



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT:	Chris Morris Design Ltd Bentley House Forge Lane Great Bentley Colchester Essex CO7 8GD	APPLICANT:	Richmore Homes Ltd C/o Bouverie St Marys Road Aingers Green Great Bentley Colchester Essex CO7 8NN
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TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 19/00165/FUL

DATE REGISTERED: 31st January 2019

Proposed Development and Location of the Land:

Proposed erection of 7 detached houses and garages - variation of planning permission 18/01104/FUL conditions 2) Approved plans 3) Tree Report, 4) Landscaping, 8) Vehicular Access, 15) Construction Method Statement, 17) Provision of footpath, 18) Boundary Treatment and 20) Archaeological Evaluation.

Site North of Carpenters Farm St Marys Road Great Bentley 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 19 September 2021.

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 materials:

DRAWING NO. CF/AG/18 Site Plan
 DRAWING NO. CF/AG/18/11 Block Plan
 DRAWING NO. CF/AG/18/12A Layout Plan, Materials Details and Landscaping
 DRAWING NO. CF/AG/18/3 House Type B (Plots 1 and 5)
 DRAWING NO. CF/AG/18/4 House Type B (Plot 2)
 DRAWING NO. CF/AG/18/5 House Type B (Plot 2)
 DRAWING NO. CF/AG/18/6A House Type A (Plot 4)
 DRAWING NO. CF/AG/18/7A House Type A (Plot 6)
 DRAWING NO. CF/AG/18/8 House Type C (Plot 7)
 Drg.no: CF/AG/18/9 Garages
 Drg.no: CF/AG/18/10A Street Scene

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

- 3 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved Landscaping Specification, Proposed Hedge Details and covering letter received on 24th April 2019 and DRAWING NO: CF/AG/18/12A 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 that the landscaping scheme is suitably implemented within an appropriate timescale.
- 4 The development hereby approved shall be carried out in strict accordance with the Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protection Plans produced by Hayden's Proj. No 7364 dated 27/03/2019, unless otherwise agreed in writing by the Local Planning Authority.
- Reason - To ensure the continued good health and viability of the trees with high visual amenity value the interests of the character of the area.
- 6 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 as the site is within close proximity to existing dwellings.
- 7 The removal of any vegetation for site access/clearance 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.
- 8 Prior to first occupation of the proposed development, each individual proposed vehicular access shall be constructed at right angles to the highway boundary and to a maximum width of 4.5m for the single vehicular access and each shared vehicular access shall be constructed at right angles to the highway boundary and to a width of 5.5m. All the vehicular accesses shall be provided with an appropriate dropped kerb vehicular crossing of the footway to the specifications of the Highway Authority.
- Reason - To ensure that all vehicular traffic using the junction may do so in a controlled manner and to provide adequate segregated pedestrian access, in the interests of highway safety.
- 9 Prior to the proposed accesses being brought into use, vehicular visibility splays of 70m by 2.4m by 70m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line for each access and shall be retained and maintained free from obstruction clear to ground thereafter.
- Reason - To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety.
- 10 No unbound materials shall be used in the surface treatment of the proposed vehicular access 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.

- 11 Prior to the first use of the proposed access, details of the construction and future maintenance of the necessary bridging or piping of the drainage ditch/watercourse shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To prevent or reduce the risk of flooding of the adjoining highway, in the interests of highway safety.

- 12 Prior to first occupation of the proposed development, a (communal) recycling/bin/refuse collection point shall be provided within 15m of the highway boundary or adjacent to the highway boundary and additionally clear of all visibility splays at accesses and retained thereafter details of which shall be submitted and approved by the Local Planning Authority prior to the commencement of development.

Reason - To minimise the length of time a refuse vehicle is required to wait within and cause obstruction of the highway, in the interests of highway safety.

- 13 All off street car parking shall be in precise accord with the details contained within the current Parking Standards being provided within the site which shall be maintained free from obstruction and retained thereafter.

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

- 14 All carriageways should be provided at 6.0m where vehicular access is taken but without kerbing.

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

- 15 The development hereby approved shall be carried out in strict accordance with the approved Construction Method Statement and accompanying DRAWING NO: CF/AG/18 for the duration of the construction period.

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

- 16 Any new or proposed boundary hedge shall be planted a minimum of 1m back from the highway boundary and 1m behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays thereafter.

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 and to preserve the integrity of the highway, in the interests of highway safety.

- 17 Prior to the occupation of any of the proposed dwellings a kerbed footway shall be provided connecting from the bellmouth junction northerly across the site's frontage and connecting to the existing footway in the vicinity of the dwelling known as The Oaks at 2.0m in width including new kerbing, surfacing, drainage, any adjustments in levels and any accommodation works to the footway and carriageway channel and making an appropriate connection to the existing footway.

Reason - To make adequate provision for the additional pedestrian traffic generated

within the highway as a result of the proposed development.

- 18 Prior to the occupation of the dwellings hereby approved, the approved boundary treatments shall be erected and retained in this approved form unless otherwise agreed in writing by the Local Planning Authority.

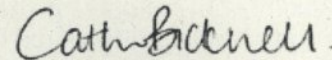
Reason - In the interests of providing adequate privacy for occupiers of the development and neighbouring residential properties.

- 19 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), other than the approved details, no provision of fences, walls or other enclosures, shall be erected on the boundaries of the site or forward of the front elevation of the dwellings hereby approved except in accordance with details that shall have previously been approved in writing by the Local Planning Authority.

Reason - In the interests of visual amenity and landscape impact.

DATED: 9th May 2019

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 February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

EN1 Landscape Character

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN29 Archaeology

COM6 Provision of Recreational Open Space for New Residential Development

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2007

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL7 Archaeology

HP5 Open Space, Sports & Recreation Facilities

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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Agent, 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.

Highways Informatives

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

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.