

DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		ML	01/08/2024
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		JJJ	02/08/2024
Assistant Planner final checks and despatch:		ER	02/08/2024

Application: 24/00673/VOC **Town / Parish:** St Osyth Parish Council

Applicant: Wellwick Farm Ltd

Address: The Priory Estate St Osyth Clacton On Sea

Development: Application under Section 73 of the Town and Country Planning Act for Variation of Conditions 1 (Approved plans) and Condition 3 (Car parking and turning areas) of application 18/01476/DETAIL.

1. Town / Parish Council

St Osyth Parish Council No objections.

2. Consultation Responses

ECC Highways Dept
31.07.2024

It is noted that this application concerns variation of conditions 1 and 3 of original application 18/01476/DETAIL whereby changes to the Car parking and turning areas, as well as alterations to the visitors parking area have been proposed. The proposed changes are relatively minor, considering these factors:

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

Prior to commencement:

a. Before development commences on site a Construction Traffic Management Plan, which shall be adhered to during the construction phase of development, shall be submitted to and approved in writing by the Local Planning Authority. The Plan should include details regarding any temporary traffic management/signage and wheel cleaning facilities for the duration of the construction phase to prevent the deposition of mud or other debris onto the highway network/public areas, turning and parking facilities for delivery/construction vehicles within the limits of the application site together with an adequate parking area for those employed in developing the site.

Reason: In the interests of highway safety and efficiency.

Prior to occupation:

b. No occupation of the development shall take place until the following have been provided or completed:

i) The priority junction off the B1027 Colchester Road with dedicated right turn lane at the priority junction, to include 2no. central islands, the island to the south-east of the development access road to be constructed as a pedestrian refuge island with pedestrian tactile and including the associated 3-metre-wide footway works and the

proposed new bus stop facilities consented as part of application: 20/01124/OUT.

ii) A new footway connection from the proposed northern development, with a maximum of 2-metre-wide footway provided on the east side of the B1027 Colchester Road providing a connection to the existing bus stops north of the proposal site.

iii) The provision of a 40-mph speed limit to incorporate the new development on the B1027 Colchester Road and to include the provision of a gateway feature at the new location for the terminal signs to the north-west of the development site (details and extent of the proposal shall be agreed with the Local Planning Authority and Essex County Council prior to commencement of the development).

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM9 and DM10.

1. Prior to the occupation of any of the proposed development the internal road, footway, parking layout and refuse allocation shall be provided in principle and accord with revised drawing numbers:

- CC-0343-PL02 Rev C - Development Layout.
- CC-0343-PL03 Rev C - Detailed Development Layout
- CC-0343-PL04 Rev C - Parking Allocation Layout
- CC-0343-PL06 Rev C - Refuse Allocation Layout
- CC-0343-PL08 Rev B - Phasing Layout

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 DM 1.

Note: It has been agreed with the developer that the proposed internal road layout, footway/ cycleway provision, surface water drainage or any form of street lighting will not be adopted by the Highway Authority.

2. The development of any phase shall not be occupied until such time as a car parking and turning areas has been provided in accord with amended parking plan: CC-0343-PL04 Rev C These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning 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 DM 1 and 8.

3. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres and each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

4. All single garages should have a minimum internal measurement of 7m x 3m and all double garages should have a minimum internal measurement of 7m x 5.5m

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway

safety and in accordance with Policy DM8.

5. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splays.

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, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1.

6. The powered two-wheeler/cycle parking facilities as indicated in principle on drawing no. CC-0343-PL-03 Rev. C is to be provided prior to the first occupation of any phase of the development and retained at all times.

Reason: To ensure appropriate powered two-wheeler and bicycle parking is provided in accordance with Policy DM8.

7. Prior to occupation of any phase of the development, 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 free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and National Planning Policy Framework 2023.

