

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	AP	23/1/2024
Team Leader authorisation / sign off:	ML	26/01/2024
Assistant Planner final checks and despatch:	ER	26/01/24

Application: 23/01208/FUL **Town / Parish:** Bradfield Parish Council

Applicant: Mr Sam Edlin

Address: Stour Lodge Cottage Station Road Bradfield

Development: Proposed construction of 1no. family dwelling with provision for private amenity and off-street parking following extant approval ref: 21/01845/FUL.

1. Town / Parish Council

Bradfield Parish Council No comments received

2. Consultation Responses

Tree & Landscape Officer
06.09.2023

There are no important trees or other significant vegetation in the main body of the application site. The land to the north and west is well populated with established trees.

Considering the separation distance between the position of the proposed dwelling and the trees on adjacent land it is considered that the cutting back of perimeter vegetation to the north and west will not adversely affect the character or appearance of the area.

It should be noted that TPO/89/06 is no longer in effect as consent was granted to fell a, centrally situated, Sycamore under application reference 18/01927/TPO. The tree was decayed and in poor condition. This decision is listed in the planning history section of the Planning Statement submitted in support of the application. As the tree has been felled it is clearly no longer a constraint on the development potential of the land.

In terms of soft landscaping Section 9 of the Design and Access Statement states that 'The landscape design is a critical component within the overall development proposal'. This point is emphasised in Section 8.3 of the Planning Statement which states that 'a good number of hedgerows and trees are being proposed within the proposal.

At the present time the applicant does not appear to have submitted detailed soft landscape proposal. Therefore, should planning permission be likely to be granted then details of soft landscaping should be secured by a planning condition. Soft landscaping should aim to soften, screen and enhance the appearance of the development.

UU Open Spaces
25.09.2023

Public Realm Assessment

Play Space - current deficit:

- Deficit of 0.83 hectares of equipped play in Bradfield

Formal Play - current deficit:

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

Settlement provision:

- Bradfield Play area, The Street, LEAP 0.6 Miles from the development, Officer Conclusions and Recommendations

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

Due to the significant lack of provision in the area it is felt that a contribution, justified and relevant to the planning application and that this money would be spent at the closest play area which is The Street Bradfield.

Identified project*:

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

- The Parish have plans in place to add new play equipment.

ECC Highways Dept
22.09.2023

The information that was submitted in association with the application has been considered by the Highway Authority. A previous site visit was undertaken in conjunction with an earlier planning application. The information submitted with the application has been assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated June 2023. It is noted that this application is similar to previous applications 18/01296/FUL and 21/01845/FUL that the Highway Authority did not raise an objection to. The site retains adequate room and provision for off-street parking, for the proposed dwelling therefore:

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

1. As per planning applications: 18/01296/FUL and 21/01845/FUL and prior to occupation of the dwelling, the vehicular access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 129m westerly by 2.4m by 90m easterly, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety and in accordance with Policy DM1.

2. Prior to occupation of the dwelling a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with policy DM1.

3. Prior to occupation of the dwelling 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.

4. Prior to first occupation of the proposed dwelling, the proposed vehicular access shall be constructed at right angles to the highway boundary. The width of the access at its junction with the highway shall not be less than 4.5 metres (equivalent to 5 drop kerbs) and shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM1.

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

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1

6. No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary / throughout.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM1.

7. The dwelling shall not be occupied until such time as the car parking and turning area, has been provided in accord with the details shown in Drawing No. 003. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM1.

8. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- i. vehicle routing,
- ii. the parking of vehicles of site operatives and visitors,
- iii. loading and unloading of plant and materials,
- iv. storage of plant and materials used in constructing the development,
- v. wheel and underbody washing facilities.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

9. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay and any boundary feature retained free of obstruction above 600mm at all times.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, and to provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interests of highway safety and in accordance with Policy DM1.

Informative:

1: It was established during a previous site visit that the existing footway fronting the proposed development site is in fact measured at 1.7m not 2.4m in width which would indicate the proposed vehicular visibility splays would require the removal or reduction in height of significant lengths of brick wall to achieve the required visibility splays which was shown in previous supporting information for application 21/01845/FUL but has not been accounted for in this latest application.

