

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	PS	14-09-19
Planning Development Manager authorisation:	TF	19.09.19
Admin checks / despatch completed	SB	19/09/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	KAO	19/09/19

**Application:** 18/01190/OUT **Town / Parish:** Mistley Parish Council

**Applicant:** Tendring Farms Ltd

**Address:** Land South of Long Road Mistley

**Development:** Variation of Conditions 1, 11, 12, 13, 14, 15, and 16 of 17/01537/OUT to allow work to commence prior to the submission of remaining reserved matters (reserved matters for 96 units already submitted).

### 1. Town / Parish Council

### 2. Consultation Responses

ECC SuDS Consultee	There is no FRA/drainage strategy to review so we are unable to comment on this application.
TDC Regeneration	The Regeneration Team have no specific comments to make on this application.
TDC Building Control	No comments at this time.
TDC Principal Tree & Landscape Officer	No comments original comments apply:

### 3. Planning History

14/30366/PREAPP	Outline proposal for approximately 300 dwellings, public open space, commercial floor space (B1), highways works and local amenities.		10.12.2014
15/00761/OUT	Outline application with all matters reserved, other than strategic access points onto the public highway, for the erection of up to 300 dwellings, up to 2 hectares of employment land (A2/A3/B1/D1 uses), with associated public open space and infrastructure.	Approved	18.07.2016

17/00534/OUT	Variation of condition 4 of 15/00761/OUT to change parameter plans.	Refused	10.08.2017
17/00535/DETAIL	Application for Phase 1 Reserved Matters for Access, Appearance, Landscaping, Layout and Scale for 96 Residential following Outline Planning Permission 15/00761/OUT (as subsequently amended by 17/01537/OUT).	Approved	16.08.2018
17/01181/OUT	Outline application with all matters reserved, other than strategic access points onto the public highway, for the erection of up to 485 dwellings, up to 2 hectares of employment land (A2/A3/B1/B2; B8; D1 uses), with associated public open space and infrastructure.	Refused	29.11.2018
17/01537/OUT	Variation of condition 4 of application 15/00761/OUT to change the description of the condition to 'The reserved matters shall be in general conformity with the following indicative drawings: Building Heights Plan - Drawing No: 001, Illustrative Masterplan - Drawing No: PL17006/04 and Landscape Plan - Drawing No: 003'.	Approved	14.06.2018
18/01190/OUT	Variation of Conditions 1, 11, 12, 13, 14, 15, and 16 of 17/01537/OUT to allow work to commence prior to the submission of remaining reserved matters (reserved matters for 96 units already submitted).	Current	
19/00336/OUT	Variation of condition 4 of application 17/01537/OUT to change the description of the condition to 'The reserved matters shall be in general conformity with the following indicative drawings: Building Heights Plan - Drawing No: 001A, Illustrative Masterplan - Drawing No: PL17006/04A and Landscape Plan - Drawing No: 003A'.	Current	
19/00539/DETAIL	Reserved matters application pursuant to outline planning permission 17/01537/OUT for the creation of phase 2 - 204 dwellings and four commercial buildings, plus	Current	

associated roads, driveways,  
parking, footpaths, landscaping  
and ancillary works.

#### **4. Relevant Policies / Government Guidance**

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

ER7 Business, Industrial and Warehouse Proposals

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

COM23 General Pollution

COM24 Health Care Provision

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

EN17 Conservation Areas

EN29 Archaeology

TR1A Development Affecting Highways

TR1 Transport Assessment

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

SP3 Meeting Housing Needs

SP5 Infrastructure & Connectivity

SP6 Place Shaping Principles

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP1 Improving Health and Wellbeing

HP2 Community Facilities

HP3 Green Infrastructure

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
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- PPL7 Archaeology
- 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

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an

appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

## **5. Officer Appraisal (including Site Description and Proposal)**

### **PROPOSAL**

The site has outline planning permission 15/00761/OUT for up to 300 dwellings, up to 2 hectares of employment land (including use classes A2: financial and professional services; A3: restaurants and cafes, B1: business use and D1: non-residential institutions), with associated public open space and infrastructure. This was granted in July 2016.

This land off Long Road and Clacton Road, Mistley has outline planning permission for 300 homes and 2 hectares of employment land. planning permission was granted subject to a number of planning conditions, including that, "Development shall not commence until the reserved matters for all phases are submitted".

The applicant has however stated that given the scale of the site it is now proposed to deliver the scheme in phases with the Phase 1 Reserved Matters (totalling 96 units), which was submitted and approved by the Planning Committee on the 24 July 2018.

