



## TENDRING DISTRICT COUNCIL

### Planning Services

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

<b>AGENT:</b>	Wincer Kievenaar Architects Ltd 2 The Market Place Hadleigh IP7 5DN	<b>APPLICANT:</b>	R Raymond NEEB Holdings Ltd 3 The Cedars Apex 12 Old Ipswich Road Colchester Essex CO7 7QR
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#### TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 17/02163/FUL      **DATE REGISTERED:** 15th December 2017

Proposed Development and Location of the Land:

**Variation of Condition 2 of 15/01750/FUL to improve layout and house type elevations. 1299/P2/100 - UNCHANGED, DWG NO 1299/P2/101B REPLACED BY 5241-10-02-C, DWG NO 1299/P2/102D REPLACED BY 056-2016-11-P1, DWG NO 1299/P2/103B REPLACED BY 5241-10-02-C, DWG NO 1299/P2/104B REPLACED BY 5241-MATERIALS SCHEDULE, DWG NO 1299/P2/105B REPLACED BY 5241-10-03, DWG NO 1299/P2/106 REPLACED BY 5241-PA-20-01A, DWG NO 1299/P2/107 REPLACED BY 5241-PA-20-01A, DWG NO 1299/P2/108 REPLACED BY 5241-PA-20-02A, DWG NO 1299/P2/109 REPLACED BY 5241-PA-20-03A, DWG NO 1299/P2/110 REPLACED BY 5241-PA-20-04A, DWG NO 1299/P2/111 REPLACED BY 5241-20-06A, DWG NO 1299/P2/112B REPLACED BY 5241-30-06A, DWG NO 056/2016/01P1 REPLACED BY 056-2016-11-P1**  
Land at St Andrews Road Weeley 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 carried out in accordance with the following approved plans:
  - 1299/P2/100
  - 5241-10-02-C
  - 056-2016-11-P1
  - 5241 (Materials Schedule)
  - 5241-10-03
  - 5241-PA-20-01A
  - 5241-PA-20-02A
  - 5241-PA-20-03A
  - 5241-PA-20-04A
  - 5241-20-06A
  - 5241-30-06A

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

- 2 The proposed carriageways and footways layout shall be provided in complete and precise accord with the details shown in Drawing Number 056-2016-11-P1 prior to any of the hereby permitted dwellings being occupied.

Reason - To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

- 3 The estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be constructed in full accordance with the plans approved under planning reference 17/02050/DISCON, which are;

- 056/2016/11-P6
- 056/2016/12-P2
- 056/2016/13-P4
- 056/2016/14-P4
- 056/2016/16-P5
- 056/2016/17-P2
- 056/2016/20-P3
- 056/2016/21-P3
- 056/2016-130318 REV A
- 056/2016-P3

Reason - To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

- 4 The internal estate road junctions shall be provided with a clear to ground level visibility splay with dimensions of 20m westward by 2.0m. Such visibility splays shall be provided before the road is first used by vehicular traffic and shall be retained free from obstruction at all times thereafter.

Reason - To ensure a reasonable degree of intervisibility between drivers of vehicles at and approaching the road junction, in the interests of highway safety.

- 5 No dwelling shall be occupied until space has been laid out within the site, in accordance with drawing number 056/2016/11-P1 for cars to be parked off street.

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

- 6 No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary.

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

- 7 No dwelling shall be occupied until the individual proposed vehicular access for that dwelling has been constructed at right angles to the highway boundary and to a width of at least 3.7m and each shared vehicular access shall be constructed at right angles to the highway boundary and to a width of at least 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

Reason - To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

- 8 Prior to the proposed access for any dwelling on the proposed development being

brought into use, a 1.5 metre x 1.5 metre pedestrian visibility splay, relative to the highway boundary, shall be provided on both sides of that access and shall be maintained in perpetuity free from obstruction clear to ground. These splays must not form part of the vehicular surface of the access.

Reason - To ensure adequate intervisibility between drivers of vehicles using the proposed access and pedestrians in the adjoining highway, in the interests of highway safety.

- 9 The development shall be constructed in accordance with the document titled 'Revised Site Method Statement by Horizon Construction (Received 15th January 2018) as approved under planning reference 17/02050/DISCON.

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

- 10 Upon first occupation of each dwelling the developer/applicant shall provide the new occupant(s) with a Residential Travel Information Pack, detailing the sustainable transport available in the local area. The Pack shall contain, as a minimum, 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 Unless the Local Planning Authority first gives its written approval, no dwelling shall be occupied until all footway links to the existing Public Footpath No4 (Weeley) from the proposed development have been reconstructed to a minimum width of 2m and the connection of the proposed new footway to the existing Public Footpath No 4 (Weeley) has been provided in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure all pedestrian facilities are provided to an acceptable standard and enable unhindered pedestrian circulation and access throughout the proposed development site, in the interests of highway safety.

