

<i>Application No. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
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## **Alresford Parish Council**

### **No determinations**

## **Ardleigh Parish Council**

<i>19/00968/OUT Refusal - Outline 18.12.2019 Delegated Decision</i>	<i>Mr &amp; Mrs N Orrin</i>	<i>Outline application for the erection of four detached dwellings with associated garaging, parking and a private drive.</i>	<i>Cherrytree Farm Harwich Road Ardleigh Colchester Essex CO7 7LT</i>
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- 01 Paragraph 63 of the NPPF (2019) states provision of affordable housing should be sought for residential developments that are major developments. Within the glossary of the NPPF (2019), major development is defined as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.

It is considered that this application, and that previously approved under planning reference 17/01152/OUT constitutes a sub-division of a single site and therefore result in a total of nine units on a site in excess of 0.5 hectares. The above policy is therefore applicable and therefore there is a need to provide for affordable housing through a s106 legal agreement.

A completed Section 106 obligation to secure the affordable housing contribution has not been provided prior to the application determination date and the application is therefore contrary to the above policies.

<i>19/01577/FUL Approval - Full 16.12.2019 Delegated Decision</i>	<i>Mr and Mrs Mitchell</i>	<i>Proposed single storey extension.</i>	<i>Strathcorrie Colchester Road Ardleigh Colchester Essex CO7 7NX</i>
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- 01 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 02 The development hereby permitted shall be carried out in accordance with the following approved plan: DWG NO - R&D02 and DWG NO - R&D03

Reason - For the avoidance of doubt and in the interests of proper planning.

<i>19/01616/FUL Approval - Full 17.12.2019 Delegated Decision</i>	<i>Mr Charlie Walls</i>	<i>Variation of condition 2 of 19/00621/FUL to amend the design of the previously approved dwelling.</i>	<i>Benson Stud Harts Lane Ardleigh Colchester Essex CO7 7QE</i>
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01 The development hereby permitted shall be begun before the expiration of 5 July 2022.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

02 The development hereby permitted shall be carried out in accordance with the following approved plans:

19/00621/FUL

The document titled 'Site Location Plan', the document received 13 May 2019 that highlights the areas of the site allocated for Benson Stud and for Benson Racing, and drawing number 120.

19/01616/FUL

Drawing numbers 1181.L.004, 1181.L.003, 1181.L.002, and the document titled 'Planning Statement' dated October 2019.

Reason - For the avoidance of doubt and in the interests of proper planning.

03 The occupation of the hereby approved dwelling shall be limited to a person solely or mainly working or last working at Benson Racing as an equestrian worker or a widow or widower of such a person and to any resident dependants.

Reason - The site of the permission is outside of any area where planning permission would normally be forthcoming for residential development not directly related to a clearly and specifically identified exceptional need related to a recognised countryside activity.

04 Within two months of occupation of the hereby approved dwelling, the mobile home as shown to be removed on drawing number 120 of 19/00621/FUL shall be permanently removed from the site.

Reason - The hereby approved dwelling provides permanent accommodation to replace the existing mobile home, in a location where planning permission would not normally be forthcoming for residential development not directly related to the exceptional need demonstrated.

<i>19/01763/TPO Approval - Full 16.12.2019 Delegated Decision</i>	<i>Mr S Harknett</i>	<i>T5 - Silver Birch, trim to boundary</i>	<i>2 The Limes Ardleigh Colchester Essex CO7 7RW</i>
<i>19/01764/TCA Approval - Full 16.12.2019 Delegated Decision</i>	<i>Mr S Harknett</i>	<i>G1 4 No. Silver Birch and various shrubs - fell 2nd birch from gate, replace with similar tree, reduce remaining silverbirch by 30%. Trim back shrubs including small Holly Tree.</i>	<i>2 The Limes Ardleigh Colchester Essex CO7 7RW</i>

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### **Beaumont Parish Council**

**No determinations**

### **Bradfield Parish Council**

**No determinations**

### **Brightlingsea Town Council**

<i>19/01528/FUL Approval - Full 19.12.2019 Delegated Decision</i>	<i>Ms Mary Sanderson</i>	<i>Proposed single storey rear extension.</i>	<i>The Bungalow 26 Regent Road Brightlingsea Colchester Essex CO7 0NL</i>
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- 01 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans: PL-MSAND-01 - Sheet 2, PL-MSAND-01 - Sheet 3, received 14th October 2019.

Reason - For the avoidance of doubt and in the interests of proper planning.

<i>19/01555/FUL Approval - Full 19.12.2019 Delegated Decision</i>	<i>Mr Joshua Brookes</i>	<i>Erection of single storey flat roof rear extension.</i>	<i>29 Cinque Port Road Brightlingsea Colchester Essex CO7 0PX</i>
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- 01 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans: un-numbered floor plans and elevations, received 17th October 2019.

Reason - For the avoidance of doubt and in the interests of proper planning.

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19/01615/COUN OT Determination prior approval not reqred 17.12.2019 Delegated Decision	James Lawrence Sailmakers Ltd	Prior approval for the conversion of a B1 commercial use to three residential dwellings.	22 Tower Street Brightlingsea Colchester Essex CO7 0AL

- 01 The development must be carried out where prior approval is not required, or where sub-paragraph (11)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (1), unless the local planning authority and the developer agree otherwise in writing.

Reason - for the avoidance of doubt.

- 02 No unbound material shall be used in the surface treatment of the vehicular access or driveway throughout.

Reason -To avoid displacement of loose material onto the highway in the interests of highway safety.

19/01771/NMA Approval Non Material Amendment 17.12.2019 Delegated Decision	Mr and Mrs D Charlton	Non material amendment for removal of brick plinth for approval 18/02075/FUL.	17 Marennas Crescent Brightlingsea Colchester Essex CO7 0RX
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- 01 The development hereby permitted shall be carried out in accordance with the following approved plan: P01g.

Reason - For the avoidance of doubt and in the interests of proper planning.

### **Clacton-on-Sea**

19/01402/FUL Approval - Full 19.12.2019	Mr K Kandiah	Variation of condition 17 of application 17/01328/FUL to replace drawings 841/100A, 841/02, 841/03 and 841/04 with drawings 841/100B, 841/02B, 841/03B and 841/04B.	Orchard Works London Road Clacton On Sea Essex CO15 3FA
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- 01 The materials to be used in the construction of the development shall be in accordance with the details approved under planning reference 19/01405/DISCON.

Reason - To ensure that materials of an acceptable quality appropriate to the area are used.

- 02 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details (Drawing No. 841/105/A - as approved under planning

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reference 19/01758/DISCON) shall be carried out 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 agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the effective implementation of the landscaping scheme in the interests of visual amenity.