This planning application seeks permission to vary the attached Planning Conditions to the aforementioned approval to allow work to commence onsite prior to the submission of the remaining reserved matters, allowing the first phase of the development to commence.

No changes to the total number of homes or the amount of employment land are being proposed - this could only be achieved through a whole new planning application for the site.

This application proposes to amend the Conditions for submission of the Reserved Matters, which was required by July 2019. It is expected that the development will allow commencement to be brought forward and not delayed whilst plans for later phases are prepared.

The National Planning Policy Framework (March 2012) sets out the Government's planning policies and how these are expected to be applied at the local level.

Planning law requires that applications for planning permission be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The NPPF doesn't change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused - unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions: an economic role; a social role; and an environmental role.

## RESERVED MATTERS CONDITIONS

Condition 1 of planning permission 15/00761/OUT as amended by 17/01537/OUT states;  
No development shall be commenced until plans and particulars of "the reserved matters" relating to access from Clacton Road, appearance, landscaping, layout and scale of the development have been submitted to and approved, in writing by the Local planning Authority. The development shall be carried out in accordance with the approved plans.

The applicant seeks to amend this condition to read as follows:

"Approval of the details of the siting, design and external appearance of the dwellings in the first phase agreed in accordance with condition 6 below , the means of access thereto and the landscaping of the site (hereinafter called the reserved matters ) shall be obtained for each agreed phase of the development before any development on such phase is commenced. The development shall be carried out in accordance with any such approval.

Condition 11 states;

Prior to the commencement of development a Public Open Space Management Plan including a lighting strategy and long term design objectives for all landscaped areas adjacent to any highway (other than any domestic gardens which front onto an adopted estate road) has been submitted to and approved, in writing , by the local planning Authority. Prior to first occupation, management responsibilities and maintenance schedules shall be submitted to and approved, in writing, by the LPA. The Public open Space Management plan so approved shall be carried out in accordance with the details and timescales to be contained ion that document.

The applicant seeks to amend this condition so as to read as follows;

No phase of development shall commence until a Public Open Space Management Plan including a Lighting Strategy and long-term design objectives for all landscaped areas, within that phase of development, that are adjacent to any highway (other than for any domestic garden which front onto an adopted estate road) shall be submitted to and approved, in writing, by the Local Planning Authority. Prior to first occupation, management and maintenance schedules shall be submitted to and approved, in writing, by the Local Planning Authority. The Public Open Space Management Plan so approved shall be carried out in accordance with the details and timescales to be contained in that document.

Condition 12 states;

No development shall take place until precise details of the provision, siting height, design and materials of all boundary walls and fences which face onto private drives have been submitted to and approved in writing by the Local Planning Authority. The boundary walls and fences so approved shall be erected prior to the building/s to which they relate being first occupied and shall thereafter be retained in their approved form.

The applicant seeks to amend this condition so as to read as follows;

No phase of development shall take place until prewise details of the provision, siting, height, design and materials of the all boundary walls and fences, within that phase which face onto public spaces highways or private drives have been submitted to and approved in writing by the Local Planning Authority. The boundary walls and fences so approved shall be erected prior to the building /s to which they relate being first occupied and shall thereafter be retained in their approved form.

Condition 13 reads as follows:

No development shall commence until a foul water strategy for that phase has been submitted to and approved in writing by the local planning authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved.

The applicant seeks to amend Condition 13 so as to read as follows:

No phase of development shall commence until a foul water strategy for that phase has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved.

Condition 14 reads as follows;

No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development has been submitted and approved in writing by the Local planning Authority. The scheme shall be implemented in accordance with the approved details.

The applicant seeks to amend the Condition 14 to read as follows;

No phase of development shall commence until a detailed surface water drainage scheme for that phase, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the local planning Authority. The scheme shall be implemented in accordance with the approved details.

Condition 15 reads as follows;

No development shall commence until a scheme to minimise the risk of Off-site flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by the Local planning Authority. The scheme shall be implemented in accordance with the approved details.

The applicant seeks to vary Condition 15 to read as follows;

No phase of development shall commence until a scheme to minimise the risk of Off-site flooding caused by surface water run-off and groundwater during construction works relating to that phase has been submitted to and approved in writing by the Local planning Authority. The scheme shall be implemented in accordance with the approved details.

