

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	NH	22/01/2025
EIA Development - Notify Planning Casework Unit of Decision	N/A	22/01/2025
Team Leader authorisation / sign off:	ML	22/01/2025
Assistant Planner final checks and despatch:	ER	22/01/2025

Application: 24/01711/VOC

Town / Parish: Thorpe Le Soken Parish Council

Applicant: Mr James Cole

Address: Land adjacent to Thorpe Green Farm Colchester Road Thorpe Le Soken

Development: Application under Section 73 of the Town and Country Planning Act for Removal of Condition 10 (Residential Travel Pack) of application 24/00157/FUL and Variation of Conditions 2 (Approved Plans), 3 (Permeable Surfacing), 5 (Hard and Soft Landscaping Strategy), 7 (Biodiversity Enhancement Strategy) and 8 (Energy Efficiency Measures) to amend the design and other elements of the development.

1. Town / Parish Council

Thorpe Le Soken Parish Council Have not commented on this application.

2. Consultation Responses

ECC Highways Dept
06.01.2025

The information provided with the application has been assessed by the Highway Authority and conclusions reached from a desktop study based on the submitted material and google maps. No site visit was undertaken in conjunction with this planning application. It is noted that the revised drawings for the dwelling design already approved under permission 21/00157/FUL, now includes the adjoining paddock which the applicant is now purchasing as they plan to use this as garden space associated with the new dwelling while still retaining the proposed parking layout and the existing established vehicular access serving the site which remains unchanged from the previous application. In relation to Condition 10, it is noted that the applicant intends to construct the dwelling as a self-build, project managing the build themselves using subcontractors as such this condition is not a requirement, considering these factors:

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

1. There should be no obstruction above ground level within a 2.4 metres 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 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 in accordance with policy DM1.

2. As indicated on drawing no. 2415_DRG_002/02, each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres. As per the Essex Parking Standards (Parking Standards: Design and Good Practice) 6 metres should be provided behind each parking space to allow for manoeuvring.

Reason: To ensure adequate space for parking off the highway and to ensure that vehicles can enter and leave the highway in a forward gear is provided in the interest of highway safety in accordance with Policy DM8.

3. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

4. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

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

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.

iv) 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.

Essex County Council Ecology 20.12.2024	No objection to removal or variation of condition 7 (Biodiversity Enhancement Strategy) of approved application 24/00157/FUL Summary We have reviewed the Biodiversity Enhancement Strategy (Rev A, 2024), Proposed Landscape and Biodiversity Plan (Oakley Designworks Ltd., Drw no./Rev 2415_DRG_002/02, November 2024) relating to condition 7 (Biodiversity Enhancement Strategy). We are satisfied that there is sufficient ecological information to support the removal of this condition and that the enhancement measures outlined within the Biodiversity Enhancement Strategy (Rev A, 2024), Proposed Landscape and Biodiversity Plan (Oakley Designworks Ltd., Drw no./Rev 2415_DRG_002/02, November 2024) and comply with Paragraph 187d of the National Planning Policy Framework (December 2024). We have no further recommendations.
Environmental Protection 19.12.2024	The Environmental Protection team have reviewed the application and have no adverse comments to make.
Tree & Landscape Officer 02.12.2024	The information provided in relation to tree planting is acceptable and sufficient to secure an adequate level of tree planting for the site. In principle the information provided relating to new hedge planting is acceptable however the applicant has not provided details of plant specification or quantity. This information will need to be provided prior to the determination of the application. If the applicant can confirm that the Photinia (H1) will be 60 -90cm tall, if bare-rooted, or supplied in a container with a minimum capacity of 3 litres and that the Native Mixed Hedging (H2) will also be 60-90cm tall at time of planting then the information set out in the application is otherwise acceptable
Tree & Landscape Officer 08.01.2025	The information provided in relation to soft landscaping including tree planting is acceptable and sufficient to secure an adequate level of new planting for the site.

