

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	MP	09/04/24
Team Leader authorisation / sign off:	ML	10/04/2024
Assistant Planner final checks and despatch:	ER	11/04/2024

Application: 24/00295/COUNOT **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr David Salmon

Address: Plot 2 Green End Farm Green End Lane

Development: Prior Approval Application under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for conversion of agricultural building into a three bedroom, single storey dwelling. (Renewal of 21/00025/COUNOT)

1. Town / Parish Council

Frinton and Walton Town Council No comments received.

2. Consultation Responses

ECC Highways Dept
12.03.2024

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material and google earth image. It is noted that this is a renewal application to: 21/00025/COUNOT; the existing vehicular access is to be utilised and comes out onto Kirby Road close to some existing bus stop facilities. The plot retains adequate room and provision for off street parking and turning, for the proposed dwellings therefore:

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

1. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

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.

2. The public's rights and ease of passage over public footpath no. 4 (Frinton and Walton_164) south of Green End Lane shall always be maintained free and unobstructed.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies

DM1 and DM11.

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:

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

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

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

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

Environmental Protection
09.04.2024

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

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

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

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

investigation works will be carried out in the presence of a suitably qualified geo-environmental engineer. The investigation works will involve the collection of solid samples for testing and, using visual and olfactory observations of the ground, delineate the area over which contaminated materials are present.

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

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

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

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

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

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

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

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

12. A Verification Report will be produced for the work.

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

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

- No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.

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

Adherence to the above condition will significantly reduce the

likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

REASON: to protect the amenity of nearby residential premises

Asbestos: If there is any asbestos present in the current building or site then adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

REASON: to protect the health of workers and nearby existing residents

*INFORMATIVE - No information was submitted in relation to the proposal for the disposal of foul water; should the applicant be looking to use a Sewerage Treatment Plant, we would request the standard informative in respect of the "binding rules" is included with any subsequent approval:

Foul Drainage: No information has been submitted in relation to the proposed discharge of foul waste; should the applicant utilise a Sewerage Treatment Plant as a way of disposing of foul waste; we would request, should the application be approved, that the Applicant / Agent, ensure the installation is fully compliant with the Environment Agency's Binding Rules and any other relevant Government guidance and British standards, in respect of these systems. Information on this can be found at: Septic tanks and treatment plants: permits and general binding rules: The general binding rules - GOV.UK (www.gov.uk). It is strongly recommended these rules are complied with, as they will minimise any potential nuisance to nearby residential dwellings, assist in preventing a potential Public Health nuisance, and minimise the potential for adverse incidents, of which may result in formal enforcement action.

REASON: to protect the health of residents and nearby residential premises

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

3. Planning History

05/01237/FUL	First Floor Extension.	Approved	08.09.2005
07/00903/FUL	Retention of use of four farm buildings for storage and siting of portacabin for ancillary office use.	Approved	01.04.2008
13/00426/FUL	Side single storey pitched roof garden room.	Approved	12.06.2013

17/02086/COUNOT	Application for prior approval for the conversion of two agricultural buildings into two residential dwellings.	Determination	23.01.2018
19/01183/FUL	Proposed removal of agricultural occupancy condition (condition 2) of application FRW/128/70.	Approved	03.10.2019
19/01684/COUNOT	Conversion of agricultural buildings into two dwellings.	Prior Approval granted	18.12.2019
20/01050/FUL	Replacement of plot 1 agricultural buildings with a three bed dwelling (in lieu of prior approval for plot 1 dwelling subject of application 17/02086/COUNOT)	Approved	22.12.2020
21/00025/COUNOT	Conversion of agricultural buildings into a dwelling (renewal of 17/02086/COUNOT).	Prior Approval granted	11.03.2021
21/01776/FULHH	Proposed first floor extension above garage, annexe to the ground floor and two storey rear extension.	Approved	04.02.2022
21/02061/FULHH	Extension to converted barn in lieu of the conversion of a separate barn into a dwelling	Approved	24.03.2022
23/00858/COUNOT	Prior Approval Application under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for conversion of an agricultural building to a 4 bedroom house.	Determination	11.08.2023
23/01178/COUNOT	Prior Approval Application under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for proposed conversion of an agricultural building into a three bedroom single storey dwelling (resubmission of refused planning 23/00858/COUNOT).	Prior Approval not granted	04.10.2023
23/01603/COUNOT	Prior Approval Application under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for conversion of agricultural building into a three bedroom, two storey dwelling.	Prior Approval granted	21.12.2023