- 03 The tree protection measures, as outlined on the Tree Protection Plan no. TPSarb6820217 TPP, shall be adhered to at all times during the construction phase of the development.

Reason - To ensure the existing mature trees are safeguarded during construction and retained in the interests of visual amenity.

- 04 Prior to the first occupation of the development the surface water drainage strategy shall be installed and maintained in full accordance with the details shown on the following drawings/documents (as approved under planning reference 19/00644/DISCON);

- 10.17-05.001.D
- 10.17-05.101.C
- 10.17-05.102.B
- 1251-1WD STORM SEWER DESIGN
- 1251-2WD STORM SEWER DESIGN
- 1251-3WD STORM SEWER DESIGN
- 10.17-05.002
- Soakaway Tests Report (prepare by Murray Rix Limited) - dated 30th January 2019
- Percolation Test Results Report - dated 29/04/19-01/05/19

Reason -

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- 05 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason - To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

- 06 The development shall be carried out in accordance with the contaminated land recommendations as contained in the following documents (approved under planning references 19/00644/DISCON & 19/01608/DISCON);

'Remediation Method Statement' documents (Report No: 18-2540r(b) - prepared by Murray Rix Limited and dated April 2019; and

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'Verification Report for Knox Road, Clacton-on-Sea' (Ref - Report No: 18-2540r (c) and dated May 2019)			
Reason - To ensure that any risks (to future users of the land and neighbouring land and to controlled waters, property and ecological systems) arising from any land contamination are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.			
07	Prior to occupation of the development the vehicular turning and parking facilities, as shown on the submitted block plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.		
Reason - To ensure that vehicles can enter and leave the highway in a forward gear and sufficient off-street parking provision is provided in the interest of highway safety.			
08	No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary.		
Reason - To avoid displacement of loose material onto the highway in the interests of highway safety.			
09	Prior to the first occupation of the development, the proposed access drive shall be constructed as a shared use route measuring no less than 6m in width within the site, and shall be provided with an appropriate transition onto the existing highway details of which shall be submitted to and approved in writing by the Local Planning Authority.		
Reason - To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.			
10	Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.		
Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport.			
11	The development shall be constructed in full accordance with the details outlined within the Construction Method Statement (Ref - 841 Method Statement 03/19 -rev A) as approved under planning reference 19/00496/DISCON.		
Reason - To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety.			
12	Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B and E of the Town and 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 additions to the dwellings, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions or building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.		
Reason - It is necessary for the Local Planning Authority to be able to consider and control further development in order to ensure that adequate usable private amenity space is retained on the plots and to protect the amenity of neighbouring residents.			

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- 13 The lighting scheme shall be installed in full accordance with the details shown on drawing no. 841/105/A (as approved under planning reference 19/01758/DISCON). The lighting shall be retained as approved thereafter.

Reason - In the interests of residential amenity.

- 14 The development hereby permitted shall be carried out in accordance with the following approved plans: 841/02 B, 841/03 B, 841/04 B and 841/100 B.

Reason - For the avoidance of doubt and in the interests of proper planning.

<i>19/01485/FUL Approval - Full 17.12.2019 Delegated Decision</i>	<i>Tendring Deen and Education Trust - C/o Agent</i>	<i>Proposed new shop front, alterations and additions.</i>	<i>94 Pier Avenue Clacton On Sea Essex CO15 1NJ</i>
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- 01 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 02 The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing No. 5 B.

Reason - For the avoidance of doubt and in the interests of proper planning.

<i>19/01574/FUL Approval - Full 20.12.2019 Delegated Decision</i>	<i>Mr Jeff Ross - CFB Boilers Ltd</i>	<i>Proposed new workshop.</i>	<i>Land at 62 Brunel Road Clacton On Sea Essex</i>
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- 01 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 02 The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing No. 0-101 REV A , Drawing No. 2-100B and Drawing No. 1-100B

Reason - For the avoidance of doubt and in the interests of proper planning.

- 03 The storage area as indicated on drawing no. 0-101 REV A is restricted to a height of 4 metres.

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Reason - In order to protect visual amenity.

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

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

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

05 The use hereby permitted shall not operate outside the following times;

Monday to Saturday 08:00 to 17:00

Reason - To ensure the use of the site is appropriate to the locality.

<i>19/01578/FUL Approval - Full 16.12.2019 Delegated Decision</i>	<i>Mr Steven Beaton</i>	<i>Proposed loft conversion and single storey side extension including 6 No. Velux rooflights and chimney breast removal.</i>	<i>128 Valley Road Clacton On Sea Essex CO15 6LX</i>
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01 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

02 The development hereby permitted shall be carried out in accordance with the following approved plans: 01, received 21st October 2019

Reason - For the avoidance of doubt and in the interests of proper planning.

<i>19/01583/FUL Approval - Full 16.12.2019 Delegated Decision</i>	<i>Mr and Mrs Read</i>	<i>Proposed single storey side extension.</i>	<i>33 Weymouth Close Clacton On Sea Essex CO15 1BS</i>
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01 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.



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- 02 The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing no. 01.

Reason - For the avoidance of doubt and in the interests of proper planning.

<i>19/01611/FUL Approval - Full 18.12.2019 Delegated Decision</i>	<i>Mr and Mrs D Matthews</i>	<i>Proposed alterations and additions.</i>	<i>68 Kestrel Way Clacton On Sea Essex CO15 4JH</i>
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- 01 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 02 The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing No. 1.

Reason - For the avoidance of doubt and in the interests of proper planning.

#### **Elmstead Market Parish Council**

<i>19/01545/FUL Approval - Full 17.12.2019 Delegated Decision</i>	<i>Mr Ian Nicholls</i>	<i>Proposed demolition of existing lean-to, erection of new ground floor rear extension and conversion of existing small garage area to front.</i>	<i>Arundel 8 Wheatlands Elmstead Colchester Essex CO7 7EW</i>
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- 01 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 02 The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing No. A1-101906-11.

Reason - For the avoidance of doubt and in the interests of proper planning.

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19/01596/FUL Refusal - Full 17.12.2019 Delegated Decision	Mr S Williams	Erection of two dwellings and associated car parking.	Grange Farm Bungalow Clacton Road Elmstead Clacton On Sea Essex CO7 7DF

- 01 Paragraph 63 of the NPPF (2019) states provision of affordable housing should be sought for residential developments that are major developments. Within the glossary of the NPPF (2019), major development is defined as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.

It is considered that this application, and those previously approved under planning references 16/00724/OUT, 16/02004/DETAIL and 17/01617/OUT constitute a sub-division of a single site and therefore result in a total of nine units on a site in excess of 0.5 hectares. The above policy is therefore applicable and therefore there is a need to provide for affordable housing through a s106 legal agreement.

A completed Section 106 obligation to secure the affordable housing contribution has not been provided prior to the application determination date and the application is therefore contrary to the above policies.