Condition 16 reads as follows;

No development shall commence until a plan detailing maintenance arrangements, including who is responsible for different elements of the surface water drainage system and the maintenance activities /frequencies, has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be implemented and maintained in accordance with the approved details and the adopting body responsible for maintenance of the surface water drainage system must record yearly logs of maintenance which must be available for inspection by the Local planning Authority on request.

The applicant seeks to vary Condition 16 to read as follows;

No phase of development shall commence until a plan detailing maintenance arrangements for that phase, including who is responsible for different elements of the surface water drainage system and the maintenance activities /frequencies, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and maintained in accordance with the approved details and the adopting body responsible for maintenance of the surface water drainage system must record yearly logs of maintenance which must be made available for inspection by the Local Planning Authority on request.

Representations.

5.1 The Council has received one letter of objection from a local resident which raises the following concerns; (officer's response in italics).



"The proposals will result in a larger spread of housing and a big reduction of green space to both Clacton Road and Long Road.  
(The principle of development has already been established by the granting of outline planning permission).

The impact of the development in phases will cause the area to be blighted as the time frame for development is extended.  
(The principle of development has already been established by the granting of outline planning permission).

Developers constantly use this as a reason to delay building and thereafter apply for further permission for increased housing.  
(The principle of development has already been established by the granting of outline planning permission at appeal).

The location of the proposed development is within an area which is prone to flooding, this has not been addressed by the developer.  
(Details of the drainage measures will be secured via condition).

There have been no changes in circumstances since the original grant of planning permission that might affect the principle of development, so the assessment within this report focusses only on the specific changes to the Conditions being proposed.

There is no proposal to increase the number of homes or amount of commercial development going on the site through this application. Officers are however aware of a separate application seeking to develop a doctors surgery on the site however this will need to be determined on its own merits and need not influence the determination of this application.

Taking into account the information provided, especially relating to the development in phases it is considered that the variation to the existing Conditions are acceptable, however the wording of the proposed conditions were considered to be onerous and therefore they have now been amended to read as follows:

#### Condition 1

No development shall be commenced on any phase of development as approved under Condition 6 of this permission until details of the appearance, landscaping, layout and scale of development (hereinafter called the reserved matters) for that phase of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with any such approval.

#### Condition 11

No phase of development shall commence until a Public Open Space Management Plan for that phase of the development has been submitted and approved in writing by the Local Planning Authority. The Public Open Space Management Plan shall include a lighting strategy and long-term design objectives for all landscaped areas that are adjacent to any highway (other than for any domestic gardens which front onto an adopted estate road). Prior to first occupation of any dwelling in that phase, management responsibilities and maintenance schedules shall be submitted to and approved, in writing, by the Local Planning Authority. The approved Public Open Space Management Plans for each phase of development shall be carried out in accordance with the details and timescales to be contained in that document.

#### Condition 12

No phase of development shall take place until precise details of the provision, siting, height, design and materials of all boundary walls and fences, within that phase, which face onto public spaces /highways or private drives have been submitted to and approved in writing by the Local Planning Authority. The boundary wall and fences so approved shall be erected prior to the building/s to which they relate being first occupied and shall thereafter be retained in their approved form.

#### Condition 13

No phase of development shall commence until a foul water strategy for that phase has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved.

#### Condition 14

No phase of development shall commence until a detailed surface water drainage scheme for that phase, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

#### Condition 15

No phase of development shall commence until a scheme to minimise the risk of off- site flooding caused by surface water run- off and groundwater during construction works relating to that phase has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

#### Condition 16

No phase of development shall commence until a plan detailing maintenance arrangements for that phase, has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include details of who is responsible for different elements of the surface water drainage system and the maintenance activities/ frequencies, The scheme shall be Implemented and maintained in accordance with the approved details and the adopting body responsible for maintenance of the surface water drainage system must record yearly logs of maintenance which must be available for inspection by the Local Planning Authority on request.

#### Conclusion

Taking into account the above information Officers are satisfied with the proposed variation to Conditions 1, 11, 12, 13, 14, 15 and 16 and therefore recommend the application be approved.

## **6. Recommendation**

Approval - Full

## **7. Conditions / Reasons for Refusal**

- 1 No development shall be commenced on any phase of development as approved under Condition 6 of this permission until details of the appearance, landscaping, layout and scale of development (hereinafter called the reserved matters) for that phase of the development have been submitted to and approved in writing by the Local Planning Authority The development shall be carried out in accordance with any such approval.

Reason- The application is in Outline with only access from Long Road determined in detail.

