km away from Hamford Water RAMSAR, SPA and SAC sites. New housing development within the Zol would be likely to increase the number of recreational visitors to these sites and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

A unilateral undertaking has been prepared to secure this legal obligation. This will ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with Section 1 Policy SP2 and Section 2 Policy PPL4 of the Tendring District Local Plan 2013-2033 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

## 9. Renewable and Energy Conservation Measures

Paragraph 112 of the Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles (ULEV) in safe, accessible and convenient locations. However, recent UK Government announcements that ULEV charging points will become mandatory for new development have yet to be published.

Policies PPL10 and SPL3, together, require consideration be given to renewable energy generation and conservation measures. Proposals for new development of any type should consider the potential for a range of renewable energy generation solutions, appropriate to the building(s), site and its location, and be designed to facilitate the retro-fitting of renewable energy installations.

The proposal includes new roof space which has the potential to incorporate solar photovoltaic installation, and car parking areas have the potential for the provision of ULEV charging points for electric cars. It is therefore necessary and reasonable for Officers to insist on a planning condition for renewable energy generation solutions to be incorporated within the design, in order to meet the policy requirements.

### Other Considerations

Frinton and Walton Town Council recommend refusal on the grounds that the proposal is a form of backland development and is designated as protected open space.

In response to this, the proposal does not represent backland development given it is not sited directly to the rear of an existing dwelling, and the point regarding protected open space is discussed in detail within the main body of the report above.

There have been no other letters of representation received.

### Conclusion

The application site lies within the Settlement Development Boundary for Great Holland, and the principle of a residential dwelling in this location is therefore acceptable. Officers consider that, on balance, the proposed design and layout is acceptable, and there will also be no significant harm to existing amenities of neighbouring properties.

Following the refusal of the previous application on this site, it has since been identified that while the site is located within an area of safeguarded open space, this is an error and therefore it would not be reasonable to conclude that the proposal would result in the loss of safeguarded open space.

Taking the above into consideration, the proposal complies with local and national planning policies, and accordingly is recommended for approval.

## 6. Recommendation

Approval.

## 7. Conditions

### 1 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.

### 2 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 Number PGH-01 and the documents titled 'Site Location Plan', 'Construction Method Statement', 'Electric Vehicle Charging' and 'Planning Statement'.

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:** 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 should include as a minimum the following:-

- Electric car charging points per dwelling;
- A Water-butt per dwelling;
- Compost bin per dwelling;
- Agreement of heating of each dwelling/building; and
- 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 reduce harm to the environment and result in wider public benefit in accordance with the NPPF.

**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.

The greatest threat to our planet is the belief that someone else will save it and also forgetting that small acts, when multiplied by millions of people, can transform the world. Developments will provide buildings/homes to thousands/millions of people over their lifetime. A well designed sustainable development in the beginning will restrict the contribution each person makes to that threat and help enable them to transform the world.

- 4 **CONDITION:** Prior to the first occupation of the development, details of a vehicular turning facility shall be approved, in writing, by the Local Planning Authority. The turning facility shall be constructed, surfaced and thereafter maintained free from obstruction within the site at all times for vehicular use only.

**REASON:** To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

- 5 **CONDITION:** Prior to first occupation of each dwelling, a Residential Travel Information Pack (travel pack) shall be provided to each dwelling for use of its first occupiers. The travel pack shall be agreed, in writing, by the Local planning authority prior to provision and shall include a minimum of six one day travel vouchers for use with a local transport operator.

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

- 6 **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 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.

## **8. Informatives**

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.

Legal Agreement Informative - Recreational Impact Mitigation:

This application is the subject of a legal agreement 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.

Highways 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.