Notes:

- The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate,
- The Speed Limit Order process is a separate statutory process that can attract comment/objections that require determination, and that outcome cannot be pre judged.
- Swept path drawings for fire tender and refuge vehicles will need to be provided for the internal layout.
- Prior to any works taking place in the highway the developer should enter into an S278 agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.
- All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible)
- All highway related details should be agreed with the Highway Authority.

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) The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is a breach of this legislation. The public's rights and ease of passage over public footpath no. 2 (St Osyth_178) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

iii) The areas directly adjacent to the carriageway(s) in which the trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway.

In paved areas, whether the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.

iv) All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

v) 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.

vi) Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

Tree & Landscape Officer
13.06.2024

No trees or other significant vegetation will be adversely affected by the proposed change of use of the existing building.

In landscaping terms, the information provided is acceptable in principle and shows indicative new planting on drawing Cc-0343-pl-

02-rev a.

At the present time it appears that the applicant has not provided detailed soft landscaping proposals for the application site.

A detailed planting scheme showing all new planting for the area covered by this application is required to ensure that an appropriate amount of soft landscaping is carried out to soften, screen and enhance the appearance of the development.

3. **Planning History**

11/00333/OUT	Erection of 190 dwellings on 16.3 hectares of land; new junction and access roads; driveways; parking; footpaths; landscaping and all ancillary works; use of land as an archery range; construction of access drive and layout of parking area including siting of storage container for archery equipment. The proposals also include for a new footway to be built along a section of Colchester Road, south of the Wellwick.	Approved	18.03.2016
18/01476/DETAIL	Erection of 190 dwellings on 16.3 hectares of land; new junction and access roads; driveways; parking; footpaths; landscaping and all ancillary works; use of land as an archery range; construction of access drive and layout of parking area including siting of storage container for archery equipment. The proposals also include for a new footway to be built along a section of Colchester Road, south of the Wellwick.	Approved	01.07.2020
19/01171/OUT	Variation of conditions 18 and 30 for application 11/00333/OUT to amend wording of condition 18 to 'Land as identified on drawing RW007-008 Rev D to be used for the relocated Bowmans Archery range shall be retained for that use with any ancillary buildings.' and amend wording of condition 30 to only include the following plans Site Plan showing Application Boundary - CC-0175-ABP010-6, Building Envelope/Use Plan - RW007-008 Rev D and Building Storey Heights Plan - RW007-009 Rev E.	Approved	22.06.2020
20/01124/OUT	Variation of conditions 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 27 and 28 of approved application 19/01171/OUT to allow for the discharge of conditions in a phased manner.	Approved	19.10.2020
21/01425/DISCON	Discharge of condition 5 (hard and soft landscaping), condition 15 (ecological survey), condition 22 (bat survey) and	Approved	16.09.2021

	condition 25 (contamination scheme) of application 20/01124/OUT		
21/01611/DISCON	Discharge of conditions 10 (Wheel washing), 17 (CEMP) and 18 (Energy efficiency) of application 20/01124/OUT.	Approved	26.05.2022
22/00082/DISCON	Discharge of condition 21 (SUDS Scheme) of application 20/01124/OUT.	Approved	12.04.2022
24/00560/OUT	Outline Planning Application (Access only to be considered and all other matters reserved) - Outline planning application for the erection of 37 dwellings, with all matters reserved other than the use of access from Colchester Road (as consented under 20/01124/OUT), associated public open space, landscaping and all associated ancillary works.	Current	
24/00673/VOC	Application under Section 73 of the Town and Country Planning Act for Variation of Conditions 1 (Approved plans) and Condition 3 (Car parking and turning areas) of application 18/01476/DETAIL.	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 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.

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>

There are no adopted neighbourhood plans relevant to this area.