2: The applicant should ensure that vehicles can enter and leave the highway in a forward gear. As per the Essex Parking Standards (Parking Standards: Design and Good Practice, Sept 2009) 6 metres should be provided behind each parking space to allow for manoeuvring. Alternatively, the applicant should submit a tracking diagram (swept path analysis) demonstrating that vehicles can manoeuvre on-site.

3: 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

4: 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.

5: 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

00/00885/FUL	Erection of 2 metre wall or fence to give privacy	Refused	13.09.2000
00/01705/FUL	Erection of boundary wall	Approved	28.11.2000

TRE/97/55	T.1 - Sycamore - removal of limb extended towards cottage back to a suitable collar to bring limb in line with remainder of canopy	Current	29.10.1997
01/01037/FUL	Porch/utility extension (to rear of property)	Approved	13.08.2001
01/01756/FUL	Elevational changes to house design approved under 97/01282/FUL and 01/01037/FUL	Approved	05.12.2001
91/01121/FUL	Part demolition and re-building of rear extension to domestic dwelling.	Refused	28.01.1992
93/00908/FUL	(Stour Cottage, Station Road, Bradfield) Two storey extension to form additional bedroom, kitchen and bathroom	Approved	05.10.1993
97/00054/FUL	(Stour Cottage, Station Road, Bradfield) Detached single garage	Approved	24.02.1997
97/01282/FUL	Demolition of existing dwelling and erection of replacement house and detached garage	Approved	27.01.1998
98/00922/FUL	Variation to design of house approved under TEN/97/1282 and temporary siting of metal storage container, mobile home and caravan	Approved	28.09.1998
17/30340/PREAPP	Proposed new 2-3 bedroom detached cottage.		11.01.2018
18/01296/FUL	Proposed detached dwelling and detached single garage.	Approved	22.10.2018
18/01927/TPO	1 No. Sycamore - Remove.	Approved	17.12.2018
19/01754/FUL	Variation of condition 2 (approved plans) for application 18/01296/FUL.	Approved	23.12.2019
21/00014/FUL	Variation of condition 2 (approved plans) for application 18/01296/FUL to change the previously approved two storey design to a chalet style bungalow.	Approved	16.06.2021
21/01845/FUL	Proposed detached dwelling and detached single garage on land adjacent to host dwelling for private use.	Approved	30.03.2022
22/01210/DISCON	Discharge of conditions 9 (Construction management plan and risk assessment) and 11 (Electric vehicle charging specification) of application 21/01845/FUL.	Approved	12.09.2022
23/01208/FUL	Proposed construction of 1no. family dwelling with provision for private amenity and off-street parking following extant approval ref: 21/01845/FUL.	Current	

4. 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), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

5. Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

6. Relevant Policies / Government Guidance

National Planning Policy Framework December 2023 ([NPPF](#))
National Planning Practice Guidance ([NPPG](#))

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)

LP1 Housing Supply
LP2 Housing Choice
LP3 Housing Density and Standards
LP4 Housing Layout
PPL2 Coastal Protection Belt
PPL3 The Rural Landscape
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL10 Renewable Energy Generation and Energy Efficiency Measures
SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
HP5 Open Space, Sports and Recreation Facilities
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](#)

7. Officer Appraisal

Proposal

The application seeks full planning permission for a detached one and a half storey dwelling with off road car parking and garden space in the side garden of Stour Lodge Cottage in Station Road, Bradfield.

The site falls within the Settlement Development Boundary of Bradfield, as defined in the Local Plan.

Site History

Since 2018, there has been planning permission for a single dwelling on the application site. The latest application on the application site is reference 21/01845/FUL which was approved for a 3 bedroom, one and a half storey dwelling with single garage on 30th March 2022 and remains extant.

Since the original approval in 2018, the Sycamore tree which was subject to a Tree Preservation Order has been felled with permission and subsequently reduces the constraints within the application site.

