



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT: Mr Alasdair Sherry - Strutt & Parker
Coval Hall
Rainsford Road
Chelmsford
Essex
CM1 2QF

APPLICANT: Bellway Homes Ltd
C/O Agent

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 19/00699/OUT **DATE REGISTERED:** 2nd May 2019

Proposed Development and Location of Land:

Variation of Condition 4 & 9(b) to approved Planning Application 15/00932/OUT - Amendment to approved drawings amending the access and road layout.
505 Ipswich Road Colchester Essex CO4 4HE

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 Development shall be carried out in accordance with:

- Location Plan 2200-A-1000-D
- Site Plan 2200-A-1001-H
- Land Use Parameter Plan 2200-A-1400-F
- Buildings Heights Parameter Plan 2200-A-1401-F
- Green Infrastructure Plan 2200-A-1402-H
- Highways Access Plan J976-130 Rev A

Unless otherwise agreed in writing by the Local Planning Authority.

Reason - For the avoidance of doubt and in the interests of securing the parameters of development.

2 The development should be constructed in accordance with the noise, emissions and light pollution control measures outlined in the Construction and Environmental Management Plan (CEMP) as approved under planning reference 17/01538/DISCON.

Reason - To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

3 The development shall be constructed in full accordance with the Construction and Environmental Management Plan (CEMP) approved under planning reference 17/01538/DISCON.

Reason - In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

- 4 In the event that construction is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the Construction Management Plan, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of the Council, which shall be approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which shall be approved in writing by the Local Planning Authority.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

- 5 The wheel washing facility forming part of the Construction and Environmental Management Plan approved under planning reference 17/01538/DISCON shall be provided and retained during construction of the development.

Reason - To protect highway efficiency of movement and safety.

- 6 No occupation of the development shall take place until the following has been provided or completed:

(a) An extension of the approved estate road layout for the former Betts Factory Site to provide access to the proposed site as shown in principle on approved drawing reference J976-130 Rev A.

Furthermore, the development shall be in accordance with the part (b) requirement for 'Residential Travel Information Packs' and as submitted and approved under planning reference 18/00917/DISCON.

Reason - To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport, cycling and walking.

- 7 Notwithstanding the provisions of Class A of Part 1 Schedule 2 of the Town and Country Planning General Permitted Development Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), any garage accommodation forming part of the parking strategy for the development shall be retained for parking motor vehicles at all times and shall not be adapted to be used for other purposes unless agreed in writing by the Local Planning Authority.

Reason - To retain adequate on-site parking provision in the interests of highway efficiency.

- 8 The development shall be constructed in full accordance with the parking strategy shown on drawing no. BW175-PL-08 Rev. 00 Parking Strategy (dated August 2017) and approved under planning reference 17/01538/DISCON. The parking 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 ensure that sufficient and suitable parking is provided within the development in accordance with the adopted Parking Design and Good Practice Standards.

- 9 The means of enclosure of Bullock Wood shall be provided strictly in accordance with the Landscape Management Plan prepared by Matt Lee Landscape Architecture dated 2 October 2017; drawing no. PR109-03 Rev.A and letter from Natural England dated 21 November 2017 and as approved under planning reference 17/01685/DISCON.

Reason - To ensure that a suitable means of securing Bullock Wood is implemented prior to development commencing and in the interests of habitat management.

- 10 The development shall be constructed in accordance with the landscape works details as shown on drawing nos. PR109-01, PR109-03 Rev. A, BW175-PL-05; Landscape Management Plan; information produced by Matt Lee Architecture (MLA) both dated 6 October 2017 and e-mail from MLA dated 13 November 2017; and letter from Environment Agency dated 21 November 2017, as approved under planning reference 17/01538/DISCON.

Reason - To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users; to ensure the development will not impact upon the features of special interest for which Bullock Wood SSSI is notified; and to satisfactorily integrate the development within its surrounding landscape in the interests of visual amenity.

- 11 The development shall be constructed in full accordance with the earthworks details shown on drawing no. J9750-002 approved under planning reference 17/01538/DISCON.

Reason - To ensure that any earthworks are acceptable in relation to their surroundings.

- 12 The development shall be constructed in full accordance with the details shown within the submitted 'Arboricultural Method Statement', and on drawing nos. 1 Tree Survey, Retention and Removal Plan Sheet 1 of 2 and Sheet 2 of 2, Rev. 1, as approved under planning reference 17/01685/DISCON.

Reason - To safeguard the continuity of amenity afforded by existing trees and hedgerows.

- 13 Prior to the commencement of development a detailed Reptile Method Statement shall be prepared specifying the measures to protect and maintain the reptile population of the site during and following development. The method statement shall be agreed in writing by the Local Planning Authority in consultation with Natural England and implemented in accordance with the approved statement.

Reason - To ensure the proposal does not adversely affect any protected species.

- 14 The development shall be implemented in accordance with the Management Company details for the communal storage areas as shown on drawing no. 8598-2822 Rev. C6 and letter dated 11 December 2018 (ref. RH/LC/3.1) as approved under planning reference 19/00042/DISCON. The agreed details shall be implemented and continue unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

Reason - To ensure that the communal storage areas are maintained to a satisfactory condition and to avoid any potential adverse impact on the quality of the surrounding environment.

- 15 The surface water strategy shall be constructed in accordance with the details shown on the following plans/documents approved under planning reference 17/01538/DISCON:

- Drawing no. J975-004
- Drawing no. J975-005 Rev. A
- Drainage Calculations dated 29, 30 August 2017 and 7 November 2017

- Trial Pit Soakaway Test dated 2 November 2017
- Infiltration Test Location Plan

Reason - To prevent the increased risk of flooding by ensuring the satisfactory storage of/disposal of surface water from the site, and ensure future maintenance of the surface water drainage system.

- 16 The development shall be constructed in accordance with the scheme to minimise the risk of offsite flooding caused by surface water run-off during construction works as detailed in the Construction Environmental Management Plan (CEMP) and Construction Method Statement (CMP) as approved under planning reference 17/01825/DISCON.

Reason - The National Planning Policy Framework states that local planning authorities should ensure flood risk is not increased elsewhere in the development.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoil's during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate against increased flood risk to the surrounding area during construction therefore, there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

- 17 Prior to commencement of the development a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies shall be submitted to, and agreed in writing by the Local Planning Authority.

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.

- 18 The adopting body responsible for maintenance of the surface water drainage system shall record yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These shall be made 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.

- 19 The maximum number of dwellings to be contained in the development shall not exceed 120.

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

DATED: 5th July 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

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

COM2 Community Safety

COM6 Provision of Recreational Open Space for New Residential Development

COM21 Light Pollution

COM26 Contributions to Education Provision

COM29 Utilities

COM31A Sewerage and Sewage Disposal

EN1 Landscape Character

EN4 Protection of the Best and Most Versatile Agricultural Land

EN6 Biodiversity

EN6A Protected Species

- EN6B Habitat Creation
- EN12 Design and Access Statements
- EN13 Sustainable Drainage Systems
- TR1A Development Affecting Highways
- TR3A Provision for Walking
- 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
- SPL3 Sustainable Design
- LP2 Housing Choice
- LP1 Housing Supply
- LP3 Housing Density and Standards
- PPL1 Development and Flood Risk
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- CP3 Improving the Telecommunications Network
- LP4 Housing Layout
- LP5 Affordable and Council Housing

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

Highways Informative:

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:

SM01 - Essex Highways
Colchester Highways Depot
653 The Crescent
Colchester
C04 9YQ

The Highways 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.

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.

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.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

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.