6. Relevant Policies / Government Guidance

National:

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

National Planning Practice Guidance ([NPPG](#))

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic

Section 1 (adopted January 2021)

- SP1 Presumption in Favour of Sustainable Development
- SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SP4 Meeting Housing Needs
- SP7 Place Shaping Principles

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

- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design

- HP1 Improving Health and Wellbeing
- HP5 Open Space, Sports and Recreation Facilities

- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout

- PPL1 Development and Flood Risk
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- PPL8 Conservation Areas
- PPL9 Listed Buildings
- PPL10 Renewable Energy Generation and Energy efficiency Measures

- CP1 Sustainable Transport and Accessibility
- CP2 Improving the Transport Network

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)

Essex Design Guide

Technical housing standards: nationally described space standard Published 27 March 2015

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

7. Officer Appraisal (including Site Description and Proposal)

Site Description

This application site is broadly rectangular in shape and measures some 16.3 hectares. The site, known as The 'Wellwick' site, is situated to the north-eastern side of the B1027 Colchester Road, thereby separated from the Park. The site is formed of a 12-hectare crater resulting from gravel extraction undertaken in the 1970s and now lies around 8 metres lower than its surroundings. The area is generally flat with steep verges at the sides. To the southern and western boundaries there are patches of vegetation running alongside Colchester Road. A caravan holiday park lies to the north. To the south are several properties situated on the eastern side of Colchester Road which lead to the main built up area of St Osyth. To the east of the site is an existing Public Right of Way which extends northwards out into open countryside and the nearby Riddles Wood. The site is situated in a flood zone 1 (lowest flood risk zone) and is not located within a conservation area.

Significant ground works have commenced on site which have secured the implementation of the approved housing development.

Planning Background

Outline planning permission was granted on 19 March 2016 for the erection of 190 dwellings, a new junction and access roads, driveways, parking, footpaths, landscaping and all ancillary works plus use of land as an archery range and a new footway to Colchester Road (application reference 11/00333/OUT). The outline application has been subsequently varied under planning references 19/01171/OUT and 20/01124/OUT to update the approved drawings to reflect the layout proposed under the reserved matters scheme and to enable phased discharge of the conditions.

The reserved matters application was approved via planning reference 18/01476/DETAIL.

The proposal for the development of the application site is part of a larger project deemed to conserve St Osyth Priory and Park. The outline planning permission was granted in 2016 for the redevelopment of the site for residential use as part of the "enabling development" to fund the restoration and conservation of buildings within the Priory Estate. A Section 106 Agreement is attached to the outline planning permission, securing funding for works to repair buildings within the Priory Estate, designated as the "Restoration Scheme" and the "Restoration Works".

The development of the site will allow works to be undertaken to the Bailiffs Cottage, West/East Darcy House, West Gatehouse, Central Gatehouse and East Gatehouse. The overall vision is to see the Estate run on a commercial basis made up of two main business components: a Function (wedding and events) offering and a Visitor Attraction.

Proposal

This submission represents an application under Section 73 of the Town and Country Planning Act proposing the variation of Condition 1 (Approved plans) and Condition 3 (Car parking and turning areas) of application 18/01476/DETAIL.

The changes to the relevant conditions seek to secure permission for the following changes;

- Minor adjustments to the layout and housetypes within phase 1.
- Removal of the archery club from consented plans. The archery club have relocated elsewhere and therefore the area of the site to the north that was set aside for the archery club is no longer needed and is now redundant (it is the subject of a separate outline application for further enabling development).
- Adjustment to phasing plan to ensure that this aligns to the construction phasing plan.

The supporting documentation outlines that the replan to phase 1 ensures that the houses fulfil the latest more efficient building regulations and relate more closely to the traditional rural design in Essex to provide a design that is more organic and 'village like' than the consented scheme.

The proposals relate to 33 no. dwellings of the approved 190 no. dwellings and the slightly alter the housing mix from the consented 47 x 2 bedroom units, 83 x 3 bedroom units, 53 x 4 bedroom units and 7 x 5 bedroom units to 43 x 2 bedroom units, 85 x 3 bedroom units, 54 x 4 bedroom units and 8 x 5 bedroom units.

Design/Visual Impacts

The changes to the housetype and layout relate to Phase 1 only, which is located at the southern end of the development at the entrance to the development via the new spine road.