- 2 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 3 The reserved matters shall be in general conformity with the following indicative drawings: Drawing Ref: 001 Building Heights Plan; Drawing Ref: PL 17006/04 Illustrative Masterplan; and Drawing Ref: 003 Landscape Plan.

Reason - To establish reasonable limits to the layout of the development in the interests of good design, layout, appearance and residential amenity.

- 4 The maximum number of dwellings to be contained in the development shall be 300 and the amount of employment land shall not exceed 2 hectares.

Reason - To ensure compliance with the description of development hereby approved.

- 5 No development shall commence until a Phasing Plan and Programme for the application site has been submitted to and approved in writing by the Local Planning Authority. The document shall identify the physical extent of each proposed phase of development, the layout and an indicative timescale for implementation of each phase. Each phase or phases of the residential development so approved shall be completed in accordance with a hard and soft landscaping scheme, required under condition 1 above.

Reason - To ensure a satisfactory development programme in the interests of the occupiers of the development and in terms of local amenity.

- 6 No phase of development shall commence until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in the construction of that phase have been submitted to and approved, in writing, by the Local Planning Authority. Such materials so approved shall be those used in that particular phase of development.

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

- 7 All planting, seeding or turfing shown on the landscaping details required to be submitted and approved under condition 1 above shall be carried out during the first planting and seeding season (October - March inclusive) following the occupation of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority.

Reason - In order to ensure the earliest practicable implementation of new planting required to mitigate the impact of development, in the interests of local and residential amenity.

- 8 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 - In order to ensure the satisfactory establishment of new planting required to mitigate the impact of development, in the interests of local and residential amenity.

- 9 The implementation of the development shall take place at all times in accordance with the Tree Constraints Plan 4278-D submitted with the application and no development shall commence until details of tree protection measures, including during the construction phase, have been submitted to and approved in writing by the Local Planning Authority and such measures as approved shall be implemented fully in accordance with such requirements.

Reason - In order to ensure the protection of trees, in the interests of local and residential amenity.

- 10 No phase of development shall commence until a Public Open Space Management Plan for that phase of the development has been submitted and approved in writing by the Local Planning Authority. The Public Open Space Management Plan shall include a lighting strategy and long- term design objectives for all landscaped areas that are adjacent to any highway (other than for any domestic gardens which front onto an adopted estate road). Prior to first occupation of any dwelling in that phase, management responsibilities and maintenance schedules shall be submitted to and approved, in writing, by the Local Planning Authority. The approved Public Open Space Management Plans for each phase of development shall be carried out in accordance with the details and timescales to be contained in that document.

Reason- To ensure the proper planning, management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

- 11 No phase of development shall take place until precise details of the provision, siting, height, design and materials of all boundary walls and fences, within that phase, which face onto public spaces /highways or private drives have been submitted to and approved in writing by the Local Planning Authority.

The boundary wall and fences so approved shall be erected prior to the building/s 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.

- 12 No phase of development shall take place until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved.

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

- 13 No phase of development shall commence until a detailed surface water drainage scheme for that phase, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason- To prevent the increased risk of flooding and to prevent the discharge of surface water from the development onto the highway, to prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interests of highway safety, by ensuring the satisfactory storage of/disposal of surface water from the site, and to ensure future maintenance of the surface water drainage system.

- 14 No phase of development shall commence until a scheme to minimise the risk of off- site flooding caused by surface water run- off and groundwater during construction works relating to that phase has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason- To prevent the increased risk of flooding and to prevent the discharge of surface water from the development onto the highway, to prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interests of highway safety, by ensuring the satisfactory storage of/disposal of surface water from the site, and to ensure future maintenance of the surface water drainage system.

- 15 No phase of development shall commence until a plan detailing maintenance arrangements for that phase, has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include details of who is responsible for different elements of the surface water drainage system and the maintenance activities/ frequencies, The scheme shall be implemented and maintained in accordance with the approved details and the adopting body responsible for maintenance of the surface water drainage system must record yearly logs of maintenance which must be available for inspection by the Local Planning Authority on request.

Reason- To prevent the increased risk of flooding and to prevent the discharge of surface water from the development onto the highway, to prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interests of highway safety, by ensuring the satisfactory storage of/disposal of surface water from the site, and to ensure future maintenance of the surface water drainage system.