- 02 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 124 is to always seek to secure high quality design.

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The dwellings are to be sited to the north and south-west of Grange Farm Bungalow. While it is acknowledged that the existing dwellings do not form a particularly uniform manner, the proposed dwelling to the north of the site is located beyond the existing building line. Further, the two dwellings are both site in prominent corner plot locations and, with the retention of Grange Farm Bungalow, the layout appears cramped, contrived and incongruous. The development therefore neither preserves or enhances the character of the area, and fails to adhere to the above policies.

- 03 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. This residential development lies within the Zone of Influence of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The residents of new housing are therefore considered likely to regularly visit relevant designated sites for recreation. In order to avoid a likely significant effect in terms of increased recreational disturbance to coastal European designated sites (Habitats sites) in particular the Colne Estuary Ramsar and SPA site,

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mitigation measures will need to be in place prior to occupation.

A proportionate financial contribution has not been secured in accordance with the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements. As submitted, there is no certainty that the development would not adversely affect the integrity of Habitats sites.

The proposal is therefore considered to be contrary to Policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

### **Frating Parish Council**

<i>19/01797/NMA Approval Non Material Amendment 18.12.2019</i>	<i>Mr Gary Dingwall</i>	<i>Non material amendment to planning application 18/00194/FUL - Relocation of substation.</i>	<i>Land North of Tokely Road Frating Essex CO7 7GA</i>
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01 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Plan drawing no. 001R

General Arrangement drawing no. GTC-E-SS-0002\_R3-4\_1\_of\_1

Reason - For the avoidance of doubt and in interests of proper planning.

### **Frinton & Walton Town Council**

<i>19/01473/FUL Approval - Full 18.12.2019 Delegated Decision</i>	<i>Mr Chappell - Lungo Developments Ltd</i>	<i>Variation of condition 1 of approved application 18/00768/FUL for minor external alterations include changing the rainwater gutter and downpipe locations, fixing of 22mm gas pipes to the external elevations, the adding of a roof light to the main roof, and gas fired boiler flues penetrating through the external wall.</i>	<i>47 The Parade Walton On The Naze Essex CO14 8AS</i>
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01 The development hereby permitted shall not be carried out except in complete accordance with the details shown below.

19/01473/FUL:

Drawing numbers 2019-17-05 Revision A, 2019-17-04 Revision B, 2019-17-03 Revision C, 2019-17-02 Revision D, and 2019-17-01 Revision D.

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Reason - For the avoidance of doubt and in the interests of proper planning.

- 02 All materials to be used in the construction of the external surfaces of the building hereby permitted must be in accordance with the details as approved under planning reference 15/01846/DISCON, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that materials of an acceptable quality appropriate to the area are used.

- 03 Cycle parking shall be in accordance with the details as approved under planning reference 15/01846/DISCON, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that adequate cycle storage facilities are provided in order to reduce the reliance of on street parking.

- 04 All hard landscaping works, including means of enclosure, pedestrian access, circulation areas and hard surfacing materials, shall be in accordance with the details as approved under planning reference 15/01846/DISCON, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the development provides a satisfactory setting having regard to its location within a conservation area.

- 05 All hard landscape works shall be carried out in accordance with the approved details within 12/01114/FUL, unless otherwise agreed in writing by the Local Planning Authority. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the local planning authority.

Reason - To ensure that the development provides a satisfactory setting having regard to its location within a conservation area.

- 06 Before the first occupation of the building hereby permitted the glazing on the westward facing elevation shall be fitted with non-opening obscured glass and shall be permanently retained in that condition.

Reason - To preserve the privacy of the neighbouring residents.

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<i>19/01553/FUL Approval - Full 17.12.2019 Delegated Decision</i>	<i>Mr Justin Tye</i>	<i>Proposed porch, single storey side extension with hipped roof, velux windows and internal conversion.</i>	<i>26 Crossfield Way Kirby Cross Frinton On Sea Essex CO13 0LL</i>
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- 01 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 02 The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing No. 02 Revision B and Drawing No. 03.

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Reason - For the avoidance of doubt and in the interests of proper planning.

<i>19/01557/FUL Approval - Full 18.12.2019</i>	<i>Mr and Mrs Hamer</i>	<i>Proposed single storey rear conservatory extension.</i>	<i>Bramley 121C Thorpe Road Kirby Cross Essex CO13 0NQ</i>
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- 01 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing Number PA.002, Revision A.  
Drawing Number PA.006, Revision A.  
Drawing Number PA.007, Revision A.  
Drawing Number PA.008, Revision A.

Reason - For the avoidance of doubt and in the interests of proper planning.

<i>19/01587/FUL Approval - Full 17.12.2019 Delegated Decision</i>	<i>Ms Barbara Doolin</i>	<i>Proposed construction of shed and extension to existing utility room.</i>	<i>53A Second Avenue Frinton On Sea Essex CO13 9LY</i>
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- 01 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 02 The development hereby permitted shall be carried out in accordance with the following approved plan: Drawings number 1 and 2 amended 12/12/2019, drawing number 3 amended 14/11/2019 and drawing labelled side elevation, scale 1:50.

Reason - For the avoidance of doubt and in the interests of proper planning.

<i>19/01599/FUL Approval - Full 17.12.2019 Delegated Decision</i>	<i>Mr and Mrs Campbell</i>	<i>Proposed single storey outbuilding for use as an annexe (following demolition of garage).</i>	<i>136 Thorpe Road Kirby Cross Frinton On Sea Essex CO13 0NQ</i>
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- 01 The development hereby permitted shall be begun before the expiration of three years from

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the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

02 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. 01

Reason - For the avoidance of doubt and in the interests of proper planning.

03 The hereby approved annexe shall only be used ancillary to the residential use of the dwelling known as 136 Thorpe Road, Kirby Cross, Frinton on Sea, CO13 0NQ.

Reason - The application site is unsuitable for an additional independent residential unit.

<i>19/01684/COUN OT Determination prior approval not reqred 18.12.2019 Delegated Decision</i>	<i>Mr and Mrs Oxley</i>	<i>Conversion of agricultural buildings into two dwellings.</i>	<i>Green End Farm Green End Lane Great Holland Frinton On Sea Essex CO13 0JA</i>
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01 The proposal constitutes permitted development as defined in Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and may therefore be carried out providing that it is wholly in accordance with the legislation.

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

Reason - To ensure the continued safe passage of the public on the definitive right of way and accessibility.

