



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT: Craig Western - Wincer
Kievenaar Architects Ltd
2 Market Place
Hadleigh
IP7 5DN

APPLICANT: Mr Dodds
Orwell Housing
325 London Road
Ipswich
IP2 0BE

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 19/00240/OUT

DATE REGISTERED: 13th February 2019

Proposed Development and Location of Land:

Vary condition 24 of approved planning application 16/00782/OUT. The condition requests a footway of 2.5m, see drawing for alternative proposal. Park 2 Land at Badley Hall Farm Badley Hall Road Great Bromley Essex

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

- 1 The development should proceed in accordance with findings of submitted Archaeological Written Scheme of Investigation approved under reference 18/01946/DISCON.

Within 2 months of the date of this permission the required post excavation report shall be submitted to and approved, in writing, by the Local Planning Authority.

Reason - The Tendring Historic Environment Characterisation Project and Essex HER show that the proposed development is located within an area with known potential for below ground archaeological deposits.

- 2 The development shall be constructed in accordance with the noise and emission control measures outlined in the document titled 'Measures to Control Emissions of Dust, Dirt and Noise' as approved under planning reference 18/01946/DISCON.

Reason - In the interests of residential amenity.

- 3 The hereby permitted development shall not be occupied until a fibre optic broadband connection installed on an open access basis and directly accessed from the nearest British Telecom 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 with British Telecom, 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 - In the interests of achieving sustainable development for this scheme.

- 4 Prior to the first occupation of the residential development, the proposed estate road, at the

bellmouth junction with Mary Lane North shall be provided with 10.5m. radius kerbs returned to an access road carriageway width of 6.0m throughout and flanking footways 2m. in width returned around the radius kerbs. The new road junction shall be constructed at least to binder course prior to the commencement of any other development including the delivery of materials.

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.

- 5 Prior to the proposed access onto Mary Lane North being brought into residential use, minimum vehicular visibility splays of 95m easterly by 2.4m by site maximum westerly as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be maintained in perpetuity free from obstruction clear to ground.

Reason - To ensure a reasonable degree of intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety.

- 6 The estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be constructed in accordance with those details shown on drawing no's. C-006 Revision P2, C-100 Revision P1 and CA-105 Revision P1 as approved under planning reference 18/01946/DISCON.

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

- 7 Each internal estate road junction shall be provided with a clear to ground level visibility splay with dimensions of 25m by 2.4m by 25m on both sides. Such visibility splays shall be provided before the road is first used by vehicular traffic and shall be retained free from obstruction clear to ground.

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

- 8 Prior to the first occupation of each dwelling on the proposed development, the individual proposed vehicular access for that dwelling shall be constructed at right angles to the highway boundary and to a width of 3.7m and each shared vehicular access shall be constructed at right angles to the highway boundary and to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

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

- 9 All carriageways should be provided at 5.5m between kerbs or 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.

- 10 All footways on site should be provided at no less than 2.0m in width.

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

- 11 No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary throughout the development.
- Reason - To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.
- 12 All off street car parking shall be in precise accord with the details contained within the current Parking Standards including at the proposed car parking facility.
- Reason - To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.
- 13 Any garage provided with its vehicular door facing the highway or proposed highway, shall be sited a minimum of 6m from the highway boundary.
- Reason - To ensure that the vehicle to be garaged may be left standing clear of the highway whilst the garage door is opened and closed, in the interests of highway safety.
- 14 The bicycle storage facilities, as shown within the document titled 'Cycle Storage Schedule' approved under planning reference 18/01946/DISCON, shall be provided prior to the first occupation of the proposed development hereby permitted and shall be maintained free from obstruction at all times for that sole purpose in perpetuity.
- Reason - To promote the use of sustainable means of transport.
- 15 The development shall be constructed in full accordance with the details shown within the submitted 'Construction Method Statement' approved under planning reference 18/01946/DISCON.
- Reason - To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety.
- 16 The vehicular turning facility shall be constructed in accordance with the details shown on the document titled 'Vehicular turning facility for service and delivery vehicles' as approved under planning reference 18/01946/DISCON.
- Reason - To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety.
- 17 Prior to first occupation of the proposed development, a (communal) recycling/bin/refuse collection point shall be provided adjacent to the highway boundary and additionally clear of all visibility splays at accesses.
- 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.
- 18 Any new or proposed boundary hedge or trees shall be planted a minimum of 2m back from the highway boundary and 2m 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.
- 19 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable

transport, approved by Essex County Council.