3. **Planning History**

09/00428/FUL	Erection of detached two storey dwelling (following demolition of existing dwelling).	Approved	06.07.2009
10/01030/FUL	Proposed entrance canopy.	Approved	25.10.2010

10/01031/FUL	Detached garden store (retention of)	Approved	25.10.2010
11/00751/FUL	Proposed detached dwelling.	Refused	30.08.2011
16/01123/OUT	Proposed detached dwelling to rear of Thorpe Green Farm.	Refused	09.01.2017
17/01011/FUL	Continued use of land for the temporary storage of vehicles, vehicle parts, containers and related equipment.	Approved	15.09.2017
18/01305/OUT	Erection of one dwelling.	Approved	03.10.2018
19/00426/FUL	Erection of one dwelling.	Approved	28.06.2019
19/01351/FUL	Variation of condition 2 of application 19/00426/FUL to allow for an addition to the rear at first floor level and for the addition of solar panels to be installed to provide dwelling with green energy.	Approved	06.12.2019
21/00972/FUL	The retention of only the existing of vehicles, vehicle parts, containers and related equipment (as approved via permission 17/01011/FUL) on the site for a temporary period of 12 months, no additional storage items of any nature are to be added to the site	Approved	26.07.2021
21/01284/FUL	Proposed dwelling - amended design to approved application 19/00426/FUL.	Approved	22.10.2021
22/00943/DISCON	Discharge of condition 6 (EBMP) of application 21/00972/FUL.	Approved	08.07.2022
23/00855/LBC	Proposed new plain tile roof to outbuilding, new lean-to greenhouse and installation of photo-voltaic panels to the west roof slope of the workshop/store and the south roof slope of the garage.	Approved	02.08.2023
24/00157/FUL	1 x dwelling (design as approved under 21/01284/FUL).	Approved	03.04.2024
24/01711/VOC	Application under Section 73 of the Town and Country Planning Act for Removal of Condition 10 (Residential Travel Pack) of application 24/00157/FUL and Variation of Conditions 2 (Approved Plans), 3 (Permeable Surfacing), 5 (Hard and Soft Landscaping Strategy), 7 (Biodiversity Enhancement Strategy) and 8 (Energy	Current	

Efficiency Measures) to amend the design and other elements of the development.

24/00157/FUL

1 x dwelling (design as approved under 21/01284/FUL).

Approved

03.04.2024

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. Paragraph 78 states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of 5% to ensure choice and competition in the market for land, unless the Housing Delivery Test (HDT) demonstrates significant under delivery of housing over the previous 3 years - in which case a higher buffer is required.

On 12th December 2024 the Government published the Housing Delivery Test: 2023 measurement. Against a requirement for 1,466 homes for 2020-2023, the total number of homes delivered was 2,343. The Council's HDT 2023 measurement was therefore 160%, and a buffer of 5% is to be used when calculating the Council's five year land supply position.

The Council demonstrates its supply of specific deliverable sites within the 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. The SHLAA can be viewed on the Council's website: <https://www.tendringdc.gov.uk/content/monitoring-and-shlaa>

As a result, the 'titled 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 2024 (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)

SP3 Spatial Strategy for North Essex

SP4 Meeting Housing Needs

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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

Application Site

This application relates to the land adjacent to Thorpe Green Farm, located on the south eastern side of Colchester Road, within the parish of Thorpe-le-soken. The application site extends approximately 0.2 hectares and is located on the edge of the built-up area of Thorpe-le-soken with a dwelling to its north and open fields to the south and beyond.

The site is laid to grass with a gravelled track leading to outbuildings to the rear of the application site. The site has relatively good screening on the north-west boundary facing the highway (B1033) and the south boundary facing the adjacent agricultural land. A vehicular access is located onto the B1033 which currently serves the existing dwelling to the north.

Thorpe Green Farm comprises of a former farm house which has been extended and modernised together with land to the rear containing a number of outbuildings and swimming pools.

Site History

Planning permission was granted under application reference 19/00426/FUL for the erection of 1 x 4 bedroom detached dwelling with associated parking and turning.

Planning permission was granted under application reference 21/01284/FUL for a dwelling - amended design to approved 19/00426/FUL.

Planning permission was granted under application reference 24/00157/FUL for the erection of 1 x dwelling (design as approved under 21/01284/FUL).

Description of Application

This application seeks to:

- remove condition 10 (residential travel pack)

and to vary:

- condition 2 (approved plans)
- condition 3 (permeable surfacing),
- condition 5 (hard and soft landscaping strategy),
- condition 7 (Biodiversity Enhancement Strategy)
- condition 8 (Energy Efficiency Measures)

Assessment

The main considerations for this application are:

- Principle of Development
- Design, Scale and Appearance
- Impact upon Neighbouring Amenities
- Trees and Landscaping
- Highway Safety and Parking Provision
- Renewable Energy
- Financial Contribution - Recreational Disturbance
- Ecology and Biodiversity
- Other Considerations
- Conclusion

Assessment

1. Principle of Development

The principle of development has been established through the granting of planning application 24/00157/FUL in this location and the proposal is subject to the detailed considerations set out below.