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 Local Plan 2013-33 and Beyond (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 made and the Minerals and Waste Local Plans adopted by Essex County Council.

In relation to housing supply:

The Framework requires Councils to significantly boost the supply of homes to meet the District's housing need. However, the revised Framework, published on 19th December 2023, sets out in Paragraph 76 that (for applications made on or after the date of publication of this version of the Framework) local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:

- their adopted plan is less than five years old; and
- that adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded.

The adopted Local Plan meets these criteria.

Notwithstanding this updated provision, the Council will continue to demonstrate an updated supply of specific deliverable sites within its Strategic Housing Land Availability Assessment (SHLAA), which is published annually. The most recent SHLAA was published by the Council in November 2023, and demonstrates a 6.44-year supply of deliverable housing sites against the annual requirement of 550 dwellings per annum set out within the adopted Local Plan, plus a 5% buffer to ensure choice and competition in the market. (The SHLAA can be viewed on the Council's website: <https://www.tendringdc.gov.uk/content/monitoring-and-shlaa>)

On 19th December 2023 the Government published the Housing Delivery Test (HDT) 2022 measurement. Against a requirement for 1,420 homes for 2019-2022, the total number of homes delivered was 2,207. The Council's HDT 2022 measurement was therefore 155%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to decisions relating to new housing development.

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

N/A

7. Officer Appraisal

Site Description

The building subject of this application is Plot 2, which is located to the north-eastern corner of the wider Green End Farm, which itself is to the east of Green End Lane within the parish of Great Holland.

Description of Proposal

This application seeks consent for the conversion of one agricultural building measuring 150sqm into a single residential unit served by three bedrooms. The application represents a renewal of a previous Prior Approval consent granted for the same proposal under reference 21/00025/COUNOT, which expired on 11th March 2024.

Site History

Under planning reference 17/02086/COUNOT in January 2018, prior approval was granted for the conversion of two agricultural buildings on the site; one being that subject of this current application and the other being sited to the west and measuring 131sqm to the north and north-west of the current application site into two dwellings, which measured 131sqm. The three year time limit attached to this decision has since lapsed, with the building to the west having been demolished.

Under planning reference 19/01684/COUNOT in December 2019, prior approval was granted for the conversion of agricultural buildings sited to the east and west of the current application site into two dwellings, which measured 163sqm for Building 'A' and 64sqm for Building 'B'. Building A has now been developed but Building B has not, and therefore Building B has lapsed.

Following this, under reference 20/00702/COUNOT an application for prior approval was turned away for the conversion of Barns 'A', 'B' and 'C' to the west of the site as the number of dwellings and cumulative floorspace exceeded the requirements of Class Q.

In March 2021 under reference 21/00025/COUNOT, prior approval was granted for the conversion of the agricultural building subject of this application and previously consented within 17/02086/COUNOT. This was renewed as the earlier consent time limit was close to expiry, but as discussed above has now lapsed.

In August 2023, under reference 23/00858/COUNOT, prior approval was refused for the building to the south into a residential dwelling on the grounds that the works represented too significant an amount of works, and also the proposed alterations saw an increase beyond the dimensions of the existing building. Under reference 23/01178/COUNOT, prior approval was again refused as the works represented too significant an amount of works, and also the proposed alterations saw an increase beyond the dimensions of the existing building. However, most recently, under reference 23/01603/COUNOT, Prior Approval was granted following the submission of amended plans that overcame concerns raised in earlier applications.

