



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT:

Mr Laurie Anderson - Stanley
Bragg Architects Limited
Pappus House
Tollgate West
Stanway
Colchester
CO3 8AG

APPLICANT:

Mr Lee Walsom - Stockplace
Homes Limited
Mill House Barn
Mill Lane
Hartford End
Chelmsford
Essex
CM3 1JZ

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 18/00735/FUL

DATE REGISTERED: 4th May 2018

Proposed Development and Location of the Land:

Variation of Condition 2 of planning permission 16/02107/FUL to substitute approved drawings with new drawings to include additional garages, changes to the detailed design and boundary treatments, pumping station and amended drainage strategy, and details to discharge conditions 3, 8, 9, 15, 17, 18, 19, 22, 23, and 24 of 16/02107/FUL.

Bramcote Thorpe Road Clacton On Sea 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 20th October 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 development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Submitted under 16/02107/FUL: Arboricultural Impact Assessment Ref TPSarb6020316, Ecological Scoping Survey dated June 2017, Contamination Assessment Report No: 15-2491r, Transport Statement dated December 2016, Flood Risk Assessment and Surface Water Management Plan Report No 10156/R01/03, and Noise Assessment dated 17th May 2017.

Drawing numbers 6550 - 1101 C, 1103 F, 1111 P8, 1112 P8, 1113 P8, 1114 P8, 1115 P6, 1260 P1, 1261 P1, 1262, 1263 P1, 1264 P1, 1265 P1, 1266 P1, 1267 P1, 1268 P1, 1269 P1, 1270 P1, 1271 P1, 1272 P2, 1360 P1, 1361 P1, 1362, 1363 P1, 1364 P1, 1365 P1, 1366 P1, 1367 P1, 1368 P1, 1369 P1, 1370 P1, 1371 P1, 1372 P2, 1504, 1506, and 2001 P1; 17-028/ 365 P2, 580 T1, 1010 T2, and 571 T1; 6352/1601; and NC 17.416-P-

200 A.

Construction Method Statement - Revision B.

Operation and maintenance requirements for attenuation storage tanks; Exceedance Plan 17-028-1011 P1; Withers Design Associates letter Ref: MW/17/028 dated 1st October 2018; Design Criteria for Adoptable Storm.SWS dated 23th[rd] May 18; and Surface Water Drainage Management Plan Version 2 October 2018.

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

- 3 The external facing and roofing materials to be used in construction shall be as shown on drawing number 6550 - 1103 F unless otherwise agreed in writing, by the Local Planning Authority.

Reason - 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 to the north and south, 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 thereafter 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 The vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway and shall provide, but not be limited to, the following aspects;
- o Adoptable carriageways measuring no less than 5.5 metres in width
 - o 2x2m Footways on both sides of the adoptable road
 - o Appropriate pedestrian crossing facilities where the new road joins the existing highway
 - o Shared use carriageways measuring no less than 6 metres in width
 - o Kerb radii where the new road joins Thorpe Road measuring 10.5 metres

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

- 8 The means to prevent the discharge of surface water from the development onto the highway shall be as shown on drawing number 17-028-1010 T2 unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained as approved at all times.

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.

- 9 The wheel cleaning facility within the site and adjacent to the egress onto the highway shall be as detailed within Methodology To Reduce And Manage Off-Site Flooding, Water Run Off And Wheel Cleaning During Construction Works unless otherwise agreed in writing by the Local Planning Authority. The wheel cleaning facility shall be provided at the commencement of the development and maintained during the period of construction.

Reason - To ensure that loose materials and spoil are not brought out onto the highway, in the interests of highway safety.

- 10 The carriageways of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.

Reason - To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety.

- 11 Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

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

- 12 Any single garages shall have a minimum internal measurement of 7m x 3m. Any double garages shall have a minimum internal measurement of 7m x 6m. All garages shall be retained for the purposes of vehicle parking in perpetuity.

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

- 13 Prior to occupation of the development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, 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.

- 14 Prior to occupation of any dwelling a shared use cycleway/footway measuring no less than 3 metres in width shall be provided on the eastern side of Thorpe Road between the existing facilities located on the two roundabouts north and south of the development site.

Reason - To make adequate provision within the highway for the additional pedestrian

and cyclist traffic generated within the highway as a result of the development.

- 15 The approved landscaping scheme shall as be as shown on drawing numbers NC 17.416-P-200 A and 6550 - 1103 F unless otherwise agreed in writing by the Local Planning Authority.

Reason - An appropriate landscaping scheme is a visually essential requirement in order to soften the appearance of the development.