### **Great Bentley Parish Council**

<i>19/01731/HHPN OT HHPN - Prior Approval Not Required 16.12.2019 Delegated Decision</i>	<i>Mrs Debbie Line</i>	<i>Erection of single storey rear extension 5m in depth and 3.5m in height.</i>	<i>18 St Marys Close Great Bentley Colchester Essex CO7 8NL</i>
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01 Drawing No SMC:01

<i>Application No. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
<i>19/01762/TPO Approval - Full 16.12.2019 Delegated Decision</i>	<i>Mr Peter O'Sullivan</i>	<i>1 No. Swedish Whitebeam - reduce by 30%</i>	<i>4 Rowan Close Great Bentley Colchester Essex CO7 8NY</i>
01	The work should be undertaken before the expiration of 2 years from the date of this permission.		
02	All work authorised by this consent shall be undertaken in a manner consistent with British Standard 3998 (2010) :-Tree Work - Recommendations or with any similar replacement standard.		
<i>19/01807/AGRIC Determination prior approval not reqred 20.12.2019 Delegated Decision</i>	<i>Mr G Wright</i>	<i>General purpose agricultural building required for storage.</i>	<i>Brook Farm Thorrington Road Great Bentley Colchester Essex CO7 8QP</i>
01	The development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application.		

#### **Great Bromley Parish Council**

**No determinations**

#### **Great Oakley Parish Council**

**No determinations**

#### **Harwich Town Council**

<i>19/01509/FUL Approval - Full 19.12.2019 Delegated Decision</i>	<i>Mr Ivan Cranfield - Commodore of Harwich and Dovercourt S/C</i>	<i>Proposed metal pole no higher than 4.5 metres with a diameter of no more than 0.15 metres for attaching a cctv camera.</i>	<i>Harwich and Dovercourt Sailing Club Gas House Creek Harwich Essex CO12 3HQ</i>
01	The development hereby permitted shall be begun before the expiration of three years from the date of this permission.		
Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.			
02	The development hereby permitted shall be carried out in accordance with the following approved plans, the untitled Block Plan showing the location of the proposal, the untitled Google Maps image showing the location of the proposal, the document titled 'HDSC Plan for Application', and the five photographs of the site, each providing a description of where the		

<i>Application No. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
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proposal is to be sited.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 03 The proposed light sources for all of the externally illuminated CCTV unit shall be so positioned and shielded in perpetuity as to direct light towards the proposed areas highlighted in the application.

Reason: To ensure that glare and dazzle is not caused to traffic in the adjoining highway, in the interests of highway safety.

<i>19/01571/FUL Approval - Full 18.12.2019 Delegated Decision</i>	<i>Mr and Mrs G Marvan</i>	<i>Proposed detached flat roof garage.</i>	<i>67 Devon Way Dovercourt Harwich Essex CO12 4RB</i>
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- 01 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans: MDW01 Rev A; received 21st October 2019.

Reason - For the avoidance of doubt and in the interests of proper planning.

<i>19/01622/FUL Approval - Full 18.12.2019 Delegated Decision</i>	<i>Mr and Mrs G Antliff</i>	<i>Proposed residential dwelling house.</i>	<i>422 Main Road Harwich Essex CO12 4DW</i>
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- 01 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans, drawing numbers 7A, 6A, 4A, 3A, 1A, 14, 13A and 5A.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 03 Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

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



<i>Application No. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
04	No unbound material shall be used in the surface treatment of the vehicular access or driveway.		
Reason - To avoid displacement of loose material onto the highway in the interests of highway safety.			
05	Prior to the occupation of the proposed dwelling, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of the footway and provided with an appropriate dropped kerb crossing of the footway.		
Reason - To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.			
06	There shall be no discharge of surface water onto the Highway.		
Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.			
07	The proposed dwelling shall not be occupied until such time as the vehicle parking area indicated on drawing number 1A has been hard surfaced, and sealed. The vehicle parking area and associated turning area shall be retained in this form at all times.		
Reason - To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety.			

### **Lawford Parish Council**

<i>19/01778/NMA Approval Non Material Amendment 19.12.2019 Delegated Decision</i>	<i>Mr David Sorrell</i>	<i>Non material amendment for 19/01042/FUL to omit rear balcony. Rear elevation will now be a standard gable end wall.</i>	<i>Hawthornes 43 School Lane Lawford Manningtree Essex CO11 2JA</i>
01	The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. 230/PL/03/NMA and 230/PL/04/NMA.		
Reason - For the avoidance of doubt and in the interests of proper planning.			

### **Little Bentley Parish Council**

<i>19/01595/FUL Approval - Full 17.12.2019</i>	<i>Mr Paul Ross</i>	<i>Proposed single storey side, rear and front extensions.</i>	<i>1 Oak Tree Cottages Church Road Little Bentley Colchester Essex CO7 8SG</i>
01	The development hereby permitted shall be begun before the expiration of three years from the date of this permission.		

<i>Application No. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
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Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 1 Revision A.

Reason - For the avoidance of doubt and in the interests of proper planning.

### **Little Bromley Parish Council**

#### **No determinations**

### **Little Clacton Parish Council**

<i>19/00840/FUL Approval - Full 18.12.2019 Delegated Decision</i>	<i>Mr's G, T, and N Georgiou</i>	<i>Proposed change of use from A1 to A5 to provide hot food takeaway with two bedroom flat above.</i>	<i>Brays DIY 54-56 The Street Little Clacton Clacton On Sea Essex CO16 9LF</i>
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- 01 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans, the untitled Site Location Plan, the untitled plans received 7 October 2019 showing the siting of the extraction system, the untitled Noise Assessment Report, the documents titled 'Block Plan', and drawing numbers 1 and 2.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 03 The development shall not be occupied until such time as the residential element of the proposal has been allocated car parking spaces for two vehicles which has been appropriately signed and marked out in parking bays for private use. The car parking area shall be retained and maintained in this form at all times thereafter and shall not be used for any purpose other than the parking of vehicles related to the use of the two bedroom flat.

Reason - To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

- 04 Prior to the occupation of the proposed development, details of the provision for the storage of bicycles for the residential element and the parking of bicycles for the commercial element, sufficient for all occupants or visitors of that development of a design that shall be previously approved in writing by the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

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Reason - To promote the use of sustainable means of transport.

<i>19/01081/OUT Refusal - Outline 18.12.2019</i>	<i>Michael Rockall - Sole Bay Developments Limited</i>	<i>Outline application for 81 no. dwellings.</i>	<i>Land to The South of Holland Road Little Clacton Clacton On Sea Essex CO16 9RZ</i>
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- 01 The National Planning Policy Framework (2019) states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be sought where they meet all the following tests: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

The applicant in support of the planning application submitted a Viability Study that indicated that the scheme could not support the full Section 106 planning obligation contributions. In terms of applying the titled balance to the planning merits of the case, it is considered in this instance that the relative weight that should be given to the need to provide housing in the District is not sufficient to outweigh the low level of contributions that will be provided to mitigate the impacts of the scheme in terms of addressing the additional demands on education and healthcare and the absence of policy compliant affordable housing requirements.