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport.

- 20 The proposed access to the car park area should be provided at 6.0m in width and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

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

- 21 Prior to the occupation of any of the proposed dwellings the footway from the tangent with Mary Lane North (northern side) along Brook Street north and north westerly over the junction with St Georges Close and to the pedestrian gate at St Georges school shall be extended to the full width of the highway wherever possible or to a maximum of 1.8 metres in width and being provided entirely at the Applicant/Developer's expense including tactile paving, pram crossings, new kerbing, surfacing, drainage, any adjustments in levels and any accommodation works to the footway and carriageway channel and making an appropriate connection in both directions to the existing footway to the specifications of the Highway Authority as per the proposed footpath widening drawing (Drawing. No. PA_04).

Reason - To make adequate provision for the additional pedestrian traffic generated within the highway as a result of the proposed development.

- 22 Prior to the occupation of any of the proposed dwellings the applicant shall provide 2 x new bus stops or upgrade the existing bus stops in Brook Street adjacent to and in the vicinity to St Georges School to current Essex County Council specifications by the provision of level entry kerbing, new posts and flags, timetables, any adjustments in levels, surfacing and any accommodation works to the footway and carriageway channel being provided entirely at the applicant/Developers expense to the specifications of the Highway Authority.

Reason - To make adequate provision for the additional bus passenger traffic generated as a result of the proposed development.

- 23 The surface water strategy shall be constructed in accordance with the details shown on the following plans/documents approved under planning reference 18/01946/DISCON;

- C-005 Revision P2
- C-100 Revision P1
- CA-106 Revision P1
- C-007 Revision P1
- SW Network 2_Basin_Rev (Dated 31 October 2018)
- SW Network 1_TANK_REV B (Dated 1 November 2018)

Reasons

- 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.

- 24 The off-site flooding scheme shall be implemented in accordance with the details shown on the following plans/documents approved under planning reference 18/01946/DISCON;

- C-005 Revision P2
- C-100 Revision P1
- CA-106 Revision P1
- C-007 Revision P1
- SW Network 2_Basin_Rev (Dated 31 October 2018)
- SW Network 1_TANK_REV B (Dated 1 November 2018)

Reason - To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater.

- 25 The maintenance of the approved surface water drainage strategy shall be undertaken in accordance with the details shown in the document titled 'SUDs Management and Maintenance (dated November 2018) as approved under planning reference 18/01946/DISCON.

Reason - 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.

- 26 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.

- 27 The foul water strategy shall be constructed in accordance with the details shown on the following plans/documents approved under planning reference 18/01946/DISCON;

- C-005 Revision P2
- C-100 Revision P1
- CA-106 Revision P1
- C-007 Revision P1
- SW Network 2_Basin_Rev (Dated 31 October 2018)
- SW Network 1_TANK_REV B (Dated 1 November 2018)

Reason - To prevent environmental and amenity problems arising from flooding.

- 28 The final market dwelling provided on the site shall not be occupied until the proposed church and school overflow car park, as identified on drawing number PD/03A has been fully constructed and laid out within the site.

Reason - To ensure this facility is provided on site.

- 29 The development hereby permitted, in respect of the highway footpath works, shall be carried out in accordance with the following approved plan: PA_04.

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

DATED: 21st 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

QL2 Promoting Transport Choice

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

HG5 Local Needs Affordable Housing Outside Village Development Boundaries

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

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN13 Sustainable Drainage Systems

EN29 Archaeology

TR1A Development Affecting Highways

TR3A Provision for Walking

TR4 Safeguarding and Improving Public Rights of Way

TR5 Provision for Cycling

TR6 Provision for Public Transport Use

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP4 Safeguarded Local Greenspace

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP6 Rural Exception Sites

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 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.

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.

The Highway Authority cannot accept any liability for costs associated with a developers 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.

The applicant is reminded that this permission is linked to a planning obligation under Section 106 of the Town and Country Planning Act 1990.

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 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.