Assessment

Class Q - agricultural buildings to dwellinghouses

Q. Development consisting of -

(a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or

(b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

Q.1 Development is not permitted by Class Q if -

(a) the site was not used solely for an agricultural use as part of an established agricultural unit -

(i) on 20th March 2013, or

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or

(iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;

The application form confirms that the site was used solely for an agricultural use as part of an established agricultural unit on 20th March 2013. The proposal complies.

(b) in the case of -

(i) a larger dwellinghouse, within an established agricultural unit -

(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or

(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;

In this case the proposal is for the conversion of one agricultural building with a proposed floorspace of 150sqm. Therefore, the conversion falls within the 'larger' dwellinghouse description. Under planning references 19/01684/COUNOT and 23/01603/COUNOT prior approval has previously been granted to convert two agricultural buildings into residential use, measuring 163sqm and 150sqm, both of which fall within the established agricultural unit. The proposal therefore would result in a total of three 'larger' dwellings with a cumulative floorspace of 463sqm. The proposal therefore adheres with this criterion.

While additional prior approvals have been granted at the site, as detailed above these have since lapsed and therefore are not considered on this occasion.

(c) in the case of -

(i) a smaller dwellinghouse, within an established agricultural unit -

(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or

(bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;

In this case, the proposal is for the conversion of a barn measuring 150sqm which exceeds the definition of a 'smaller' dwellinghouse, and is therefore not applicable. Within planning reference 19/01684/COUNOT one 'smaller' dwelling has previously been granted consent on the established agricultural unit, however this has since lapsed. Therefore, the cumulative number of separate 'smaller' dwellinghouses developed under Class Q within the established agricultural unit does not exceed 5. The proposal complies.

(d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following -

(i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;

(ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;

In this case the proposal is for the conversion of one agricultural building with a proposed floorspace of 150sqm. However, under planning references 19/01684/COUNOT and 23/01603/COUNOT prior approval has previously been granted to convert two 'larger' agricultural buildings into residential use, measuring 163sqm and 150sqm respectively, both of which fall within the established agricultural unit. The cumulative floorspace of development under Class Q within

the established agricultural unit is therefore 463sqm and does not exceed the 465sqm threshold. The proposal therefore adheres with this criterion.

The cumulative number of dwellinghouses would be three, and therefore it does not fail this part of the criterion.

(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

The site is not occupied under an agricultural tenancy. The proposal complies.

(f) less than 1 year before the date development begins -

(i) an agricultural tenancy over the site has been terminated, and

(ii) the termination was for the purpose of carrying out development under Class Q,

unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;

Less than one year before the date development begins an agricultural tenancy over the site has not been terminated and the termination was for the purpose of carrying out development under Class Q. The proposal complies.

(g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit -

(i) since 20th March 2013; or

(ii) where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;

No development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit since 20th March 2013 or where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins. The proposal complies.

(h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point.

The proposed alterations to the building do not include works beyond the external dimensions of the existing building at any point, and therefore this criterion is met.

(i) the development under Class Q(b) would consist of building operations other than -

(i) the installation or replacement of -

(aa) windows, doors, roofs, or exterior walls, or

(bb) water, drainage, electricity, gas or other services,

to the extent reasonably necessary for the building to function as a dwellinghouse; and

(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);

The development under Class Q(b) will see alterations to the existing building, including additional doors and windows, and replacement wall and roof materials. However, the combination of these

works are not considered to go beyond what be reasonably necessary for such a conversion, and therefore the proposal complies with this criterion.

(j) the site is on article 2(3) land;

The site is not on article 2(3) land. The proposal complies.

(k) the site is, or forms part of -

(i) a site of special scientific interest;

(ii) a safety hazard area;

(iii) a military explosives storage area;

The site is not nor forms part of a site of special scientific interest, a safety hazard area or a military explosives storage area. The proposal complies.

(l) the site is, or contains, a scheduled monument; or

The site is not nor contains, a scheduled monument. The proposal complies.

(m) the building is a listed building.

The building is not a listed building. The proposal complies.