The emerging policy SAMU3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) sets out the specific requirements for the wider mixed use allocation of which this site is a part.

In particular the policy states, amongst other things, that proposals must accord with the following;

- Financial contributions to early years and childcare, primary and secondary education provision, as required by the Local Education Authority primarily through Section 106 Planning Obligations or the Community Infrastructure Levy;
- Financial contributions towards community facilities such as health provision as required by the NHS/CCG either through the Community Infrastructure Levy or Section 106 Planning Obligations; and
- affordable housing as per the Council's requirements.

In this instance it is evident that the development as proposed cannot achieve the required level of s106 contributions or affordable housing provision. As a result the development is contrary to the above-mentioned saved and emerging local plan policies and not in accordance with the specific requirements of the emerging mixed-use allocation.

Policy COM26 of the Tendring District Local Plan states where necessary planning permission will only be granted for residential developments of 12 or more dwellings if land and/or financial contributions are made to provide the additional school places that will be needed to service the development. Policy PP12 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft states planning permission will not be granted for new residential development unless the individual or cumulative impacts of development on education provision can be addressed, at the developer's cost, either on-site or through financial contributions towards off-site improvements. A completed Section 106 obligation has not been completed to secure such requirements has not been provided prior to the application

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determination date and the application is therefore contrary to the above policies.

Policy HP1 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft states that the Council will seek contributions towards new or enhanced health facilities from developers where new housing development would result in a shortfall or worsening of health provision. NHS England has identified the need for financial contributions towards local health services. A completed Section 106 obligation to secure these contributions has not been completed or secured prior to the application determination date and the application is therefore contrary to the above policy.

Saved Policy HG4 of the Tendring District Local Plan (2007) requires up to 40% of new dwellings on residential schemes of 5 or more units to be provided in the form of affordable housing to meet the needs of people that are unable to access property on the open market. Emerging Policy LP5 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) which is based on more up-to-date evidence of housing need and viability, requires for developments of 11 or more dwellings, the Council expect 30% of new dwellings to be made available to Tendring District Council or an alternative provider to acquire at a proportionate discounted value for use as affordable housing. A completed S106 obligation has not been completed to secure this level of provision prior to the application determination date and the application is therefore contrary to the above policy.

Saved Policy COM6 and emerging Policy HP5 state that for residential development on a site of 1.5ha and above, where existing public open space and/or play equipment are inadequate shall provide appropriate provision on-site or by way of a financial contribution towards the provision of new or improved off-site facilities to meet the projected needs of future occupiers of the development. There is an identified deficit of equipped play and formal open space in Clacton-on-Sea. Due to the limited play provision in Clacton-on-Sea, any further development in the area will increase the current deficit further and put greater demand on already stretched facilities and accordingly an off-site contribution towards enhancements at Foots Farm play area is requested. There will also be a need to provide on-site open space and if this is to be maintained by the Council then provisions will need to be secured through a Section 106 obligation. Without such provisions being secured the proposals are contrary to the above policies.

A completed Section 106 obligation to secure the relevant contributions towards education, health, open space/play space and affordable housing has not been provided and is therefore contrary to the above policies.

02 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. This residential development lies within the Zone of Influence of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The residents of new housing are therefore considered likely to regularly visit relevant designated sites for recreation. In order to avoid a likely significant effect in terms of increased recreational disturbance to coastal European designated sites (Habitats sites) mitigation measures will need to be in place prior to occupation. A proportionate financial contribution has not been secured in accordance with the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements.

The development is therefore contrary to Paragraph 175 of the National Planning Policy Framework, Policy EN11a in the adopted Local Plan and Policy PPL4 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

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## Little Oakley Parish Council

<i>19/01621/FUL Approval - Full 18.12.2019 Delegated Decision</i>	<i>Mr Palmby</i>	<i>Variation of condition 02 (approved plans) of planning permission 18/01772/FUL.</i>	<i>17 Mayes Lane Ramsey Harwich Essex CO12 5EJ</i>
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- 01 The development hereby permitted shall be begun before the expiration of three years from 8th May 2019.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No.: 6060-09 Rev\_D, Drawing No.: 6060/12 Rev\_B and Drawing No.: 6060/13 Rev B submitted with application 18/01772/FUL and Drawing No.: 6060/11 Rev\_E submitted with application 19/01621/FUL.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 03 No above ground works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include all boundary treatments and any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 - Trees in Relation to Design, Demolition and Construction."

Reason - To soften and enhance the development in the interests of visual amenity.

- 04 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out 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 agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the adequate maintenance of the approved landscaping scheme for a period of five years in the interests of the character of the area.

- 05 No above ground works shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings and boundary walls hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of visual amenity as insufficient information has been submitted within the application for full consideration of these details.

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06		No above ground level works shall take place until precise details of the provision, siting, design and materials of screen walls and fences have been submitted to and approved in writing by the Local Planning Authority. The approved screen walls and fences shall be erected prior to the occupation of the development and thereafter be retained in the approved form unless otherwise agreed in writing by the Local Planning Authority.	
Reason - To ensure that the development is appropriate within its setting as insufficient details have been provided with the application.			
07		Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of fences, walls or other enclosures (other than those on the approved details) shall be erected forward of the front elevation of the dwellings hereby approved.	
Reason - In the interests of visual amenity.			
08		Notwithstanding the provisions of Schedule 2 Part 1 Classes A, B, C, D 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, porches or alterations to the dwellings or their roofs shall be carried out and no outbuildings, enclosures, swimming or other pools shall be erected 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 ensure that sufficient private amenity space for the dwelling is retained and in the interests of residential amenities.			
09		No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.	
Reason - To avoid displacement of loose material onto the highway in the interests of highway safety.			
10		No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:	
		i. the parking of vehicles of site operatives and visitors	
		ii. loading and unloading of plant and materials	
		iii. storage of plant and materials used in constructing the development	
		iv. wheel and under body washing facilities	
Reason - To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety.			
11		No construction works or deliveries in connection with the development shall take place outside the hours of 0700 hours and 1900 hours Monday to Friday and 0800 hours and 1300 hours Saturdays, with the exception of any piling or other percussive works which shall not take place outside the hours of 0800 hours and 1700 hours Monday to Friday.	
Reason - To protect the local amenity and reduce the likelihood of complaints of statutory nuisance.			
12		All new driveways and parking areas shall be made of porous materials, or provision shall be	

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made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellings.

Reason - In the interests of sustainable development and to ensure that run-off water is avoided to minimise the risk of surface water flooding.

- 13 Prior to first occupation of the dwellings hereby approved, the proposed vehicle parking area indicated on the approved plans shall be hard surfaced, sealed and marked out in parking bays and retained in this form at all times for the parking of vehicles associated with each dwelling.

