



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT: Mr Ajay Kambo
IDP Group
27 Spon Street
Coventry
CV1 3BA

APPLICANT: Mr Gary Dingwall
Hill Partnership
The Power House

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 19/00682/FUL

DATE REGISTERED: 30th April 2019

Proposed Development and Location of the Land:

**Variation of condition 3 of approved application 18/00194/FUL to add references to 1138-01A Frating soft works, 1138-02B Frating hard works and 1138-02B Frating hard works.
Land North of Tokely Road Frating Essex CO7 7GA**

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 Drawing Nos. PR121550-03, 1138-01A (Frating Soft Works), 1138-02B (Frating Hard Works), 1138-03 (Ecological Enhancement), 1732 P-01, 1723 P-02 Rev. C, 1723 P-03 Rev. B, 1723 P-04 Rev. A, 1723 P-05, 1723 P-06 Rev. B, 1723 P-07, 1723 P-08, 1723 P-09 Rev. A, 1723 P-10, 1723 P-11 Rev. B, 1723 P-12 Rev. B, 1723 P-14, 1723 P-15, 1723 P-16 and 1723 SLP-01.

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

- 2 The development shall be constructed in accordance with the landscape works details as shown on drawing nos. 1138-01 Rev. A (Soft Works) and 1138.02 Rev. B (Hard Works).

Reason - In the interests of visual amenity and the character of the area.

- 3 The development shall be carried out in accordance with the approved Tree Protection Plan drawing no. PR121550-03, including temporary protective fences as shown. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Any trees dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be agreed in writing with the Local Planning Authority, following the death of, or severe damage to the trees.

Reason - To enable existing landscaping to be protected and retained in the interests of visual amenity.

- 4 Prior to the first occupation of any dwelling hereby permitted a Landscape Management Plan and Surface Water Maintenance Plan shall be submitted to, and approved in writing by the Local Planning Authority. The document shall include details of design objectives; management responsibilities; maintenance schedule, including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies and details of any long term funding arrangements.

The development shall be implemented and thereafter maintained in line with the details and timescales in the approved document.

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with the approved Maintenance Plan and must be available for inspection upon a request by the Local Planning Authority.

Reason - To ensure proper planning, management and maintenance of the approved landscaped area and sustainable urban drainage features in the interests of visual amenity and 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.

- 5 The development shall be carried out in accordance with the site levels details shown on Finished Floor Levels drawing no. 12/34/18 Revision A,; Proposed Site Wide Levels Plan drawing no. C7114/SK3; Longitudinal Road Section Sheet 1 of 2 drawing no. C7114/SK5; Longitudinal Road Sections sheet 2 of 2 drawing no. C7114/SK6; and Detention Basin Details drawing no. C7114/SK10, as approved under planning reference 19/00617/DISCON.

Reason - To protect the impact on neighbours and in the interests of visual amenity.

- 6 The principal means of vehicular access shall be from Tokely Road. The existing vehicular access to Bromley Road shall be provided as a shared pedestrian and cycleway together with safe and suitable pedestrian facilities at the junction with Bromley Road with measures to prevent vehicular access; as agreed in writing by the Local Planning Authority.

Reason - In the interests of highway safety.

- 7 Internal road junctions shall be provided with minimum vehicular visibility splays of 33 metres by 2.4 metres by 33 metres. Each domestic vehicular access shall be provided at a maximum width of 3.7 metres together with 1.5 metres by 1.5 metres pedestrian visibility splay.

Reason - In the interests of highway safety.

- 8 The development shall be constructed in full accordance with the bicycle storage details shown on Drawing No. 001B, (GR1) 100, (GR2) 100 and 850 approved under planning reference 19/00627/DISCON. The cycle storage 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 encourage sustainable forms of transport.

- 9 All boundary walls and fences which face onto public spaces/highways or private drives shall be constructed in accordance with the details shown on drawing no. 1138.02 Rev.B (Hard Works). The boundary walls and fences as approved shall be erected prior to the buildings to which they relate being first occupied and shall thereafter be retained in their

approved form.

Reason - To ensure a satisfactory development in terms of appearance and functionality, in the interests of amenity.