Principle of Development

The site lies within the settlement development boundary. Policy SPL2 states that within the settlement development boundary there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local Plan policies. Policy SP3 states that existing settlements will be the principal focus for additional growth across the North Essex Authorities area within the Local Plan period. The principle of a new dwelling is therefore accepted subject to the detailed considerations below.

It is noted there are no neighbourhood plans to consider.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 necessitates that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The detailed considerations relevant to this proposal are set out below.

Scale, Layout, Character, Appearance and Landscaping

Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 seeks to ensure that all new development should make a positive contribution to the quality of the local environment and protect or enhance local character, while meeting practical requirements.

The proposed dwelling is a detached, one and a half storey contemporary designed five bedroomed house sited to the north-west of Stour Lodge Cottage, accessed via a newly formed access to the south-west off Station Road. The proposed dwelling is considered to satisfactorily relate to its surroundings, with it being sited in line with the existing pattern of development along this northern side of Station Road, running from the south-east to the north-west.

In terms of design, the proposed use of brickwork will complement the adjacent dwelling; Stour Lodge Cottage while modern design materials of silver birch vertical slatted cladding, western red cedar soffits, natural slate roof with dark grey fascia and aluminium framed windows and doors will enhance the character of the immediate area. The use of alternative materials adds interest to the design while in front of the dwelling the practicality of block paving will allow for car parking and turning.

The Council's Landscape Officer has been consulted on the proposal. He notes that the site is bounded by trees on the north and west and that additional soft landscaping should be secured by condition. In addition, a low level brick wall is proposed to the front boundary and in order secure an appropriate combination of hard and soft landscaping including boundary treatments it is considered reasonable and necessary to impose a condition on the grant of planning permission.

Policy PPL2 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 state that new development which does not have a compelling functional need to be located in the Coastal Protection Belt will not be permitted, and even when a compelling functional need is demonstrated, the development should not significantly harm the landscape character and quality of the undeveloped coastline. While Policy PPL3 of the adopted Local Plan states that development proposals affecting protected landscapes must pay particular regard to the conservation and enhancement of the special character and appearance of the Dedham Vale and Suffolk Coast and Heaths AONBs, and their settings.

The proposal lies adjacent to the Coastal Protection Belt and the Suffolk Coasts and Heaths AONB. It is considered that due to the location adjacent to existing residential dwellings and within an existing garden area, particularly to the south-east but also to the north-west, and that the site falls within a recognised Settlement Development Boundary, on balance this potential development is unlikely to significantly impact upon the existing character of the area and as such would not be a reason to warrant a refusal.

Impact to Residential Amenities

The submitted plans show that the proposed dwelling will be located in close proximity to the existing property known as 'Stour Lodge Cottage'. However, there is an approximate separation distance of between 3.5 and 4.5 metres and there will be no significant loss of light. In terms of overlooking, the dwelling includes a glazed rear facing first floor gable with Juliet balcony serving one bedroom, one small rooflight serving the first floor family bathroom, one other small rooflight and a square of four rooflights serving the other first floor rear bedroom and it is not considered that the rooms will be in continued use during the day. Views are possible into the neighbouring garden however these will be limited oblique views and given the positioning of the proposed dwelling it will not overlook the private sitting out areas and there will not be a significant degree of overlooking as a result. There is one first floor south east side facing window serving the rear bedroom and this has the predisposition to overlook Stour Lodge Cottage. In view of this, a condition will be imposed on the grant of planning permission to obscure glaze the window to prevent overlooking.

The only other neighbouring property that may have the potential to be impacted upon is 'Stour Lodge', to the north-west of the site. However, given a significant separation distance of approximately 75 square metres and that the boundary separating the two properties is heavily vegetated, there is not considered to be any harm to existing amenities as a result of the proposed development.

Policy LP3 requires compliance with the nationally described space standards. This standard deals with internal space within new dwellings and is suitable for applications across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The proposal is a 5 bedroom, 8 person and considered a 2 storey dwelling in this context which requires a minimum of 128 square metres of gross internal floor space which includes built in storage of 3.5 square metres. From the plans submitted the proposal meets the requirements of the space standards. It is also considered that the internal layout is appropriate, with all habitable rooms having adequate natural light.