Reason - To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety.

- 14 Each vehicular parking space shall have minimum dimensions of 2.9m x 5.5m.

Reason - To ensure adequate space for parking off the highway is provided in the interest of highway safety.

### **Manningtree Town Council**

<i>19/01521/FUL Approval - Full 20.12.2019 Delegated Decision</i>	<i>Mr and Mrs Goodwin</i>	<i>Proposed loft conversion, balcony extension, replacement windows to front elevation, new roof- lights and upper-storey window.</i>	<i>Dry Dock 4 Quay Street Manningtree Essex CO11 1AU</i>
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- 01 The works hereby permitted shall begin before the expiration of three years from the date of this consent.

Reason - To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 02 The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing No. PA-13C, Drawing No. PA -11B and Drawing No. PA-12B.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 03 No development shall be commenced until samples of the materials to be used in the Balcony have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development and permanently maintained as such.

Reason - To ensure materials are of a very high quality to respect the building and its setting within the Conservation Area.

- 04 Before any work is commenced drawings to a scale of not less than 1: 20 fully detailing the new windows and rooflights and their surrounds to be used and indicating; materials, cross sections for glazing bars, sills, heads etc at a scale of 1:20, method of opening and method of glazing shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be installed/carried out in complete accordance with the approved

<i>Application No. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
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details.

Reason - In order to preserve and enhance the setting of the Conservation Area.

### **Mistley Parish Council**

<i>19/01470/FUL Approval - Full 19.12.2019 Delegated Decision</i>	<i>Mr Matthew Pratt and Miss Toni Spurgin</i>	<i>Proposed two storey and single storey side extensions, single storey rear extension and detached garage.</i>	<i>The Old School House Clacton Road Horsley Cross Manningtree Essex CO11 2NT</i>
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- 01 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 02 The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing No. 23-2019-03P, Drawing No. 23-2019-04PA, Drawing No. 23-2019-05PA and Drawing No. 23-2019-06PA.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 03 The extensions hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Old School House, Clacton Road, Horsley Cross, Manningtree, Essex, CO11 2NT.

Reason - The site is unsuitable for an independent residential unit.

- 04 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the first floor window on the south side elevation serving the master bedroom shall be glazed in obscure glass before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason - To protect the privacy and amenities of the occupiers of adjoining property.

<i>19/01499/FUL Approval - Full 16.12.2019 Delegated Decision</i>	<i>Mr and Mrs R Southernwood</i>	<i>Proposed single storey rear extension and alterations.</i>	<i>102 Harwich Road Mistley Manningtree Essex CO11 2DE</i>
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- 01 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990,



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as amended by the Planning and Compulsory Purchase Act 2004.

- 02 The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing Number 1812/882-102 Revision B.

Reason - For the avoidance of doubt and in the interests of proper planning.

<i>19/01761/TCA Approval - Full 16.12.2019 Delegated Decision</i>	<i>1 No. Willow Tree - Fell</i>	<i>Appletree House Barnfield Manningtree Essex CO11 2AB</i>
<i>19/01774/TCA Approval - Full 16.12.2019 Delegated Decision</i>	<i>T1, Lombardy Poplar - fell. T2 and T3, Willow- Re-coppice. T4, Sycamore - Fell.</i>	<i>Portishead House The Walls Mistley Manningtree Essex CO11 1ET</i>

**Ramsey & Parkeston Parish Council**

**No determinations**

**St Osyth Parish Council**

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19/01775/TCA Approval - Full 16.12.2019 Delegated Decision	Harwood	<p>Front Garden, Right hand boundary. T1 Large Buddleia Tree - Reduce by 50%. T2 Ash Tree - Reduce to height of fence. T3 Elderberry Tree - Fell.</p> <p>Area behind garage. H1 Privet Hedge - Fell.</p> <p>Rear Garden, right hand side. T4 Cherry Sapling, T5 Ivy Covered Cherry Tree, T6 Ash Tree - Fell. T7 Prunus - Reduce by 50%. T8 Buddleia - Reduce to height of fence.</p> <p>Rear Boundary. T9 Cherry - Reduce branches over lawn by 50%. T10 Purple Prunus - Reduce crown by 50%, Remove deadwood. T11 Sycamore - Reduce crown by 50%.</p> <p>Left hand boundary. T12 Lilac - Reduce by 2m. T13 Prunus - Reduce crown by 50%. H2 Privet Hedge - Fell.</p> <p>Rear of House. T14 Purple Prunus - Reduce crown by 50%. T15 Hawthorn and T16 Copper Beach Tree - Fell. T17 Purple Prunus - Reduce by 50%. T18 - T42, 25 Holly Trees - Reduce branches back 1m on church side, 20ft able ground level.</p>	<p>Vicarage The Bury St Osyth Clacton On Sea Essex CO16 8NX</p>

**Tendring Parish Council**

**No determinations**

**Thorpe-le-Soken Parish Council**

<i>Application No. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
19/01527/FUL Refusal - Full 18.12.2019 Committee Decision	Mrs Christine Hickford	Proposed erection of three detached 3 bed bungalows.	Owl Lodge Vicarage Lane Thorpe Le Soken Clacton On Sea Essex CO16 0EH

- 01 The site lies outside of any Settlement Development Boundary as defined within both the adopted Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. These sentiments are carried forward in emerging Policy SPL1 of the Publication Draft.

The National Planning Policy Framework 2019 (NPPF) requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

At the time of this report, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination in Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

Whilst it is recognised that there would be conflict with Saved Policy QL1 (as recognised by the Inspector) and Emerging Policy SPL1 in terms of the site being sited outside the settlement development boundary, as stated above, in the context of the 5 year housing land supply paragraph 11 d) of the NPPF requires applications for housing development to be assessed on their merits, whether sites are allocated for development in the Local Plan or not and it is important to consider whether any circumstances outweigh this conflict. Development should be plan led unless material considerations indicate otherwise. However, in line with Paragraph 8 of the National Planning Policy Framework (2019), achieving sustainable development means meeting an economic objective, a social objective and an environmental objective.

Paragraph 8 of the National Planning Policy Framework 2019 (NPPF) sets out the overarching objectives for achieving sustainable development, one being the environmental objective which requires the planning system to contribute to protecting and enhancing our natural, built and historic environment. Furthermore, Paragraph 127 of the NPPF requires that development should respond to local character and history, and reflect the identity of local surroundings. It goes on to say that local distinctiveness should be promoted and reinforced. Saved Policy QL9 and EN1 of the Tendring District Local Plan (2007) and Policy SPL3 and

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PPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to ensure that development is appropriate in its locality and does not harm the appearance of the landscape.