- 10 The development shall be carried out in accordance with the detailed surface water scheme as per the Proposed Drainage Strategy Plan drawing no. C7114/SK4; Private Drainage Construction Details drawing no. C7114/SK8; and Detention Basin Details drawing no. C7114/SK10; and Drainage & SUDS Maintenance Report (prepared by Walker Associates Consulting and dated April 2019) as approved under planning reference 19/00617/DISCON.

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 and to provide mitigation of any environmental harm which may be caused to the local water environment.

- 11 The scheme to minimise the risk of offsite flooding during construction works shall be implemented in accordance with the details shown on the Proposed Drainage Strategy Plan drawing no. C7114/SK4 and 'Drainage & SUDS Maintenance Report' prepared by Walker Associates Consulting (April 2019) as approved under planning reference 19/00617/DISCON.

Reason - To ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

- 12 The foul water strategy shall be implemented in accordance with the details set out on the Proposed Drainage Strategy Plan drawing no. C7114/SK4; Adoptable Manhole Schedules drawing no. C7114/SK7; Standard Adoptable Sewerage Details drawing no. DS/SFA/001 Revision C; and 'Drainage & SUDS Maintenance Report' prepared by Walker Associates Consulting (April 2019), as approved under planning reference 19/00617/DISCON.

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

- 13 Other than for external lighting within the curtilage of a dwellinghouse within any permitted phase of development and any lighting within the public highways, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The external lighting strategy shall consider how the use of such lighting will avoid, or minimise, harm caused by light pollution and the development shall be carried out in accordance with the approved scheme.

Reason - To ensure that new external lighting of the development is not harmful to biodiversity or local amenity.

- 14 The development shall be constructed in full accordance with the External Material Tracker dated April 2019 as approved under planning reference 19/00626/DISCON.

Reason - To ensure a satisfactory development in relation to external appearance.

- 15 The garages and car parking spaces hereby permitted shall be kept available for the parking of motor vehicles at all times. The garage/car spaces shall be used for no other purpose and permanently retained, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure sufficient parking is provided in the interests of highway safety.

- 16 The development shall be constructed in full accordance with the details shown within the 'Environmental Construction Management Plan' produced by Hill (Ref. PDN05-G3-12.02.2018), as approved under planning reference 19/00613/DISCON.

Reason - To ensure that development is carried out in a controlled manner while minimising impacts on the surrounding residential properties and also in the interests of highway safety.

- 17 No dwelling hereby permitted shall be occupied until the parking provision as shown on Drawing No. 1723 P-02 Rev. C for that dwelling is laid out and available for use.

Reason - To ensure adequate off-street parking is provided in the interests of highway safety.

- 18 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwellings hereby permitted shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - To protect the privacy and amenities of the occupiers of adjoining properties and to ensure adequate amenity space is retained.

- 19 The development shall be implemented in accordance with the letter and associated appendices from Geosphere Environmental Limited dated 30 April 2019 setting out proposed mitigation measures of the recreational impact of the development on protected Essex Coast Habitats (European) Sites, as approved under planning reference 19/00684/DISCON.

Reason - In order to safeguard protected wildlife species and their habitats in accordance with the NPPF and Habitats Regulations 2017.

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

QL2 Promoting Transport Choice

- QL3 Minimising and Managing Flood Risk
- QL11 Environmental Impacts and Compatibility of Uses
- QL12 Planning Obligations
- COM1 Access for All
- COM6 Provision of Recreational Open Space for New Residential Development
- COM24 Health Care Provision
- COM26 Contributions to Education Provision
- COM29 Utilities
- COM30 Electricity Supply
- COM31A Sewerage and Sewage Disposal
- EN1 Landscape Character
- EN4 Protection of the Best and Most Versatile Agricultural Land
- EN6 Biodiversity
- EN6A Protected Species
- TR1A Development Affecting Highways
- TR2 Travel Plans
- TR5 Provision for Cycling
- TR6 Provision for Public Transport Use
- TR7 Vehicle Parking at New Development
- Tending District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
- 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 Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

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.

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

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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
910 The Crescent
Colchester
CO4 9QQ

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.