2. Design, Scale and Appearance

Paragraph 135 of the National Planning Policy Framework (NPPF) (2024) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place. Adopted Policy SP7 of Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context.

Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well considered site layout that relates well to its site and surroundings, create a unique sense of place.

The proposed dwelling is two storey in nature incorporating features such as a two storey gable porch, dormer windows and gable additions which all combine to produce an acceptable and interesting design that will not appear harmful within the surrounding area. In terms of the layout of the proposed dwelling, the dwelling is more of a square shape compared to the original permission which proposed an 'L' shaped dwelling.

Due to the design of the dwelling and use of materials; Vandersanden Old Farmhouse bricks, natural oak feather edge cladding, Cupa Pizarras Spanish slate tiles and triple glazed aluminium clad pebble grey windows, the majority of the proposed materials are considered acceptable however there are concerns with the colour of brick used within the host dwelling. A condition will be imposed to ensure that these details are secured prior to development, due to the brick type stipulated on the plans not being in the local vernacular and therefore out of keeping with the style/design of the property.

Policy LP4 requires that new residential developments will be expected to provide for private amenity space of a size and configuration that meets the needs and expectations of residents, and which is commensurate to the size of dwelling and the character of the area. The plans show that this is comfortably adhered to.

Taking the above into consideration, it is considered that the visual impacts of the proposed dwelling are acceptable in this location.

3. Impact upon Neighbouring Amenities

Paragraph 135 of the National Planning Policy Framework (2024) 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.

Due to the generous and spacious plot, officers are content that the revised development will achieve an internal layout and relationship with neighbouring dwellings that would not result in any material harm to residential amenities in terms of loss of light, sunlight, overlooking, privacy or outlook. Furthermore, the development provides ample private amenity space.

The amended scheme will secure a good standard of amenity for all existing and future residents.

4. Trees and Landscaping

The proposed landscaping and biodiversity plan - drawing no. 2415-DRG_002/02 demonstrates new hedging (golden privet hedge and a native mixed proposed to the rear northern side elevation and a hedge to the western side front elevation of the application site). Five trees are proposed to the front of the proposed dwelling comprising of two birch, two ornamental pear and one acer platanoides Princeton gold. Flower borders are also proposed under the front bay windows.

The Council's tree and landscaping officer has been consulted on this application and confirms that the tree planting is sufficient to secure an adequate level of tree planting for the site. The applicant originally had not provided enough detailing in regard to the new hedge planting; however, amended plans were provided to demonstrate the height of the hedgerows. The tree and landscaping officer was then reconsulted on the amended plans and confirmed that the proposed landscaping is acceptable and provides an adequate level of new planting for the site.

5. Highway Safety and Parking Provision

Paragraph 115 of the National Planning Policy Framework 2024 seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 108 requires that streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places. Adopted Policy CP1 (Sustainable Transport and Accessibility) of the Tendring District Local Plan 2013-2033 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate, and the design and layout of the development provides safe and convenient access for people.

Essex County Council Parking Standards set out the parking requirements for new development and confirm that for residential properties of two bedrooms or more there should be provision for two parking spaces measuring a minimum of 5.5 metres x 2.9 metres or, if being used as one of the parking spaces, a garage should measure a minimum of 7 metres x 3 metres.

The applicant wishes to remove condition 10 which refers to the submission of a residential travel pack prior to occupation. Essex County Council Highways Officer has been consulted on this

proposal and has stated that as the applicant has stated that the applicant intends to construct the dwelling as a self-build, project managing the build themselves using subcontractors, this condition is not necessary and therefore can be removed from this permission.

There is sufficient parking to the front of the proposed dwelling to provide at least two parking spaces in line with Essex Parking Standards.