Private amenity space for the host dwelling is more than 150 square metres which is considered more than adequate and meets the recommended minimum garden amenity standards as set out in the Essex Design Guide.

Access, Parking and Highway Safety

The proposal creates a new vehicular access with off road car parking and turning facilities. Essex Highways have been consulted and they do not object to the proposal subject to conditions relating to visibility splays, vehicular access width, no discharge of surface water, the use of no unbound materials, the car parking and turning area, and that any new boundary hedging shall be planted a minimum of 1m back from the highway. The conditions listed are considered reasonable and necessary and will be imposed on the grant of planning permission. The condition relating to boundary hedging and planting is incorporated into the planning conditions for visibility splays. A condition for providing a Construction Method Statement prior to starting development will also be

imposed on the grant of planning permission given the location of the site and access arrangements onto Station Road.

Essex County Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces are required. Parking spaces should measure 5.5 metres by 2.9 metres and the plans show that this is provided within the application site with sufficient space for manoeuvring and turning.

Renewable Energy

Chapter 14 of the National Planning Policy Framework supports the transition to a low carbon future in a changing climate while Policy PPL10 of the Local Plan supports renewable energy generation and energy efficiency measures for residential development.

The applicant has submitted information confirming a scheme of heating via solar panels and an air source heat pump, an approach to water conservation, including the potential for the re-use of 'greywater' and rainwater 'capture and use' and a scheme to achieve as far as possible a water consumption rate of not more than 110 litres, per person, per day for the new dwelling, as well as an electric vehicle car charging point for each car parking space and these will be secured by condition on the grant of planning permission.

No confirmation of measures have been submitted to secure agreement of a scheme to achieve waste reduction and the provision of a fibre optic broadband connection to the best possible speed installed on an open access basis and directly accessed from the nearest exchange, incorporating the use of resistant tubing. Information to secure the provision of these matters will be secured on the grant of planning permission.

Drainage and Sewerage

Paragraph 180 e) 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 191 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.

Paragraph: 020 Reference ID: 34-020-20140306 of the National Planning Policy Guidance states that where a connection to a public sewage treatment plant is not feasible a package sewage treatment plant can be considered. The package sewage treatment plant must comply with the Small sewage discharges in England: general binding rules 2015 (GBR), or a permit will be required. Package sewage treatment plants may only be considered if it can be clearly demonstrated by the applicant that discharging into a public sewer is not feasible (taking into account cost and/or practicability and whether the package treatment plant poses a risk to a designated site) in accordance with Approved Document H of the Building Regulations 2010.

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.

In relation to non-mains drainage from non-major development the Environment Agency's advice is that to comply with the Framework and PPG on foul drainage matters, an LPA needs to be satisfied that foul drainage can be provided without adverse impact on the environment. This requires ensuring that both those environmental risks outside of the control of the permit and the relevant considerations in the PPG are addressed. The LPA should also be mindful that the developer will need to address foul drainage matters to get their environmental permit and meet building control regulations. Therefore, they should be confident that it is likely that any necessary permits and approvals can be successfully obtained.

Question 11 of the application form states that the applicant does not know at this stage how foul sewage is to be disposed of; the declaration implies that a mains connection is not possible. The

nearest foul sewer is a straight line distance of more than 60 metres away and involves a pumping station and a rising main which indicates a mains connection would not be possible.

In considering the acceptability of the proposed non-mains drainage, the site is not significantly close to any designated site of importance to biodiversity, nor is it located within close proximity to any watercourse. The site is not located within a Drinking Water Safeguard Zone or Source Protection Zone 1, and the site is sufficiently large enough to accommodate a soakaway. Taking these factors into account, and the absence of a mains connection in close proximity to the site, alternative foul drainage arrangements are considered to be acceptable.

The site does not fall within a critical drainage area and there is no risk of surface water flooding on the site.

Financial Contribution – Recreational Disturbance

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 new dwelling on a site that lies within the Zone of Influence (Zol) being approximately 405 metres from Stour and Orwell Estuaries SPA and RAMSAR.

However, new housing development within the Zol would be likely to increase the number of recreational visitors to the Stour and Orwell Estuaries; 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.