- 12 Any new or proposed hedging or other planting or boundary treatment fronting the highway shall be planted a minimum of 1 metre back from the highway boundary and 1 metre behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays in perpetuity.

Reason - To ensure that the future outward growth of the hedge 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.

- 13 The development shall be carried out in accordance with the recommendations contained within the submitted document titled 'Biodiversity Mitigation and Enhancement Plan by MHE Consulting' (Dated - November 2017) as approved under planning reference 17/02050/DISCON.

Reason - In order to safeguard protected wildlife species and their habitats and in the interests of biodiversity.

- 14 The surface water drainage strategy shall be carried out in accordance with the following documents/plans as approved under planning reference 17/02050/DISCON;

- 056/2016/11 P6

- 056/2016/SK151117-P1117-P1
- 056/2016/15-P1

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 and 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.

- 15 Unless the surface water drainage system is to be adopted by an adopting authority the relevant party or parties named in the Maintenance Plan shall 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.

- 16 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 Local 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 proposed development is located within an area with potential for below ground archaeological deposits. The development would otherwise result in harm to non-designated heritage assets with archaeological interest.

- 17 The approved scheme of landscaping shown on drawing no. LS 1018-01 Rev A (as approved under planning reference 17/02050/DISCON), shall be implemented no 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.

- 18 The lighting and refuse scheme shall be carried out in accordance with the details shown on drawing no. 10\_04A as approved under planning reference 17/02154/DISCON.

Reason - To ensure a satisfactory development in relation to external appearance.

- 19 No dwelling shall be occupied, subject to fibre optic broadband being available at the nearest exchange, until a fibre optic broadband connection installed on an open access basis and directly accessed from the nearest exchange, incorporating the use of resistant tubing, has been installed at the site, in accordance with details that shall be submitted and approved, in writing, by the Local Planning Authority. If the applicant is unable to achieve this standard of connection, and can evidence through consultation that this would not be possible, practical or economically viable an alternative superfast (i.e. will provide speeds greater than 24mbps) wireless service will be considered

acceptable.

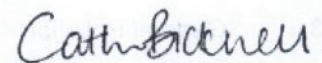
Reason - To ensure the development is able to be equipped with high speed broadband to enable opportunities for web-based communication and homeworking.

- 20 The Local Recruitment Strategy document received on the 9th March 2018 and approved under planning reference 18/00300/DISCON, shall be adhered to at all times.

Reason - To promote and encourage the recruitment of employees and other staff in the locality of the application site.

**DATED:** 15th January 2019

**SIGNED:**




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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

Tending 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

HG3 Residential Development Within Defined Settlements

HG3A Mixed Communities

HG4 Affordable Housing in New Developments

HG6 Dwelling Size and Type

HG7 Residential Densities

- HG9 Private Amenity Space
  - HG14 Side Isolation
  - COM2 Community Safety
  - COM4 New Community Facilities (Including Built Sports and Recreation Facilities)
  - COM6 Provision of Recreational Open Space for New Residential Development
  - COM21 Light Pollution
  - COM23 General Pollution
  - COM26 Contributions to Education Provision
  - COM29 Utilities
  - COM31A Sewerage and Sewage Disposal
  - EN1 Landscape Character
  - EN6 Biodiversity
  - EN6A Protected Species
  - EN13 Sustainable Drainage Systems
  - EN29 Archaeology
  - TR1A Development Affecting Highways
  - TR7 Vehicle Parking at New Development
  - TR3A Provision for Walking
  - TR4 Safeguarding and Improving Public Rights of Way
  - TR5 Provision for Cycling
  - TR6 Provision for Public Transport Use
- Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
- SP1 Presumption in Favour of Sustainable Development
  - 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
- PPL1 Development and Flood Risk
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- PPL7 Archaeology
- CP1 Sustainable Transport and Accessibility
- CP3 Improving the Telecommunications Network

Local Planning Guidance

Essex Design Guide

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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

#### Environmental Health Informative:

Commercial vehicles (including fork lift trucks) shall only be started up, manoeuvred, operated, loaded or unloaded between 07:30 hours and 1900 hours Monday to Friday. Saturday between the hours of 0800 to 1300 and at no time on Sundays, Bank or other Public Holidays without the prior written consent of the Local Planning Authority.

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.