- 16 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 surrounding area.

- 17 The equipment to be provided to the public open space shall be as shown on drawing number 6550 - 1101 C unless otherwise agreed in writing by the Local Planning Authority. The public open space equipment shall be provided as approved prior to occupation of any of the hereby approved dwellings.

Reason - To ensure a satisfactory provision of public open space equipment in the interests of the amenities of the occupiers of the approved development.

- 18 The construction method statement shall be as Construction Method Statement - Revision B unless otherwise agreed in writing with the Local Planning Authority. The method statement shall be implemented as approved for the duration of the demolition and construction period.

Reason - In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works.

- 19 The screen walls and fences shall be as shown on drawing numbers 6550 - 1103 F, 6550 - 1504, and 6550 - 1506 unless otherwise agreed in writing by the Local Planning Authority. The approved screen walls and fences shall be erected prior to the dwellings to which they relate being occupied and thereafter be retained in the approved form.

Reason - In the interests of visual and residential amenity.

- 20 No development shall take place until the existing trees have been protected as detailed within the Arboricultural Impact Assessment Ref TPSarb6020316. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Any trees dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be agreed in writing with the Local Planning Authority, following the death of, or severe damage to the trees.

Reason - To minimise disturbance to and help to ensure the satisfactory retention of the trees.

- 21 Prior to occupation of the hereby approved development full details of the provision of bird and bat nest boxes and hedgehog fencing and homes as recommended within the Ecological Scoping Survey dated June 2017 shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of the development and retained as approved thereafter.

Reason - In the interests of biodiversity.

- 22 The surface water drainage scheme, scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works, and Maintenance Plan shall be as submitted under: Operation and maintenance requirements for attenuation storage tanks; Exceedance Plan 17-028-1011 P1; Withers Design Associates letter Ref: MW/17/028 dated 1st October 2018; Design Criteria for Adoptable Storm.SWS dated 23th[rd] May 18; and Surface Water Drainage Management Plan Version 2 October 2018 unless otherwise agreed in writing by the Local Planning Authority.

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. To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

- 23 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.

DATED: 5th December 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

QL1 Spatial Strategy

- QL2 Promoting Transport Choice
 - QL3 Minimising and Managing Flood Risk
 - QL9 Design of New Development
 - QL10 Designing New Development to Meet Functional Needs
 - QL11 Environmental Impacts and Compatibility of Uses
 - QL12 Planning Obligations
 - HG1 Housing Provision
 - HG3A Mixed Communities
 - HG4 Affordable Housing in New Developments
 - HG6 Dwelling Size and Type
 - HG7 Residential Densities
 - HG9 Private Amenity Space
 - COM6 Provision of Recreational Open Space for New Residential Development
 - COM26 Contributions to Education Provision
 - COM31A Sewerage and Sewage Disposal
 - EN1 Landscape Character
 - EN6 Biodiversity
 - EN6A Protected Species
 - EN13 Sustainable Drainage Systems
 - TR1A Development Affecting Highways
 - TR3A Provision for Walking
 - TR5 Provision for Cycling
 - TR7 Vehicle Parking at New Development
- Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
- SP1 Presumption in Favour of Sustainable Development
 - SP2 Spatial Strategy for North Essex
 - SP5 Infrastructure & Connectivity
 - SP6 Place Shaping Principles

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP5 Affordable and Council Housing

PP12 Improving Education and Skills

PPL1 Development and Flood Risk

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP2 Improving the Transport Network

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.

Highways informatives:

- This proposal may require a Legal Agreement between the Applicant/Developer and the Highway Authority using the powers in Section 278 of the Highways Act, 1980.
- 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.

Pollution and Environmental Control informatives:

- Noise Control

1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00(except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Friday. 0800-1300 on Saturdays with no working of any kind permitted on Sundays or any Public/Bank Holidays.

3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.

4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

- Emission Control

1) A scheme of measures for the control and suppression of dust emissions shall be submitted to and approved in writing by the Local Planning Authority. Such agreed works shall be implemented in the approved form prior to the commencement of any development of the site and shall be maintained in the approved form until the development is completed and ready to be signed off as complete for the permitted purpose.

1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

2) No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

3) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

- Lighting control

1) Any lighting of the site under development shall be located, designed and directed [or screened] so that it does not cause avoidable intrusion to adjacent residential properties/ constitute a traffic hazard/cause unnecessary light pollution outside the site boundary. "Avoidable intrusion" means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Professionals.

Adherence to the above will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974)

Suds Informatives:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the Local Planning Authority. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement.

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.