The properties which face south onto the entrance green have been altered to introduce more variety in the form of gabled ended dwellings and a greater mix of facing materials, which now includes cladding, render and brick. Some of these dwellings are now set behind traditional low brick walls and timber gates/estate railings, which again provide greater variety in the street scape.

The central spine road elevation has been revised to include an avenue of trees to accord with the principles of the NPPF alongside the introduction of a wider variety of property types, including a

short terrace of properties and set back pairs of dwellings, again all comprising of a mix of cladding, facing brick and render. Slight adjustments to the position of dwellings to improve their relationship with road junctions are also proposed.

Overall, the changes proposed to the materiality, siting and house designs within this section of the development assist in providing a greater variety and more organic appearing development.

It is the developer's intention that variations to the other phases of the development will come forward in due course to ensure a consistent approach to the development is maintained.

Layout/Landscaping

In terms of the layout of the properties, all the dwellings within the revised section of the development retain sufficient garden space of in excess of 100sqm, aside from one 2 bedroom unit (plot 130) which is shown to be served by 80sqm and is adequate for the needs to the future occupiers. Furthermore, the updated refuse plan shows that functional access to and from refuse collection points is retained.

The road layout and speed tables have been altered slightly to accord with the requirements of ECC-Highways (see more below) and minor changes have been made to the secondary shared surface access at the southern end of the development to remove the need for turning heads and to provide a more continuous street frontage at various points within the development.

One further change relates to the removal of the left-hand footpath from the main access from Colchester Road up to the entrance of the development. Again, there are no objections to this amendment given that the right-hand footpath remains and that would be the main route pedestrians would take to access St Osyth village.

A concept landscaping scheme has been provided which shows the provision of an avenue of trees along the main spine road and planting at key strategic points to assist in softening screen fencing/walls and to enhance certain areas within the development. The Council's Tree and Landscaping Officer has no objections in respect of the content of the concept plan. However, a condition will be applied to secure precise landscaping details across the development.

Heritage Impacts

The application site lies outside the confines of the St Osyth Priory Estate and also outside of the designated St Osyth Conservation Area. The application site is separated from the St Osyth Priory Estate by a main highway and lies significantly lower than surrounding land. Accordingly, the revisions to the approved development as proposed are not considered to materially adversely impact upon the significance of the heritage assets.

Residential Amenities

The revisions do not significantly affect the general layout and spacing between the proposed properties. The proposed dwellings would still retain adequate back to back spacing to avoid any significant loss of privacy for future occupiers and the units are positioned to respect resident's future outlook.

The nearest existing residential properties are located a significant distance to the south-east of the site and would therefore not be harmfully impacted by the revisions proposed.

Highways/Parking Issues

ECC-Highways raised several issues in respect of the original plans. These concerns included the position of the raised tables in front of private drives, informal parking spaces being too close to private drives resulting in visibility issues and the absence of visibility splays on the plans. Following discussions with the applicant and the submission of revised plans addressing these concerns, ECC-Highways have confirmed that they have no objections subject to the inclusion of

several conditions.

The majority of the suggested conditions either relate to matters which have been secured at outline stage or are outlined on the submitted plans (i.e. the main access specifications, provision of a constriction method statement and size of parking bays). However, as on the original DETAIL application, a condition ensuring that parking provision is provided and retained prior to first occupation is reasonable and necessary in this instance.

Legal Obligations/Conditions

There were no legal obligations attached to the original DETAIL application. The enabling works and RAMS were secured via a legal agreement attached to the outline element of the scheme.

The approved plans condition will be updated to take into account the revised plans and those previously approved. The landscaping condition will be worded to ensure that prior to the commencement of works within a certain phase precise details of the planting will be provided.

A RAMS condition to secure details of dog off-lead areas, waste bins, information leaflets/interpretation boards will be re-applied as it formed part of the mitigation previously secured.

