



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT: Ms Rebecca Rogers - PRP
Planning
10 Lindsey Street
London
EC1A 9HP

APPLICANT: CALA Homes (North Counties)
Ltd
C/O Agent

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 18/01981/DETAIL **DATE REGISTERED:** 28th November 2018

Proposed Development and Location of Land:

**Reserved matters application in respect of layout, scale, access, landscaping and appearance for Phases A, B, C and D of the approved outline planning permission.
Land at Station Field Plough Road Great Bentley**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **GRANT APPROVAL OF RESERVED MATTERS** pursuant to Outline Planning Permission No. 14/01750/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 and documents: 1654/P/10.01 (Location Plan), 1654/P/10.02 REV-C (Site Layout), L1081-2.1-1000 REV-P4 (Landscape Masterplan), 1654/P/10.03 REV-C (Boundary Treatments Plan), 1654/P/10.04 REV-C (Parking Plan), 1654/P/10.05 REV-B (Private Amenity Space), L1081-2.1-1001 REV-P3 (Provision of Open Space), L1081-2.1-1010 REV-P4, L1081-2.1-1011 REV-P4, L1081-2.1-1012 REV-P4, L1081-2.1-1013 REV-P4, L1081-2.1-1014 REV-P4, L1081-2.1-1015 REV-P4, L1081-2.1-1016 REV-P4, L1081-2.1-1017 REV-P4, 854-05-01, 854-05-02, 854-05-03, 854-05-04, 854-06-01, 854-06-02, 854-06-03, 854-06-04, 1654/P/20.01, 1654/P/20.02, 1654/P/20.03, 1654/P/20.201, 1654/P/20.202, 1654/P/20.11, 1654/P/20.12, 1654/P/20.13, 1654/P/20.211, 1654/P/20.212, 1654/P/20.21, 1654/P/20.22, 1654/P/20.23, 1654/P/20.24, 1654/P/20.25, 1654/P/20.31A, 1654/P/20.32A, 1654/P/20.33A, 1654/P/20.34, 1654/P/20.35, 1654/P/20.41, 1654/P/20.42, 1654/P/20.61, 1654/P/20.62, 1654/P/20.63, 1654/P/20.51, 1654/P/20.52, 1654/P/20.53, 1654/P/20.71, 1654/P/20.72, 1654/P/20.73, 1654/P/20.81, 1654/P/20.82, 1654/P/20.83, 1654/P/20.91, 1654/P/20.92, 1654/P/20.93, 1654/P/20.101, 1654/P/20.102, 1654/P/20.103, 1654/P/20.104, 1654/P/20.111, 1654/P/20.112, 1654/P/20.121, 1654/P/20.122, 1654/P/20.123, 1654/P/20.124, 1654/P/20.141, 1654/P/20.142, 1654/P/20.143, 1654/P/20.131, 1654/P/20.132, 1654/P/20.133, 1654/P/40.1A, and 1654/P/40.2A. Noise Assessment by Cass Allen ref RP01-17297. Air Quality Assessment by RPS Project number JAR10700. European Sites Mitigation Strategy by Ethos Environmental Planning dated April 2019.

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

- 2 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscape masterplan L1081-2.1-1000 REV-P4, Provision of Open

Space Plan L1081-2.1-1001 REV-P3, General Arrangements Sheets 1 to 8 inclusive drawing nos. L1081-2.1-1010 REV-P4 to 1017-2.1 REV-P4 (inclusive) and Levels Layouts Sheets 1 to 4 inclusive drawing nos. 854-05-01 to 854-05-04 inclusive 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 development.

- 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 the occupation of any of the hereby approved dwellings the internal road and footway layout serving that dwelling shall be provided in accord with revised drawing numbers 1654/p/10.2c, L1081-2.1-1010 p4, L1081-2.1-1011 p4, L1081-2.1-1012 p4, L1081-2.1-1013 p4, L1081-2.1-1014 p4, L1081-2.1-1015 p4, L1081-2.1-1016 p4 and L1081-2.1-1017 p4

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

- 5 Prior to commencement of any above ground works, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

- 6 Prior to the occupation of any of the hereby approved dwellings the car parking and turning area serving that dwelling shall have been provided in accord with amended parking plan 1654/p/10.4C. These parking and turning facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

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

- 7 Development shall be carried out in full accordance with the Noise Assessment by Cass Allen ref RP01-17297 in relation to method of glazing at paragraph 4.29 and Appendix 4, and boundary fencing at paragraph 4.34, unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of noise mitigation for existing and future residents of the development.

- 8 Prior to commencement of any above ground works a scheme for the on-site mitigation of the recreational impact of the development on protected Essex Coast European sites shall have been submitted to and approved in writing by the Local

Planning Authority. This mitigation scheme shall comprise;

- a) a circular walking route; dog off lead area; dog waste bins; and residents' information leaflets as indicated within the European Sites Mitigation Strategy;
- b) full details of the long-term maintenance and management of the green space;
- c) a program for implementation

Development shall be undertaken in strict accordance with the approved mitigation scheme and program and thereafter managed and retained as approved. Any approved information leaflet shall be included within the new residents welcome pack to every dwelling.

Reason - To encourage the future residents to remain on-site for day to day recreation/dog walking, so as to minimise pressures upon Hamford Water SPA and Ramsar, Colne Estuary SPA and Ramsar, Blackwater Estuary SPA and Ramsar, Dengie SPA and Ramsar, and Essex Estuaries SAC, Hamford Water SPA and Ramsar site, pursuant to the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy.

DATED: 6th August 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

QL11 Environmental Impacts and Compatibility of Uses

QL12 Planning Obligations

QL10 Designing New Development to Meet Functional Needs

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
 - 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
- 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 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.

Legal Agreement Informative - Recreational Impact Mitigation

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: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Guidance related to submission of Construction Method Statement:

Noise Control

- 1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- 2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:2009.
- 4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

- 5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.
- 6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

Emission Control

- 1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
- 2) No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- 3) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

The Construction Method Statement should also refer to the Air Quality Assessment submitted and include the recommendations made by this report. The AQA makes reference to dust suppression and recommendations should be implemented as outline in part 5 and 6 of this report.

Putting the above in place will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

This development should be carried out in accordance with the discussion in the acoustic report submitted to this Service and note section 4.29 (Glazing and Ventilation) and section 4.34 (required boundary fencing). This will ensure that the adequate provisions are put in place to mitigate the adverse effects of existing noise on this development.

Highways Informatives

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.

Informative 2: Prior to occupation, the development shall be served by a system of operational street lighting of design approved from the Highway Authority along the Primary route, which shall thereafter be maintained in good repair.

Informative 3: Any tree planting proposed within the highway must be agreed with the Highway Authority. Trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme. All proposed tree planting must be supported by a commuted sum to cover the cost of future maintenance, to be agreed with the Highway Authority.

Informative 4: The areas directly adjacent to the carriageway(s) in which the trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway.

In paved areas, whether or not the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.

Informative 5: 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 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.

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.

