

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		NH	09/10/2024
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		JJJ	10/10/2024
Assistant Planner final checks and despatch:		ER	10/10/2024

**Application:** 24/00985/VOC **Town / Parish:** Lawford Parish Council

**Applicant:** Mr and Mrs Angelo and Karina Harrop

**Address:** 58 Harwich Road Lawford Manningtree

**Development:** Application under Section 73 of the Town and Country Planning Act for Variation of Condition 2 (approved plans) of application 21/00858/FUL to amend the design of Plot 2.

### 1. Town / Parish Council

Lawford Parish Council Not commented on this application

### 2. Consultation Responses

Tree & Landscape Officer  
26.09.2024

The application site does not contain any trees or other significant vegetation.

There are trees on what appears to be grass verge situated between the application site and the highway (A137). These trees are a Goat Willow and London Plane. The retention of the trees will help to soften the appearance of the development and provide a degree of screening. Neither will be adversely affected by the development proposal.

ECC Highways Dept  
24.09.2024

If planning permission is likely to be granted then details of soft landscaping of the land between the dwelling and the highway should be secured to further soften, screen and enhance the appearance of the development.

It is noted that this application concerns variation of Condition 2 (approved plans) of original application 21/00854/FUL, the revisions include the introduction of an electric charging point and retained cycle storage while the changes do not alter the off-street parking or turning area for the proposed dwelling, therefore:

The Highway Authority does not object to the proposals as submitted, subject to the previous highway conditions that were imposed for 21/00858/FUL and 23/01477/FULHH being applied and adhered to.

Officer comment – not all highways related condition appended to the above mentioned approvals will be relevant or capable of being implemented as part of this development proposal, however where they are, and otherwise meeting the NPPF tests for planning conditions, they will be imposed should this application result in an approval.

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](mailto: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  
18.09.2024

Can confirm we have no comments to make in relation to the VOC.

### 3. Planning History

00/00136/FUL	Use of agricultural shed for storage of building materials and fabrication within the unit	Refused	21.06.2000
95/01335/FUL	Two storey extension to side and single storey extension to rear	Approved	13.12.1995
07/00729/FUL	Domestic two storey rear extension/annex.	Refused	28.06.2007
08/00905/FUL	Continued use of land as horse paddocks, the retention of a dressage / menage, the erection of a 3 - bay stable block with associated tack room and stores (following demolition of existing stable block), and the change of use of land from agricultural use to horse paddocks, as amended by drawing No. VL 1a received on 27th October 2008.	Approved	05.11.2008
20/00053/OUT	Outline application with all matters to be reserved for the proposed erection of one dwelling.	Approved	01.04.2020
20/00687/OUT	Outline application with all matters to be reserved for the proposed erection of one dwelling.	Approved	14.09.2020

20/01794/DETAIL	Approval of reserved matters for outline application 20/00053/OUT for the proposed erection of one dwelling.	Approved	16.03.2021
21/00858/FUL	Erection of 2no. dwellinghouses.	Approved	24.08.2021
21/01799/DISCON	Discharge of condition 5 (Landscape report) of application 21/00858/FUL.	Approved	04.11.2021
22/01140/LUEX	Lawful Use Certificate for existing outbuilding as a separate independent dwelling unit.		16.09.2022
23/00505/FUL	Proposed replacement dwelling.	Approved	12.06.2023
23/01477/FULHH	Proposed vehicular access to service 58B Harwich Road only.	Approved	12.01.2024

#### 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 19<sup>th</sup> 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 July 2024, and demonstrates a 6.26-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**

### **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)

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PP13 The Rural Economy

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL10 Renewable Energy Generation and Energy efficiency Measures

CP1 Sustainable Transport and Accessibility

### Supplementary Planning Documents

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

[Essex Design Guide](#)

Biodiversity Net Gain Supplementary Planning Document June 2023 (DRAFT)

### Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

## 7. **Officer Appraisal (including Site Description and Proposal)**

### Site Description

The application site relates to land adjacent number 58 Harwich Road, Lawford. The application site is located on the northern side of Harwich Road and located outside of the settlement development boundary.

### History

Planning permission was granted under application reference 20/00053/OUT and 20/01794/DETAIL for the erection of a dwelling. The location of this plot is known as plot 1 in this application.

Outline planning permission was granted under application reference 20/00687/OUT for the erection of a dwelling. The location of this plot is known as plot 2 in this application.

More recently planning permission was also granted under application reference 21/00858/FUL for the erection of two dwellinghouses – this variation of condition application relates to plot 2 of this permission.

### Description of Proposal

This application seeks to vary condition 2 of planning permission 21/00858/FUL to make amendments to the design of the dwelling 2 only. In summary, the latest proposal will be larger and different in design to the one approved – more information on the specifics of the changes are set out below.

