



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT: Mr Paul Newbould
Planning & Building Design
78 Kings Avenue
Holland-on-Sea
Essex CO15 5EP

APPLICANT: Mr D Lane
Lane Homes Construction
Limited
36 Point Clear Road
St Osyth
Essex
CO16 8EP

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 18/02113/DETAIL

DATE REGISTERED: 18th January 2019

Proposed Development and Location of Land:

**Partial reserved matters application of 18/00379/OUT- Erection of 11 dwellings.
820 St Johns Road Clacton On Sea Essex**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **GRANT**
APPROVAL OF RESERVED MATTERS pursuant to Outline Planning Permission No.
18/00379/OUT 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: Drawing numbers 1849-04 REV G, 1849-06, 1849-07 REV A, 1849-08, 1849-09, 1849-10, 1849-11, 1849-12, 1849-13, 1849-14, 1849-15, 1849-16 REV B, 1849-17, and soft landscaping proposal Reference number TPSarb9530119 LS.

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

- 2 Prior to first occupation of the development the size 3 side road/ vehicular turning facility shown in principle in the Layout Plan, drawing no. 1849-04-G 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.

- 3 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.

- 4 Prior to first occupation of the dwelling to which they relate the off street parking and garages shown on Layout Plan, drawing no. 1849-04-G shall be provided and maintained free from obstruction within the site at all times for that sole purpose.

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

- 5 The external facing, roofing and surfacing materials shall be as detailed on Materials Schedule Job No 1849 received 4th April 2019, unless otherwise agreed in writing by the Local Planning Authority.

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

- 6 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on Drawing number 1849-16 REV B and soft landscaping proposal Reference number TPSarb9530119 LS 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.

DATED: 9th April 2019

SIGNED:

Catherine Bicknell

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 February 2019

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
 - HG6 Dwelling Size and Type
 - HG9 Private Amenity Space
 - COM6 Provision of Recreational Open Space for New Residential Development
 - COM31A Sewerage and Sewage Disposal
 - EN1 Landscape Character
 - EN6 Biodiversity
 - EN6A Protected Species
 - EN11A Protection of International Sites European Sites and RAMSAR Sites
 - EN13 Sustainable Drainage Systems
 - TR1A Development Affecting Highways
 - TR7 Vehicle Parking at New Development
- Tending 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
 - PPL1 Development and Flood Risk
 - PPL4 Biodiversity and Geodiversity
 - PPL5 Water Conservation, Drainage and Sewerage
 - CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

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 informative 1: 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 by the ECC.

Highways informative 2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at: development.management@essexhighways.org or by post to: SMO1 'Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester. CO4 9YQ.

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) financial contribution in accordance with 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.

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.

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 750 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within the set time limits as outlined below.

a. If this is a decision to refuse planning permission for a house, then you must do so within 12 weeks of the date of the notice. A Planning Appeal Form is required, available online at <https://www.gov.uk/planning-appeals>.

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 the notice. A Planning Appeal Form is required, available online at <https://www.gov.uk/planning-appeals>.

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 at <https://www.gov.uk/planning-appeals>.

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 441 8000), or online at <https://www.gov.uk/planning-appeals>. 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 where 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, or that the development is the subject of any development order, or that the development is in breach of a development order.

In practice the Secretary of State does not refer to consider appeals where the local planning authority, based on its decision or a direction given by the Secretary of State, has refused permission for the proposed development.

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, then 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 the 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 the notice, whichever period expires earlier.

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 at <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.