Ecology and Biodiversity

This report addresses the distinct legal requirements, ensuring a comprehensive analysis of the ecology and biodiversity impacts of the proposal in line with regulatory standards.

General duty on all authorities

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.

This development is subject to the general duty outlined above. The following features were secured outline stage and underscore how the proposal positively impacts biodiversity, offsetting requirements necessary for the development to take place;

- Native Planting Strategies.
- Insect friendly planting.
- Sustainable Drainage Systems/ Permeable Surfaces.
- Preservation of Existing Habitat Features.
- Wildlife-Friendly Infrastructure (fencing/lighting).
- Nesting Boxes, Bee Bricks and Habitat Structures.

Therefore, the development on balance and with consideration of the impact of the development and baseline situation on site, does conserve and enhance biodiversity interests.

Biodiversity net gain

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. The minimum requirement is for a 10% net gain in biodiversity value achieved on a range of development proposals (excluding Listed Building Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful Certificates, householders, self builds, and other types of application which are below the threshold i.e. does not impact a

priority habitat and impacts less than 25 sq. m of habitat, or 5m of linear habitats such as hedgerow).

As the application constitutes a S73 variation of condition submission to an application approved prior to the implementation of Biodiversity Net Gain, this development is not applicable.

Protected Designated Habitats

The site falls within the recreational Zone of Influence (ZOI) of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). 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.

A Habitat Regulations Assessment was completed at outline stage and a RAMs contribution agreed via a S106. Further mitigation is secured via a condition.

Conclusion

It is considered that the scale, layout, density, height and massing of the revised development and overall elevation designs would be in harmony with the character and appearance of the surrounding area. Furthermore, the proposal would provide for acceptable living conditions for existing and future residents, and as such their amenities would not be harmed. Moreover, the development would not result in harm from a highway safety perspective.

Other Considerations

St Osyth Parish Council have no objections to the application and no third party representations have been received.

8. Recommendation

Approval

9. Conditions

1). 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.

- CC-0343-PL-02 C
- CC-0343-PL-03 C
- CC-0343-PL-04 C
- CC-0343-PL-05 C
- CC-0343-PL-06 C
- CC-0343-PL-07 C
- CC-0343-PL-08 B
- CC-0343-PL-11 C
- S343-CC-ARCH-DRG-PH1-ZZ-HT01 A