Financial Contribution – Open Space

Policy DI1 states that all new development should be supported by, and have good access to, all necessary infrastructure. Local Plan 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).

In line with the requirements of Local Plan Policy HP5 the Council's Open Spaces Team have been consulted on the application to determine if the proposal would generate the requirement for a financial contribution towards public open or play space. They confirm that there is a deficit of 0.83 hectares of equipped play in Bradfield and due to the significant lack of provision in the area a contribution is justified and relevant to the planning application and that this financial contribution would be spent at the closest play area which is The Street Bradfield. A unilateral undertaking has been prepared to secure this legal obligation.

Other Considerations

No other representations have been received.

8. Recommendation

Approval - Full

9. 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.

The approved red line plan drawing is DWG No. 001 received 24 August 2024

DWG NO. 003

DWG NO. 301

DWG NO. 302

DWG NO. 303

DWG NO. 304

Design and Access Statement

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 ACTION REQUIRED: HIGHWAYS PROVISION OF VISIBILITY SPLAYS

CONDITION: Before the access is first used clear visibility shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point and a distance of 129 metres in a westerly direction along the edge of the metalled carriageway from the centre of the access and a distance of 90 metres in an easterly direction along the edge of the metalled carriageway from the centre of the access. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

REASON: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.

NOTE/S FOR CONDITION:

Carriageway is the part of a road intended for vehicles rather than pedestrians normally defined by 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.

4 ACTION REQUIRED: HIGHWAYS PEDESTRIAN VISIBILITY SPLAYS

CONDITION: Prior to first use of the access pedestrian visibility splays shall be provided, a minimum of 1.5 metre x 1.5 metre as measured from and along the highway boundary on both sides of the vehicular access and shall then be retained in its approved form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays. These visibility splays must not form part of the vehicular surface of the access

REASON: To ensure vehicles exiting the access would have sufficient visibility to enter the public highway safely and vehicles on the public highway would have sufficient warning of a vehicle emerging in order to take avoiding action.

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.

5 SPECIFIC RESTRICTION: ACCESS WIDTH

CONDITION: Prior to first use, the access shall be constructed to a minimum width of 4.5 metres for a distance of 6 metres measured from the nearby edge of the carriageway and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge and shall then thereafter be retained.

REASON: In the interests of highway safety to ensure vehicles can enter and leave the site in a safe manner.

NOTE/S FOR CONDITION:

Carriageway is the part of a road intended for vehicles rather than pedestrians normally define by 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.

6 ACTION: SURFACE WATER DISCHARGE PREVENTION

CONDITION: Prior to the commencement of any works to the access, details of the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved scheme shall be carried out in its entirety prior to the first use of the access and shall then be retained in the approved form.

REASON: To prevent hazards caused by flowing water or ice on the highway.

NOTE/S FOR CONDITION:

None

7 ACCESS SURFACE

CONDITION: 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/S FOR CONDITION:

Carriageway is the part of a road intended for vehicles rather than pedestrians normally define by 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.

8 ACTION REQUIRED: HIGHWAYS PARKING PROVISION

CONDITION: The building shall not be occupied until the area within the site shown on approved drawings for the purposes of manoeuvring and parking of vehicles has been provided and made functionally available. The parking area shall then be retained and remain free of obstruction.

REASON: To ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would otherwise be detrimental to highway safety.

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

CONDITION: Prior to the commencement of development details of the construction methodology and timetable shall be submitted to and approved in writing by the Local Planning Authority. This shall incorporate the following information:-

- a) Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.
 - b) Details of the storage of construction materials on site, including details of their siting and maximum storage height.
 - c) Details of how construction and worker traffic and parking shall be managed. This shall include routing of all traffic and any directional signs to be installed and where.
 - d) Details of any protection measures for footpaths and trees surrounding the site.
 - e) Details of any means of access to the site during construction.
 - f) Details of the scheduled timing/phasing of development for the overall construction period.
 - g) Details of any wheel washing to be undertaken, management and location it is intended to take place.
 - h) Details of the siting of any on site compounds and portalos.
 - i) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition.
 - j) Site waste management plan (that shall include reuse and recycling of materials)
 - k) Scheme for sustainable construction management to ensure effective water and energy use.
 - l) Scheme of review of complaints from neighbours.
 - m) Registration and details of a Considerate Constructors Scheme
 - n) Details on the provision, location and management of any show home/s or reception, including opening times, parking and advertisements (including flags and directional signs).
- The said methodology as may be approved shall be implemented in its entirety and shall operate as may be approved at all times during construction.

