



TENDRING DISTRICT COUNCIL

Planning Services

Council Offices, Thorpe Road, Weeley, Clacton-on-Sea, Essex CO16 9AJ

AGENT:	Mr Tom Sainty - Vaughan & Blyth (Construction Ltd) Estuary House Whitehall Road Colchester Essex CO2 8HA	APPLICANT:	Rusden Ltd C/o Estuary House Whitehall Road Colchester Essex CO2 8HA
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TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 18/01155/FUL **DATE REGISTERED:** 12th July 2018

Proposed Development and Location of the Land:

Variation of condition 18 (Approved Drawings) to approved planning application 17/01510/FUL - to allow repositioning of Bungalows on plots 2 to 3.

181 Wivenhoe Road Alresford Colchester Essex

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY GRANT PLANNING PERMISSION** in accordance with the application form, supporting documents and plans submitted, subject to the following conditions;

- 1 The development hereby permitted shall be begun before 13th November 2020.

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.

- 2 The materials used in construction shall be those stipulated on the 'Materials Schedule' approved under reference 18/00902/DISCON.

Reason - The development is publicly visible and therefore sympathetic materials are a visually essential requirement.

- 3 The approved scheme of landscaping shown on drawing no's. 626/1 A (approved under planning reference - 18/00902/DISCON) and 626/2 D shall be implemented not later than the first planting season following commencement of the development (or within such extended period or phased arrangement as the Local Planning Authority may allow) and shall thereafter be retained and maintained for a period of five years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

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

- 4 Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 70 metres in both

directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

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

- 5 Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted 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 in the interest of highway safety.

- 6 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.

- 7 Prior to the first occupation of the development, the proposed access drive shall be constructed to a width of 5.5 metres and provided with an appropriate dropped kerb crossing of the footway to the satisfaction of 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.

- 8 Prior to occupation of the development the refuse collection point, as shown on the submitted plan, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason - To ensure sufficient refuse collection points are provided within the site, in the interests of highway safety and amenity.

- 9 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 The development shall be carried out in accordance with the Tree Protection Methods outlined on the approved Tree Protection Plan no. 6288-D Revision A (as prepared by Hayden's Arboricultural Consultants).

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

- 11 The development shall be carried out in strict accordance with the ecological mitigation measures approved under 18/00902/DISCON and outlined in the following documents;

- Ecological Appraisal (dated 6th September 2017)
- Ecological Enhancement and Reptile Mitigation Plan (dated - 21st March 2018); and
- Letter from Liz Lord Ecology outlining reptile translocation methodology (dated 2nd July 2018).

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

- 12 The external lighting scheme shall be implemented in accordance the details approved under planning reference 18/00902/DISCON outlined within the applicant's covering letter dated 6th June 2018.

Reason - To ensure adequate safeguarding of the amenity of nearby properties and prevent the undesirable, disruptive and disturbing effects of light pollution.

- 13 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class B and C 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 enlargement, improvement or other alteration to the roof of the dwelling shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of visual and residential amenities.

- 14 The development shall be carried out in strict accordance with the ecological enhancement measures approved under 18/00902/DISCON and outlined in the following document;

- Ecological Enhancement and Reptile Mitigation Plan (dated - 21st March 2018)

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

- 15 The development shall be carried out in strict accordance with the land contamination mitigation measures approved under 18/00902/DISCON and outlined in the following documents;

- Report on Phase 2 Ground Investigation and Contamination Assessment at Land to the Rear of 169-181 Wivenhoe Road, Alresford Essex. Report Ref - 17-2637r(a) and dated April 2018; and

- Remediation Method Statement for Land to the Rear of 169-181 Wivenhoe Road, Alresford, Essex. Report Ref - 17-2637r(b).

Reason - To protect future residents against any potential contaminants present on the site.

- 16 Prior to the first occupation of the bungalows on plots 3-8 (inclusive) the recommendations as outlined at section 6.8 of the submitted 'Environmental Noise Assessment' (as prepared by Sharps Redmore dated 30th August 2017 and approved under planning reference 17/01510/FUL), shall be installed and retained as approved.

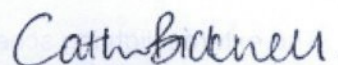
Reason - To protect future residents against noise and disturbance from trains using the railway line to the north, in the interests of amenity.

- 17 The development hereby permitted shall be carried out in accordance with the following approved plans: 626/1 Rev A, 626/2 Rev D, 626/3, 626/4, 626/5, 626/6, 626/7, 626/8, 626/9, 626/10, 626/11, 626/12 and 6288-D Revision A.

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

DATED: 4th September 2018

SIGNED:



Catherine Bicknell
Head of Planning

IMPORTANT INFORMATION :-

The local planning authority considers that the following policies and proposals in the development plan are relevant to the above decision:

- NPPF National Planning Policy Framework July 2018
- National Planning Practice Guidance
- Tendring District Local Plan 2007
- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- HG9 Private Amenity Space
- HG14 Side Isolation
- TR1A Development Affecting Highways
- TR7 Vehicle Parking at New Development
- EN1 Landscape Character
- EN6 Biodiversity
- EN6A Protected Species
- Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- LP1 Housing Supply
- LP3 Housing Density and Standards
- LP4 Housing Layout
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highway Informatives

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

Highway Works - All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

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

Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

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

Site Workers - Steps should be taken to ensure that the Developer provides sufficient turning and off loading facilities for delivery vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

Standard Informative 1: The Provisions of the Essex Act 1987, Section 13 (Access for the Fire Brigade) may apply to this Development and will be determined at Building Regulation Stage.

Standard Informative 2: You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control section at Tendring District Council.

Standard Informative 3: If the development includes the construction of a new building on or at the boundary of 2 properties, work to an existing party wall or party structure or involve

excavation near to and below the foundation level of neighbouring buildings, you are advised that the provisions of the Party Wall Act 1996 may apply to this development. An explanatory booklet concerning the implications of this Act is available online or from the District Council.

The attached notes explain the rights of appeal.

NOTES FOR GUIDANCE

WHEN PLANNING PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within the set time frame as outlined below:
 - a. If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Householder Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - b. If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - c. If you want to appeal against your local planning authority's decision on a development which is not caught by a. and b. above then you must do so within **6 months** of the date of this notice. A **Planning Appeal Form** is required, available online <https://www.gov.uk/planning-inspectorate>
- Appeals must be made using the relevant form (as detailed above) which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. **Please note, only the applicant possesses the right of appeal.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions imposed having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by the Secretary of State.

ENFORCEMENT

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.