The application site is located behind the strong existing frontage running east to west along Vicarage Lane. Consequently the proposal would result in a localised change to the immediate surrounding area, appearing out of character and resulting in a negative and harmful visual impact. The proposal would therefore fail the environmental dimension of sustainable development, while the small public benefits of three dwellings at a time when the Council is unable to demonstrate a five year housing land supply does not outweigh this identified harm.

02 Paragraph 109 of the National Planning Policy Framework (2019) states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy TR1a of the Adopted Local Plan 2007 states proposals for development affecting highways will be considered in relation to the road hierarchy to reducing and preventing hazards and inconvenience to traffic and to the effects on the transport system including the physical and environmental capacity to accommodate the traffic generated.

The proposed development, combined with that previously approved to the east under planning reference 16/01386/OUT, will cumulatively result in significant harmful impacts upon the local highway network, in particular the bridleway running north to south along St Michael's Road. The intensification to this highway would cause danger, obstruction and congestion, contrary to the interests of highway safety.

<i>19/01558/FUL Approval - Full 17.12.2019 Delegated Decision</i>	<i>Mrs S Kandiah</i>	<i>Proposed single storey rear extension.</i>	<i>28 Abbey Crescent Thorpe Le Soken Clacton On Sea Essex CO16 0LH</i>
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01 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

02 The development hereby permitted shall be carried out in accordance with the following approved plan: 01, received 17 Oct 2019.

Reason - For the avoidance of doubt and in the interests of proper planning.

<i>19/01573/FUL Approval - Full 16.12.2019 Delegated Decision</i>	<i>Mr and Mrs J Wells</i>	<i>Proposed side addition to bungalow.</i>	<i>49 The Spennells Thorpe Le Soken Clacton On Sea Essex CO16 0NR</i>
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01 The development hereby permitted shall be begun before the expiration of three years from

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the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

02 The development hereby permitted shall be carried out in accordance with the following approved plan; Drawing No. 1

Reason - For the avoidance of doubt and in the interests of proper planning.

### **Thorrington Parish Council**

<i>19/00780/FUL Approval - Full 19.12.2019 Delegated Decision</i>	<i>Mrs Baines</i>	<i>Retrospective application for the erection of an agricultural building, the stationing of 2 no. holiday let shepherds huts and storage of materials and equipment in association with the landscaping business in operation from the site.</i>	<i>Mill Farm Brightlingsea Road Thorrington Colchester Essex CO7 8JJ</i>
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01 The development hereby permitted shall be carried out in accordance with the following approved plans, documents titled 'Site Location Plan', 'Block Plan', 'Storage Area Layout Plan', 'Planning, Design and Access & Heritage Statement; Mill Farm', the two untitled drawings showing elevations and floor plans for the shepherds huts, and drawing numbers G [1] Rev B and G [3] Rev A.

Reason - For the avoidance of doubt and in the interests of proper planning.

02 No shepherds hut shall be occupied between 14 January and 28 February inclusive in any year but during that period may be used for storage of household effects.

Reason - To ensure that the accommodation remains in holiday use in support of planning policies aiming to encourage tourism and does not become a permanent residential use.

03 The shepherds huts shall be occupied for holiday purposes only.

Reason - To ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation.

04 The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual shepherds huts on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason - To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation.

05 No goods or materials shall be stored, stacked or deposited on the site except in the designated areas shown on the document titled 'Storage Area Layout Plan'. The external storage shall also not exceed 3 metres in height.

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Reason - In order to protect the setting of the nearby listed buildings, and to also protect the setting of the surrounding landscape.

<i>19/01569/FUL Approval - Full 16.12.2019 Delegated Decision</i>	<i>Mr and Mrs A Webster</i>	<i>Proposed first floor extension including new roof, new porch and single storey rear extension.</i>	<i>33 Clover Drive Thorrington Colchester Essex CO7 8HL</i>
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- 01 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans: 233-01-02 A , 233-01-03 A, 233-01-05 A and 233-01-04 A, received 21st October 2019.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 03 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no windows shall be inserted in the south east or north west elevations of the enlarged roof or side extension except in accordance with details which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of the amenities of the occupants of neighbouring property.

### **Weeley Parish Council**

<i>19/01278/FUL Approval - Full 17.12.2019 Delegated Decision</i>	<i>Mr Paul Harris</i>	<i>Proposed two storey side extension.</i>	<i>Cotswold Clacton Road Weeley Heath Clacton On Sea Essex CO16 9DZ</i>
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- 01 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 02 The development hereby permitted shall be carried out in accordance with the following approved plan illustrating the site plan, block plan, the proposed and existing floor plans and the proposed and existing elevations scanned on the 16th December 2019 and email dated 17th December 2019 stating that the first storey side window will be obscure glazed.

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Reason - For the avoidance of doubt and in the interests of proper planning.

- 03 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), the first floor window on the north west elevation shown on approved plan illustrating the site plan, block plan, the proposed and existing floor plans and the proposed and existing elevations scanned on the 16th December 2019 and email dated 17th December 2019 stating that the first storey side window will be obscure glazed., shall be obscure glazed prior to occupation and shall thereafter be permanently retained in this approved form.

Reason - To protect the privacy and amenities of the occupiers of adjoining property.

<i>19/01570/FUL Approval - Full 16.12.2019</i>	<i>Mrs Wright</i>	<i>Proposed single storey rear extension.</i>	<i>5 Barleyfield Drive Weeley Clacton On Sea Essex CO16 9DW</i>
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- 01 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans; Drawing Title Location Plan, Drawing Title Proposed Plans .

Reason - For the avoidance of doubt and in the interests of proper planning.

### **Wix Parish Council**

<i>19/00996/FUL Approval - Full  Delegated Decision</i>	<i>Mr Orriss - Gipping Construction Ltd</i>	<i>Proposed construction of 9 No. houses, provision of new accesses and widening of footpath.</i>	<i>Land East of Chapelfields Harwich Road Wix Essex CO11 2RY</i>
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- 01 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 02 The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing No. 681/30 A, Drawing No. 681/31 A, Drawing No. 681/32 A, Drawing No. 681/33 C, Drawing No. 681/38 A, Drawing No. 681/37 A, Drawing No. 681/36 C, Drawing No. 681/34 C and Drawing No. 681/35 C.

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Reason - For the avoidance of doubt and in the interests of proper planning.

- 03 No above ground works shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of visual amenity as insufficient information has been provided within the application.

- 04 No above ground works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include all boundary treatments and any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 - Trees in Relation to Design, Demolition and Construction."

Reason - To ensure that the development is appropriate within its setting.

- 05 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out 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 agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the adequate maintenance of the approved landscaping scheme for a period of five years in the interests of the character of the area and the quality of the development.