REASON: To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm on amenity.

NOTE/S FOR CONDITION:

You are strongly advised to discuss this condition with the Local Planning Authority and if possible/available local residents likely to be affected by this development prior to submission of details.

10 APPROVAL REQUIRED: LANDSCAPING SCHEME

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

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

NOTE/S FOR CONDITION:

Slab level 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.

Should the landscape works include any new hedgerow, please consider the following planting for a native hedge. Native hedge: 50% hawthorn, 25% blackthorn (but beware - this can spread into adjacent fields), 15% field maple, 2% holly, 2% wild privet, 2% guelder rose, 2% dog rose, 2% buckthorn.

11 COMPLIANCE WITH DETAILS AND TIMESCALE REQUIRED - LANDSCAPING SCHEME

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

REASON: 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.

12 AGREEMENT OF MEASURES TO IMPROVE SUSTAINABILITY OF DEVELOPMENT

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

- Agreement of scheme for waste reduction
- Provision of a fibre optic broadband connection to the best possible speed installed on an open access basis and directly accessed from the nearest exchange, incorporating the use of resistant tubing. (If the applicant is unable to achieve this standard of connection, and can evidence through consultation that this would not be possible, practical or economically viable an alternative superfast (i.e. will provide speeds greater than 30mbps) wireless service will be considered.)

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

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

NOTES FOR CONDITION:

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

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

A water consumption rate of not more than 110 litres, per person, per day adopted as Planning Policy and as imposed by this condition will directly change the building regulations water consumption rate to match as a result of this policy. The introduction of effective

utilities, rainwater capture for watering plants, aerators to taps and other water saving options can be considered.

13 MEASURES TO IMPROVE SUSTAINABILITY OF DEVELOPMENT

CONDITION: The scheme of heating via solar panels and an air source heat pump and approach to water conservation, including the potential for the re-use of 'greywater' and rainwater 'capture and use' and a scheme to achieve as far as possible a water consumption rate of not more than 110 litres, per person, per day for the new dwelling, as well as an electric vehicle car charging point for each car parking space as detailed in the documents titled Design and Access Statement, and the Planning Statement both received 24 August 2023 shall be implemented prior to first occupation of the dwelling hereby approved unless otherwise agreed in writing by the Local Planning Authority. The scheme shall be constructed and the measures provided and made available for use as may be agreed and thereafter shall be maintained.

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

NOTES FOR CONDITION:

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

14 SPECIFIC RESTRICTION ON DEVELOPMENT: PROVISION OF OBSCURE GLASS

CONDITION: Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the south east side facing first floor window serving the rear bedroom shall be glazed in obscured glass before the development hereby permitted is first occupied/used and shall thereafter be permanently retained in this approved form. The obscured glass shall be designed as equal or higher than Pilkington Textured Glass Level 5 Standard as published January 2010 (as amended).

REASON: To protect the privacy and amenities of the occupiers of neighbouring property.

NOTE/S FOR CONDITION

Level 5 is also referred to as Privacy Level 5 and this web site may be of use, the Council accepts no responsibility for content.

<https://www.pilkington.com/en-gb/uk/householders/decorative-glazing>

If you are in any doubt as to the level referred, please contact the Local Planning Authority to discuss.

10. 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 - Open Space/Play Space Contribution

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: Public Open Space financial contribution in accordance with Policy HP5 and Policy DI1 of the adopted Tendring District Local Plan 2013-2033 and Beyond. 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.

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

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

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.

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.

11. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

The proposal overall shall have a neutral impact.

Consultations undertaken with the affected communities or groups have not been required in this case.

No mitigation measures required.

12. Notification of Decision

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