Essex County Council Highways Officer has been consulted on the variation of application proposal and has stated that the new dwelling retains the proposed parking layout and the existing vehicular access serving the site which remains unchanged from the previous application. The officer has suggested conditions relating to visibility splays, parking measurements, cycle parking and storage of building materials. The visibility splay condition will not be imposed as the access is an existing access and is achievable. The site can accommodate sufficient parking in line with Essex Parking Standards and there is sufficient space to the rear to be able to accommodate cycle parking, therefore the parking measurements and cycle parking conditions will not be imposed. The storage of building materials will be imposed as an informative only.

In addition, the parking and vehicular turning area is clearly shown on the approved plans, so there is no need to impose a condition securing such details. Instead, a condition will be added to ensure these facilities are installed prior to first occupation and retained as such thereafter.

6. Renewable Energy

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

Paragraph 116 of the Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles (ULEV) in safe, accessible and convenient locations. However, recent UK Government announcements that ULEV charging points will become mandatory for new development have yet to be published.

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

Due to the significant change in design, the renewable energy condition will be reimposed to this permission to secure details of the renewable energy features to ensure that the development will be built in accordance with the sustainability measures.

7. Financial Contribution - Recreational Disturbance

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

The application scheme proposes a residential on a site that lies within the Zone of Influence (Zoi) but is approximately 2400 metres from Hamford Water SAC. New housing development within the Zoi would be likely to increase the number of recreational visitors to these sites and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

A planning condition was recommended to secure this via a future legal obligation within the determination of 24/00157/FUL and this still applies to this permission. This will ensure that the development would not adversely affect the integrity of European Designated Sites in accordance

with Section 1 Policy SP2 and Section 2 Policy PPL4 of the Tendring District Local Plan 2013-2033 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

8. Ecology and Biodiversity

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 remove condition 10 and vary condition 2, 3, 5, 7 and 8 of the planning permission under section 73 which was made on 20th November 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

As part of this application, a Biodiversity Enhancement Strategy, Proposed Landscape and Biodiversity Plan has been provided as part of this submission to address condition 7 of application 24/00157/FUL. The strategy details the landscaping and maintenance as well as the proposed three bird boxes located to the north easterly site boundary. Place Services Ecology team have been consulted on the above documents and have stated that they have no objections to the proposed strategy. It is therefore 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. Other Considerations

Thorpe Le Soken Parish Council have not commented on this application.

No letters of representation have been received.

10. Conclusion

The proposal will result in alterations to the design of the host dwelling following the granting of application 24/00157/FUL, the principle of development has already been established. The design of the proposed dwelling is acceptable and will not cause any visual harm or harm to the amenities of the neighbouring properties. ECC Highways, ECC Ecology and the Council's Tree and Landscaping officer have no objections to the proposed amendments. Accordingly, the application

is considered to comply with local and national planning policies and is therefore recommended for approval.

8. Recommendation

Approval - Full

9. Conditions

1 COMPLIANCE REQUIRED: COMMENCEMENT SECTION 73 TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later the expiration 3rd April 2027.

REASON: To comply with the requirements of Section 73 and 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence (if not already commenced) within the timeframe provided unchanged from the permission varied. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Drawing No. 2415_DRG_001/01 – notwithstanding condition 12 below which seeks to agree an alternative brick type.

Drawing no. 2415_DRG_002/02

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 COMPLIANCE: PERMEABLE SURFACING

CONDITION: All new parking areas and areas of hardstanding shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area within the site area.

REASON: In the interests of sustainable development and to minimise the risk of surface water flooding

4 FURTHER APPROVAL: MITIGATION TO BE AGREED - RAMS

CONDITION: The hereby approved development shall not be first occupied/used until detailed proposals addressing the mitigation of the development's impact on protected Essex Habitats Sites have been submitted to and received written approval from the Local Planning Authority. Such proposals must provide and secure mitigation in accordance with the joint Habitats Regulations Assessment Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) or demonstrate mitigation measures of an equivalent effectiveness to the satisfactory of the Local Planning Authority. For any on site mitigation proposals approved, it shall be carried out in full prior to first occupation, and thereafter shall be maintained as approved.

REASON: In order to safeguard protected wildlife species and their habitats in accordance with the NPPF and Habitats Regulations. Failure to achieve satisfactory mitigation would result in harm by new residents due to the development's impact on protected sites meaning the development must mitigate the burden of development regardless of scale of impact.

NOTE/S FOR CONDITION:

This condition establishes the necessity to ensure the implementation of appropriate mitigation measures due to the impact of the approved development. Such mitigation may be required on-site, off-site, or a combination of both.