### Assessment

The main considerations are;

- Principle of Development,
- Scale, Layout and Appearance,
- Residential Amenities,
- Trees and Landscaping,
- Highway Considerations and Parking Provision,
- Financial Contributions - Recreational Disturbances,
- Habitats, Protected Species and Biodiversity Enhancement
- Renewable Energy
- Representations
- Conclusion

#### 1. Principle of Development

The principle of development has been established by the granting of planning application 21/00858/FUL (for two dwellings) and works have commenced as plot 1 of the application has been built. This VOC is still for only 1 dwelling (the second dwelling) therefore the principle has been established. The detailed considerations will be addressed below.

#### 2. Design and Appearance

Paragraph 135 of the National Planning Policy Framework (NPPF) (2023) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place. Policy SP7 of Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policy SPL3 Part A (b) requires that development relates well to its site and surroundings, particularly in relation to its siting, height, scale, massing, form, design and materials.

The proposed dwelling will be of a similar height and broadly the same siting as the previously approved dwelling however the footprint, scale and appearance of the dwelling varies. The proposal is of a modern appearance with gable additions and glazing to all elevations. Due to the variation of dwellings along Harwich Road, the proposal, from a design/appearance point of view is considered to be acceptable.

Whilst the dwelling proposed is of a different design than the previously approved dwelling, the site is of such a size that it can comfortably accommodate it. The proposal would therefore not appear cramped or overdeveloped in this location and is therefore acceptable in this regard. In addition,

the dwelling will continue to be two storey in height and as a result the proposed scale would not appear out of keeping with the areas existing character, especially when the set back (from the road) location is taken into consideration. The overall scale and footprint of the dwelling is considered to be proportionate to the plot and the surrounding area.

The dwelling is set back from the highway with a separate access from number 58 which leads to both number 58a and the proposed plot. Although the proposed dwelling will be visible from Harwich Road, due to the set back and the existing landscaping, it is not considered to cause any visual harm to the streetscene.

The dwelling will be constructed from grey slate roof tiles, white render, anthracite grey aluminium framed double glazed rooflights, windows, doors and rainwater goods, all to match the neighbouring dwelling number 58A Harwich Road. It is considered that the materials proposed are acceptable.

In terms of private amenity, the dwelling can accommodate sufficient amenity space to the rear of the dwelling.

### 3. Residential Amenities

Paragraph 135 of the National Planning Policy Framework (2023) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

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

The proposed dwelling is situated between number 58a to the west and Hawthorns to the east. Although visible to both dwellings, the proposed dwelling is located further towards the south and a suitable distance away from the boundaries to ensure no unreasonable overshadowing / overbearingness of side amenity areas will occur. First floor side elevation windows are proposed to both the eastern and western side elevations, all these windows are either secondary habitable room windows or a bathroom/ shower room window, on the former, all these habitable rooms are served by very large north or south facing windows, there a condition is necessary and reasonable to ensure all the side facing first floor windows (in the east and west facing elevations) are obscure glazed and fixed shut to avoid any overlooking into or towards neighbouring properties which are both located fairly close to what will be a slightly larger dwelling aswell.

### 4. Highway Considerations and Parking Provision

Paragraph 110 of the Framework seeks to ensure that safe and suitable access to a development site can be achieved for all users. Policy SP7 seeks new development to include parking facilities that are well integrated as part of the overall design. The sentiments of this policy are carried forward within Policies SPL3 and CP1. Furthermore, the Essex County Council Parking Standards 2009 set out the parking requirements for new development.

Essex Highway Authority have been consulted on this application and have stated that the proposal includes the introduction of an electric charging point and retained cycle storage however the proposed changes to the dwelling do not alter the off street parking or turning area proposed for the dwelling. The highway authority therefore have no objections to the amendments.

Under previously planning references mentioned above a new vehicular access was approved directly off of Harwich Road. The new access forms part of this application and is acceptable in terms of highway safety. To the front of the dwelling is a large parking area which can accommodate at least two car parking spaces in line with Essex Parking Standards.

### 5. Trees and Landscaping

The application site does not contain any trees or other significant vegetation. There are trees on what appears to be grass verge situated between the application site and the highway (A137). These trees are a Goat Willow and London Plane. The retention of the trees will help to soften the appearance of the development and provide a degree of screening. Neither will be adversely affected by the development proposal. A condition will be imposed to secure details of soft landscaping to the front of the application site to help soften, screen and enhance the appearance of the development.

## 6. Financial Contributions - Recreational Disturbances

Confirmation has been provided that the RAMs contribution, as secured by undertaking at the original application stage, has been paid upon commencement. Consequently, a fresh undertaking is not required.

The original conditions will be re-applied and updated where necessary. The time limit condition will be removed given that construction work on site has commenced.

## 7. National Landscape impacts (previously AONB)

Policy PPL3 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 AONB, and its setting, and the setting of the Suffolk Coast and Heaths AONB, including any relevant AONB Management Plan objectives. New development which would impact upon the proposed extension to the Suffolk Coast and Heaths AONB, or its setting, should have specific regard to any special landscape qualities of the area affected.

The proposal will not have any greater impact on the Dedham Vale AONB than the previously approved two storey dwelling, or any additional impact as a result of the slightly larger footprint and different design is considered to be so negligible that it is impossible to quantify.