Conditions

Q.2 - (1) Where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to -

(a) transport and highways impacts of the development

(b) noise impacts of the development

(c) contamination risks on the site

(d) flooding risks on the site

(e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.

(f) the design or external appearance of the building and

(g) the provision of adequate natural light in all habitable rooms of the dwellinghouses

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

Transport and Highways Impacts of the Development:

The site will be accessed using an existing vehicular access via Green End Lane to the west. The vehicular movements associated with one additional dwelling in this location will not result in increased conflict or danger to the highway network. In respect of car parking provision, Essex Parking Standards state a need for two spaces measuring 5.5m x 2.9m for dwellings with two bedrooms or more. The plans submitted demonstrate this is achieved. Essex Highways Authority raise no objection to the development subject to conditions.

Noise Impacts of the Development:

The proposal would not result in any material noise impacts. The proposal complies.

Contamination Risks on the Site:

The application site does not fall within an area of known contaminated land, however given the sites previous use for agricultural purposes, a condition is recommended to be included for a Watching Brief. Subject to this condition the proposal complies.

Flooding Risks on the Site:

The site is located outside of an area of recognised flood risk. The proposal complies.

Whether the Location or Siting of the Building is Impractical or Undesirable for the Building to Change:

Paragraph 109 of the National Planning Practice Guidance states:

"When considering whether it is appropriate for the change of use to take place in a particular location, a local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval.

There may, however, be circumstances where the impact cannot be mitigated. Therefore, when looking at location, local planning authorities may, for example, consider that because an agricultural building on the top of a hill with no road access, power source or other services its conversion is impractical. Additionally, the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals.

When a local authority considers location and siting it should not therefore be applying tests from the National Planning Policy Framework except to the extent these are relevant to the subject matter of the prior approval. So, for example, factors such as whether the property is for a rural worker, or whether the design is of exceptional quality or innovative, are unlikely to be relevant."

On this occasion, the agricultural building subject of this application is located to the eastern side of Green End Farm, set amongst a series of other agricultural buildings as well as residential properties following previous planning permissions. On this basis, the Local Planning Authority does not consider that the location or siting of the building would make it impractical or undesirable for the proposed change of use. The proposal complies.

The Design or External Appearance of the Building:

The design will see the conversion of one existing agricultural building. The proposed changes are relatively minor, with the inclusion of doors and windows and replacement external materials. Such works would be expected in order to convert such a building, and therefore the Local Planning Authority does not consider that the proposed development will have any significant impact on the design or external appearance of the building.

The Provision of Adequate Natural Light in all Habitable Rooms of the Dwellinghouses:

Habitable Rooms are defined as "any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms". Drawing Number GNF/2 indicates that each habitable room will have adequate natural light.

Biodiversity and Protected Species:

Paragraph 186 of the NPPF states that, when making planning decisions local planning authorities need to assess whether significant harm to biodiversity could result from the development. The NPPF goes on to state the hierarchy that should be applied to mitigate any harm to ecology that is identified. Paragraph 180 of the NPPF requires that Local Planning Authorities contribute to and enhance sites of biodiversity or geological value.

On this occasion, there is an opportunity to provide a scheme of biodiversity enhancements, and as such a condition is recommended to request these details be submitted at a later date.

8. Recommendation

Determination prior approval not required.

9. Conditions

- 1 **CONDITION:** Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b), if any, must be completed within a period of 3 years starting with the prior approval date.

REASON: In order to comply Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

- 2 **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 Numbers GNF/1 and GNF/2.

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:** 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.

- 4 **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.

- 5 **CONDITION:** The public's rights and ease of passage over public footpath no. 4 (Frinton and Walton_164) south of Green End Lane shall always be maintained free and unobstructed.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility.

- 6 **CONDITION:** Prior to first occupation of the hereby approved development, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

a) Purpose and conservation objectives for the proposed enhancement measures;

b) detailed designs or product descriptions to achieve stated objectives;

c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;

d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;

e) persons responsible for implementing the enhancement measures;

f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

REASON: To enhance protected and Priority species and habitats.

10. Informatives

N/A

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