- 06 No above ground level works shall take place until precise details of the provision, siting, design and materials of screen walls and fences have been submitted to and approved in writing by the Local Planning Authority. The approved screen walls and fences shall be erected prior to the occupation of the dwelling and thereafter be retained in the approved form unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the development is appropriate within its edge of settlement location conservation area and special character area setting and in the interests of residential amenity.

- 07 The development hereby approved shall be carried out in accordance with the findings and recommendation of the accompanying PHASE 1 GEO-ENVIRONMENTAL DESK STUDY REPORT Reference Number 1131/Rpt 2v1 dated July 2019.

Reason - Having regard to the former potentially contaminative use of the land.

- 08 No development or preliminary ground-works shall take place until a detailed ecological enhancement and management scheme be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with Section 8.0 Recommendations and Appendix 5 of the accompanying Hillier Ecology Extended Phase 1 Survey dated June 2019 and include a timetable for implementation. The development shall be implemented in



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accordance with the approved works prior to the occupation of the hereby approved dwellings.

Reason - To preserve and enhance the biodiversity of the site.

- 09 The removal of all vegetation shall only be carried out outside of the bird nesting season (March to August inclusive).

Reason - To ensure the protection of birds potentially nesting on site.

- 10 Prior to occupation of the development, the private accesses at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 45 metres in both directions as per block plan drawing no. 681/30 A, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the private accesses are first used by vehicular traffic and retained free of any obstruction at all times.

Reason - To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety.

- 11 Prior to occupation of the development the existing footway across the entire frontage of the site shall be widened to 2 metres as per Drawing No. 681/30 A and shall include new kerbing, surfacing, any adjustments in levels and any accommodation works to the footway and carriageway channel and making an appropriate connection in both directions to the existing footway.

Reason - To make adequate provision within the highway for the continued safe passage of pedestrians.

- 12 No unbound material shall be used in the surface treatment of the private vehicular accesses.

Reason - To avoid displacement of loose material onto the highway in the interests of highway safety.

- 13 Prior to the occupation of any of the proposed dwellings, the proposed private drives shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of the Highway Boundary and provided with an appropriate dropped kerb crossing of the footway.

Reason - To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.

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

Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- 15 Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason - To ensure adequate space for parking off the highway is provided in the interest of highway safety.

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

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

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- 17 The proposed/any new 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.

- 18 No development shall commence, including any groundworks, until a Demolition/Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Demolition/Construction Method Statement shall provide for:

- safe access to/from the site;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during demolition and construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- details of hours of deliveries relating to the demolition and construction of the development;
- details of hours of site clearance or construction;
- a scheme to control noise and vibration during the demolition and construction phase, including details of any piling operations.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

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

- 19 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.

- 20 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, C, D and E 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 provision of buildings, extensions, additions or openings, porches, enclosures, swimming or other pool shall be erected or installed on the dwellings hereby approved except in accordance with drawings showing the design and siting of such building(s) or alterations which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - To retain control over the development of the site in the interests of neighbouring residential amenity and to ensure the property maintains an appropriate amount of private amenity space.

- 21 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of fences, walls

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or other enclosures, shall be erected forward of the front elevation of the dwellings hereby approved.

Reason - In the interests of visual amenity and the character and appearance of the area.

- 22 No development or preliminary ground-works can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the Local Planning Authority. Following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/or preservation in situ through re-design of the development shall be submitted to the Local Planning Authority.

Reason - The planning application has been identified as having the potential to harm designated and non-designated heritage assets with archaeological interest.

- 23 No development or preliminary groundwork can commence on those areas of the development site containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy, which has been discharged by the Local Planning Authority.

Reason - The planning application has been identified as having the potential to harm designated and non-designated heritage assets with archaeological interest.

- 24 Following completion of the archaeological fieldwork, the applicant will submit to the Local Planning Authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the planning authority), which will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason - The planning application has been identified as having the potential to harm designated and non-designated heritage assets with archaeological interest.

- 25 The development shall be carried out in strict accordance with the ARBORICULTURAL REPORT dated 25th June 2019 and Tree Protection Measures contained therein.

Reason - In order to safeguard the trees to be retained in the interests of the visual amenity and biodiversity.

<i>19/01576/FUL Refusal - Full 16.12.2019 Delegated Decision</i>	<i>Flanagan</i>	<i>Proposed new dwelling.</i>	<i>Land adjacent Old Thatched Cottage Stones Green Road Tendring Clacton On Sea Essex CO16 0DD</i>
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- 01 The site lies outside of any Settlement Development Boundary as defined within both the adopted Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. These sentiments are

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carried forward in emerging Policy SPL1 of the Publication Draft.

The National Planning Policy Framework 2019 (NPPF) requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

At the time of this report, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination in Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

Whilst it is recognised that there would be conflict with Saved Policy QL1 (as recognised by the Inspector) and Emerging Policy SPL1 in terms of the site being sited outside the settlement development boundary, as stated above, in the context of the 5 year housing land supply paragraph 11 d) of the NPPF requires applications for housing development to be assessed on their merits, whether sites are allocated for development in the Local Plan or not and it is important to consider whether any circumstances outweigh this conflict.

Emerging Policy SPL1 of the Publication Draft of the Local Plan 2017 includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations therefore being in line with the aims of the aforementioned paragraph 8 of the NPPF. This is the emerging policy equivalent to Saved Policy QL1 of the adopted Tendring District Local Plan 2007 which states that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. Both Wix and Tendring are categorised as Villages within the adopted Local Plan and Smaller Rural Settlements within the emerging Local Plan in recognition of their size and limited range of services and amenities.

In this instance, the site is located approximately 3.4km from the edge of the defined settlement boundary of Wix and approximately 1.9km from the edge of the defined settlement boundary of Tendring.

The site is not within a practical or safe walking distance of either settlement having no footpaths or street lighting. In this regard, there is no access to day to day needs and it is highly likely that the occupants of the proposed dwellings would be car dependant failing to promote sustainable modes of transport therefore failing to meet the social strand of sustainable development.

Regardless of the Council's 5 year housing land supply, the proposal is considered to fail the social objective. This together with the conflict with Saved Policy QL1 of the adopted plan and emerging Policy SPL1 amounts to an unsustainable form of development.

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- 02 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 dwelling on a site that lies within the Zone of Influence (Zol) being approximately 700 metres from the Hamford Water Ramsar and SPA. Since the development is for one dwelling only, the number of additional recreational visitors would be limited and the likely effects on Hamford Water from the proposed development alone may not be significant. However, new housing development within the Zol would be likely to increase the number of recreational visitors to Hamford Water 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 proportionate financial contribution has not been secured in accordance with the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements. As submitted, there is no certainty that the development would not adversely affect the integrity of Habitats sites.

The proposal is therefore considered to be contrary to Policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

## **Wrabness Parish Council**

### **No determinations**