Typically, a contribution towards visitor management measures at the protected Habitats Site(s) may be the preferred and simplest approach to fulfil the requirements of this condition. To fulfil this requirement, you can contribute funds towards a range of mitigation projects in the protected areas. It is essential to secure this provision through a legal agreement between the District Council, Developer/Applicant, and site owners before occupation. If this is the approach to fulfilling this condition you wish to take, you are strongly advised to finalise the legal agreement with the District Council before submitting any request to discharge this condition. Should this be the route chosen, failure to conclude the agreement within the discharge of condition application timeframe may lead to the refusal to discharge the condition. Please note if there are other obligations needed for this development, for example to secure monitoring and maintenance of a Biodiversity Net Gain Plan, you may wish to combine these together as one agreement. Furthermore, please also note a legal agreement will include legal fees and may require obligations to secure monitoring and associated fees.

5 COMPLIANCE WITH DETAILS AND TIMESCALE REQUIRED: LANDSCAPING SCHEME

CONDITION: All changes in ground levels, soft/hard landscaping shown on drawing no. 2415_DRG_002/02, 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.

6 BIODIVERSITY ENHANCEMENT STRATEGY

CONDITION: The approved Biodiversity Enhancement Strategy received 20.11.24 and drawing no. 2415_002/02., shall be adhered to at all times, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

7 COMPLIANCE: ENERGY EFFICIENCY MEASURES

CONDITION - The development shall be carried out in strict accordance with 'Fibre Optic Broadband Availability' received 20 Nov 2024 and shall be provided and implemented in full prior to first occupation of any of the dwelling hereby approved.

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.

8 SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS BUILDINGS, STRUCTURES AND ENCLOSURES

CONDITION: Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order with or without modification):- no garage, car port, fence, gate, wall or any other means of enclosure, building or structure shall be erected except pursuant to the grant of planning permission on an application made in that regard.

REASON: To enable the Local Planning Authority to retain control over the development in the interests of the amenity of the locality and to safeguard local distinctiveness.

9 SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS EXTENSION AND ALTERATIONS

CONDITION: Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of the Town and Country Planning (General Permitted

Development) Order 2015, (or any Order revoking and re-enacting that Order with or without modification):- - no enlargement, improvement, insertion of new openings or other alteration of the dwelling house(s) shall be carried out, except pursuant to the grant of planning permission on an application made in that regard.

REASON: To enable the Local Planning Authority to retain control over the development in the interests of the amenity of the locality and to safeguard local distinctiveness.

10 ACTION REQUIRED: HIGHWAYS TURNING SPACE

CONDITION: The turning area and parking shown on drawing no. 2415_DRG_001/01 shall be provided prior to occupation and retained thereafter.

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

11 AGREEMENT OF MEASURES TO IMPROVE SUSTAINABILITY OF DEVELOPMENT

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

- An electric car charging point .
- Agreement of a scheme for water conservation including greywater recycling and rainwater capture/re-use.
- Agreement of a scheme to achieve as far as possible a water consumption rate of not more than 110 litres, per person, per day.
- Agreement of heating of each dwelling/building.
- Agreement of scheme for waste reduction.

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

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

NOTES FOR CONDITION:

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

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

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

12 FURTHER APPROVAL: AGREEMENT OF MATERIALS

CONDITION: Notwithstanding the brick specified on the approved plans, prior to any works above slab level, details of a soft red brick shall be submitted to and approved, in writing by the Local Planning Authority. The approved brick shall then be used in the construction of the dwelling.

REASON: The brick type stipulated on the plans is not in the local vernacular and therefore out of keeping with the style/design of the property and appearance of other properties in the vicinity.

NOTE/S FOR CONDITION:

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

While this condition does not detail in what form the materials sought shall be detailed to the Local Planning Authority, it is suggested that a plan is submitted with the details to show where the materials will be located and the extent of coverage.

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.

Environmental Health

You are advised that 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.

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.

Highways

1: For the existing vehicle access being retained for Thorpe Green Farm it would be beneficial if no unbound material is present in the surface treatment of the vehicular access within 6 metres of the highway boundary. To avoid displacement of loose material onto the highway in the interests of highway safety.

2: 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

3: 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. 4: 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.

Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

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:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO
Has there been a declaration of interest made on this application?	YES	NO