



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT:	Mr Robert Pomery Pomery Planning Consultants Ltd Pappus House Tollgate West Stanway Colchester CO3 8AQ	APPLICANT:	Mr Kelly Stockplace Homes Limited Mill Farm Barn Mill Lane Hartford End Felsted Essex
---------------	---	-------------------	---

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 19/00143/FUL

DATE REGISTERED: 29th January 2019

Proposed Development and Location of the Land:

Variation of Condition 2 of planning permission 18/00735/FUL to substitute the approved layout drawing with a new layout drawing to allow access to additional land by removing one plot; and variation to condition 15 to reflect amended landscaping scheme.

Bramcote Thorpe Road Clacton On Sea 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 and documents:

Submitted under 16/02107/FUL: Aboricultural Impact Assessment Ref TPSarb6020316, Ecological Scoping Survey dated June 2017, Contamination Assessment Report No: 15-2491r, Transport Statement dated December 2016, Flood Risk Assessment and Surface Water Management Plan Report No 10156/R01/03, and Noise Assessment dated 17th May 2017.

Submitted under 18/00735/FUL: Drawing numbers 6550 - 1101 C, 1103 F, 1111 P8, 1113 P8, 1114 P8, 1115 P6, 1260 P1, 1261 P1, 1262, 1263 P1, 1264 P1, 1265 P1, 1266 P1, 1267 P1, 1268 P1, 1269 P1, 1270 P1, 1271 P1, 1272 P2, 1360 P1, 1361 P1, 1362, 1363 P1, 1364 P1, 1365 P1, 1366 P1, 1367 P1, 1368 P1, 1369 P1, 1370 P1, 1371 P1, 1372 P2, 1504, 1506, and 2001 P1; 17-028/ 365 P2, 580 T1, 1010 T2, and 571 T1; and 6352/1601.

Construction Method Statement - Revision B.

Operation and maintenance requirements for attenuation storage tanks; Exceedance Plan 17-028-1011 P1; Withers Design Associates letter Ref: MW/17/028 dated 1st October 2018; Design Criteria for Adoptable Storm.SWS dated 23th[rd] May 18; and Surface Water Drainage Management Plan Version 2 October 2018.

Submitted under 19/00143/FUL: Drawing numbers 1026/002, NC 17.416-P-200 D, and documents titled 'Revised Ground Floor Site Plan' and 'Location Plan'.

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

- 2 The external facing and roofing materials to be used in construction shall be as shown on drawing number 6550 - 1103 F of planning permission 18/00735/FUL unless otherwise agreed in writing, by the Local Planning Authority.

Reason - In the interests of visual amenity.

- 3 Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 70 metres to the north and south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and thereafter retained free of any obstruction at all times.

Reason - To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

- 4 Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted plan 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.

- 5 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason - To avoid displacement of loose material onto the highway in the interests of highway safety.

- 6 The means to prevent the discharge of surface water from the development onto the highway shall be as shown on drawing number 17-028-1010 T2 of planning permission 18/00735/FUL unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained as approved at all times.

Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- 7 The wheel cleaning facility within the site and adjacent to the egress onto the highway shall be as detailed within Methodology To Reduce And Manage Off-Site Flooding, Water Run Off And Wheel Cleaning During Construction Works unless otherwise agreed in writing by the Local Planning Authority. The wheel cleaning facility shall be provided at the commencement of the development and maintained during the period of construction.

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

- 8 Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason - To ensure adequate space for parking off the highway is provided in the

interest of highway safety.

- 9 Any single garages shall have a minimum internal measurement of 7m x 3m. Any double garages shall have a minimum internal measurement of 7m x 6m. All garages shall be retained for the purposes of vehicle parking in perpetuity.

Reason - To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety.

- 10 Prior to occupation of the development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, to include 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 Prior to occupation of any dwelling a shared use cycleway/footway measuring no less than 3 metres in width shall be provided on the eastern side of Thorpe Road between the existing facilities located on the two roundabouts north and south of the development site.

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

- 12 The approved landscaping scheme shall as be as shown on drawing numbers NC 17.416-P-200 D and 6550 - 1103 F of planning permission 18/00735/FUL unless otherwise agreed in writing by the Local Planning Authority.

Reason - An appropriate landscaping scheme is a visually essential requirement in order to soften the appearance of the development.

- 13 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details 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.

- 14 The equipment to be provided to the public open space shall be as shown on drawing number 6550 - 1101 C of planning permission 18/00735/FUL unless otherwise agreed in writing by the Local Planning Authority. The public open space equipment shall be provided as approved prior to occupation of any of the hereby approved dwellings.

Reason - To ensure a satisfactory provision of public open space equipment in the interests of the amenities of the occupiers of the approved development.

- 15 The construction method statement shall be as Construction Method Statement - Revision B of planning permission 18/00735/FUL unless otherwise agreed in writing with the Local Planning Authority. The method statement shall be implemented as approved for the duration of the demolition and construction period.

Reason - In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works.

- 16 The screen walls and fences shall be as shown on drawing numbers 6550 - 1103 F, 6550 - 1504, and 6550 - 1506 of planning permission 18/00735/FUL unless otherwise agreed in writing by the Local Planning Authority. The approved screen walls and fences shall be erected prior to the dwellings to which they relate being occupied and thereafter be retained in the approved form.

Reason - In the interests of visual and residential amenity.

- 17 Details of the provision of bird and bat nest boxes, and hedgehog fencing and homes shall be in full accordance with the details submitted and agreed in writing by the Local Planning Authority within 19/00734/DISCON.

Reason - In the interests of biodiversity.

- 18 The surface water drainage scheme, to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works, and Maintenance Plan shall be as submitted under planning permission 18/00735/FUL: Operation and maintenance requirements for attenuation storage tanks; Exceedance Plan 17-028-1011 P1; Withers Design Associates letter Ref: MW/17/028 dated 1st October 2018; Design Criteria for Adoptable Storm.SWS dated 23th[rd] May 18; and Surface Water Drainage Management Plan Version 2 October 2018 unless otherwise agreed in writing by the Local Planning Authority.

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. 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. 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.

- 19 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.

DATED: 2nd August 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

HG7 Residential Densities

HG9 Private Amenity Space

COM6 Provision of Recreational Open Space for New Residential Development

COM26 Contributions to Education Provision

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

TR5 Provision for Cycling

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
- 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
- LP5 Affordable and Council Housing
- PP12 Improving Education and Skills
- 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

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.

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 <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.