## 8. Habitats, Protected Species and Biodiversity Enhancement

### Ecology and Biodiversity

#### 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. An informative has been imposed strongly encouraging the applicant to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Therefore the development on balance, with consideration of the impact of the development and baseline situation on site, is considered likely to conserve and enhance biodiversity interests.

#### Biodiversity net gain

This application to vary condition 2 of the planning permission under section 73 which was made on 1 July 2024, which is after 12 February 2024 (the commencement of the statutory framework for biodiversity net gain) and is therefore not in scope as the original permission (to which the section 73 application relates) was granted before this date. This proposal is not therefore applicable for Biodiversity Net Gain.

### Protected Species

In accordance with Natural England's standing advice the proposed development site and surrounding habitat have been assessed for potential impacts on protected species. It is considered that the proposal is unlikely to adversely impact upon protected species or habitats.

### Conclusion

In accordance with the overarching duty outlined above, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

## 9. Renewable Energy

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

Paragraph 111 of the Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles (ULEV) in safe, accessible and convenient locations. However, recent UK Government announcements that ULEV charging points will become mandatory for new development have yet to be published.

An energy statement, EV charging specification and EV Photos have been provided as part of this submission. These will be secured as part of a compliance condition prior to occupation on the grant of planning permission.

## 10. Representations and other matters

Lawford Parish Council have not commented on this application.

No letters of representation have been received.

Whilst the design changes will result in a different dwelling it will remain a dwelling and the changes will therefore not alter the previously description of the development/approval. It is noted that the latest dwelling will contain an additional bedroom however due regard must be given to the description of the previously approved development and the latest proposal will not alter that, therefore the LPA is comfortable that these changes amount to alterations that can be considered under S73 of the Act.

## 11. Conclusions and Recommendations

In the absence of any overriding material harm resulting from the revised development, the application is recommended for approval subject to conditions and any related discharge of condition approvals.

## 8. Recommendation



**9. Conditions**

- 1      **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 no. 346.24/001
- Drawing no. 346.24/003
- Drawing no. 346.24/005
- Drawing no. 346.24/010
- Drawing no. 346.24/011
- Drawing no. 346.24/012
- Drawing no. 346.24/020
- Drawing no. 346.24/021
- Drawing no. 346.24/030

**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      **CONDITION:** There should be no obstruction above ground level within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. 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 provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety

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

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

**NOTE/S FOR CONDITION:**

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.

- 4      **ACTION REQUIRED: HIGHWAYS SPACE**

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

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

- 5      **CONDITION:** Notwithstanding the provisions of the Town & Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) there shall be no gates/fence and/or other means of enclosure within six metres from the edge of the carriageway at the point of access unless details are first agreed, in writing, by the local planning authority. Any gates to be erected on site that may be approved, shall only open into the site and not over any area of the public highway at any time.

**REASON:** In the interests of highway safety.

**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      **CONDITION:** Any boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

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.

- 7      **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 public 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

- 8      **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 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.

- 9      **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.

- 10     **CONDITION:** The scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development shall be in full accordance with the details as submitted within Energy Statement received 01 July 2024, EV Charging Specification received 01 July 2024 and EV Photos received 01 July 2024.

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

11 SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PD

CONDITION: Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of Schedule 2 Part 1 Classes A, B, C, and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no extensions, additions, outbuildings, or other alterations to the dwellings shall be carried out except in complete accordance with details which shall previously have been approved, in writing, by the Local Planning Authority following the submission of a planning application for such development.

REASON: To minimise and retain control over the amount of development in this rural location and to maintain sustainable development principles.

12 SPECIFIC RESTRICTION ON DEVELOPMENT: PROVISION OF OBSCURE GLASS AND NON OPENING WINDOW

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 windows in eastern first floor side elevation serving bedroom 3, bedroom 4, ensuite and the windows in the western first floor side elevation serving bedroom 1 and bedroom 2 shall be non opening and glazed in obscured glass before the development hereby permitted is first occupied 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 properties.

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.

13 COMPLIANCE REQUIRED: CONSTRUCTION METHOD STATEMENT

CONDITION: The Construction Method Statement received 01 July 2024 shall be implemented and adhered to throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of public amenity and highway safety.

## 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.

### Biodiversity Enhancements Informative

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include:

<https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>

### Highways

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](mailto: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

Any lighting of the site under development shall be located, designed and directed [or screened] so that it does not cause avoidable intrusion to adjacent residential properties/ constitute a traffic hazard/cause unnecessary light pollution outside the site boundary.

Reason - to protect the amenity of nearby residential premises

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.

Reason - to protect the amenity of nearby residential premises

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

Reason - to protect the amenity of nearby residential premises

## **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**

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>	<b>YES</b>	<b>NO</b>
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	<b>YES</b>	<b>NO</b>
<b>Has there been a declaration of interest made on this application?</b>	<b>YES</b>	<b>NO</b>
<b>No Declarations Of Interest Made</b>		