- House Types HT-A1 and HT-A1a, Plans and Elevations CC009-HT-A1 rev. C
- House Type HT-A2, Plans and Elevations CC009-HT-A2 rev. B
- House Type HT-A3, Plans and Elevations CC009-HT-A3 rev. A
- House Types HT-A4 and HT-A4a, Plans and Elevations CC009-HT-A4 rev. A
- House Type HT-B1, Plans and Elevations CC009-HT-B1 rev. B
- House Types HT-B1a and HT-B1b, Plans and Elevations CC009-HT-B1a rev. B
- House Types HT-B2 and HT-B2a, Plans and Elevations CC009-HT-B2 rev. C
- House Type HT-B2b, Plans and Elevations CC009-HT-B2b rev. C
- House Type HT-B4A, Plans and Elevations CC009-HT-B4A rev. D
- House Type HT-D1 Edge, Plans and Elevations CC009-HT-D1 rev. B
- House Type HT-D1 Internal, Plans and Elevations CC009-HT-D1 01 rev. B
- House Type HT-D1 Core Plans and Elevations CC009-HT-D1 02 rev. B
- House Type HT-F, Floor Plans CC009-HT-F-01 rev. C
- House Type HT-F Edge, Elevations CC009-HT-F-02 rev. D
- House Type HT-F Core, Elevations CC009-HT-F-03 rev. D
- House Type HT-H1, Floor Plans CC009-HT-H1-01 rev. C
- House Type HT-H1 Edge, Elevations CC009-HT-H1-02 rev. D
- House Type HT-H1 Core, Elevations CC009-HT-H1-03 rev. C
- House Type HT-K, Floor Plans CC009-HT-K-01 rev. C
- House Type HT-K Edge, Elevations CC009-HT-K-02 rev. D
- House Type HT-K Internal, Elevations CC009-HT-K-03 rev. D
- House Type HT-K Core, Elevations CC009-HT-K-04 rev. D
- House Type HT-Saffron, Floor Plans CC009-HT-Saf-01 rev. C
- House Type HT-Saffron, Elevations CC009-HT-Saf-02 rev. C
- Garages SG1 and SG2, Plans and Elevations CC009-GR-01 rev. A
- Garages SG3 and SG4, Plans and Elevations CC9-GR-2
- Garage DG1, Plans and Elevations CC009-GR-03
- Garage DG2, Plans and Elevations CC009-GR-04
- Garage DG3, Plans and Elevations CC009-GR-05
- Car Port 1 Plans CC009-CP-01 rev. A
- Car Port 1 Elevations CC009-CP-02 rev. A
- Entrance Feature CC009-ST-04
- Site Cross Sections CC009-CS-001 rev. E
- CC-0343-ST-01- Rev A - Street Elevations A-A_B-B- CC-0343-ST-01- Rev A - Street Elevations A-A_B-B
- S343-GT01 - Single Garage
- S343-GT02 - Double Single Garage- S343-GT03 - Double Garage- S343-GT04 - Double Garage with Studio
- S343-GT05 - Double Car Port- S343-CC-ARCH-DRG-PH1-ZZ-HT01 A
- S343-HT02 - Stock Semi
- S343-HT03 - Saffron Detached
- S343-HT04 - Saffron Semi- S343-HT05 - Chrishall Type A Semi- S343-HT06 - Chrishall Type B Detached
- S343-HT07 - Rowley Type B _C semi
- S343-HT08 - Rowley Type C_C semi
- S343-HT09 - Clayton Detached- S343-HT10 - Orford Detached- S343-HT11 - Langley A_B Semi- S343-HT12 - Ashford Detached- S343-HT13 - Coggeshall Detached- S343-HT14 - Langdon Detached
- S343-HT15 - Lambourne Detached
- S343-HT16 - Nantucket Detached

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.

2). APPROVAL REQUIRED: LANDSCAPING SCHEME

CONDITION: No development shall take place within the relevant phase (as per approved phasing plan drawing no. CC-0343-PL-08 B) 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:

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.

3). 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 within the relevant phase, 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.

4). COMPLIANCE WITH DETAILS AND TIMESCALE REQUIRED – PARKING AND TURNING AREAS

No dwelling shall be occupied until such time as the car parking and turning areas serving

that dwelling have been provided in accordance with the submitted parking plan CC-0343-PL-04 C. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning 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.

5). ACTION REQUIRED – RAMS MITIGATION

Prior to the first occupation of the development a scheme for the on-site mitigation of the recreational impact of the development on protected Essex Coast European sites shall have been submitted to and approved in writing by the Local Planning Authority.

This mitigation scheme shall comprise;

- a circular walking route; dog off-lead area; dog waste bins; and residents' information leaflets and interpretation boards.

Development shall be undertaken in strict accordance with the approved mitigation scheme and program and thereafter managed and retained as approved. Any approved information leaflet shall be included within the new resident's welcome pack to every dwelling.

REASON - To encourage the future residents to remain on-site for day to day recreation/dog walking, so as to minimise pressures upon the Colne Estuary SPA, pursuant to the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy.

10. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Legal Agreement Informative

This development is the subject of a legal agreement secured at outline stage and this decision should only be read in conjunction with that 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 and St Osyth Priory Repair/Restoration Works.

Highway Informatives

i) All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

ii) The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is a breach of this legislation. The public's rights and ease of passage over public footpath no. 2 (St Osyth_178) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

iii) The areas directly adjacent to the carriageway(s) in which the trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway. In paved areas, whether the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.

iv) All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

v) 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.

vi) Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide.

Climate Action Advice guides for residents, businesses and schools are also available.

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

12. Notification of Decision

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