16 No occupation of the development, or specific phase of development in accordance with Condition 6, shall take place until the following have been completed, as necessary for each phase, in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority:

- i) A priority junction with right turn lane (with two pedestrian refuge islands) in Long Road to provide access to the proposal site, substantially in accordance with drawing JTP 04814 No. DR1 - Long Road Access as attached to Outline Planning Permission Ref: 15/00761/OUT. The priority junction shall have minimum 10.5 metre kerbed radii with dropped kerbs/tactile paving crossing points, a minimum 6.75 metre access road carriageway with two 3 metre footway/cycleways, pedestrian/cycle refuge island and a minimum 120 x 2.4 x 120 metre clear to ground visibility splay.
- ii) A priority junction off Clacton Road to provide access to the proposal site. Priority junction shall have minimum 10.5 metre kerbed radii with dropped kerbs/tactile paving crossing points, a minimum 6.75 metre access road carriageway with one 2 metre footway and a minimum 120 x 2.4 x 120 metre clear to ground visibility splay.
- iii) Improvements at the A137 Coks Hill/Long Road/Wignall Street mini roundabout as shown in principle on planning application drawing number 04814 DR3a as attached to Outline Planning Permission Ref: 15/00761/OUT;
- iv) To current Essex County Council specification, the provision of two new bus stops in Long Road or upgrade of the stops which would best serve the proposal site, details of which shall have been agreed in writing by the Local Planning Authority prior to commencement of the development; and
- v) A minimum 3 metre wide footway/cycleway along the proposal site's Long Road frontage.

No dwelling within the development, or phase of development, shall be first occupied until such time as all facilities identified in i) ii) iii), iv) and v) above, as necessary for each phase, have been provided in accordance with details so approved.

Reason - To protect highway efficiency of movement and safety and to enable satisfactory access to the site by pedestrians, bicycles, public transport and motorised vehicles.

17 Prior to occupation of the development, the Developer shall be responsible for the provision, to the first owner of each dwelling on the site, a Residential Travel Information Pack for sustainable transport, approved by the Local Planning Authority, in consultation with Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason - To promote travel from the site by sustainable modes including public transport as an alternative to the private motor car.

18 No phase of development shall commence until an Ecological Mitigation Scheme and Management Plan for that particular phase has been submitted to and approved, in writing, by the Local Planning Authority. The document shall include:

i) A survey to confirm (or otherwise) the presence of protected species on the application site.

If protected species are present, the survey shall be accompanied by a scheme of appropriate mitigation measures (including precise details of the timing and method/s of protection). No development shall be undertaken except in full accordance with any such approved scheme of mitigation.

ii) A management plan to demonstrate how biodiversity within the site will be encouraged by the development.

Reason - In order to safeguard protected wildlife species and their habitats and in the interests of biodiversity.

- 19 No development shall take place until the applicant or developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation and reporting which has been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the scheme so approved.

Reason - To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance.

- 20 No phase of development shall commence until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority for that particular phase. The statement shall include:

- i) The proposed hours and days of working;
- ii) Proposals to minimise harm and disruption to the adjacent local area from ground works, construction noise and site traffic; and
- iii) Details of a wheel washing facility.

The development shall be carried out in accordance with the statement so approved.

Reason - To ensure that the development takes place in a satisfactory manner with regard to its impact on amenity and highways in the local area.

- 21 Prior to commencement of any phase of development, details of all refuse/recycling storage and collection points required to serve that phase of development shall be submitted to and approved in writing by the Local Planning Authority. Each refuse/recycling storage and collection point so approved shall be provided prior to first occupation of any dwelling to which it relates and shall be retained thereafter as approved.

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

- 22 Prior to commencement of any phase of development, details of cycle storage required to serve each dwelling within that phase of development shall be submitted to and approved in writing by the Local Planning Authority. All cycle storage so approved shall be provided prior to first occupation of the dwelling to which it relates and shall be retained thereafter as approved.

Reason - To ensure a satisfactory development in terms of appearance and functionality and sustainability, so that cycling is encouraged as a sustainable means of transport.

- 23 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 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 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 - To ensure the development is able to be equipped with high speed broadband to enable opportunities for web-based communication and homeworking.

- 24 Prior to commencement or at a later date agreed in writing by the Local Planning Authority, the applicants shall submit to the Local Planning Authority, in writing, a Local Recruitment Strategy to include details of how the applicant/ developer shall use their reasonable endeavours to promote and encourage the recruitment of employees and other staff in the locality of the application site, for the construction of the development and for the uses of

the development thereafter. The approved Local Recruitment Strategy shall be adhered to therein after.

Reason - To promote and encourage the recruitment of employees and other staff in the locality of the application site.

## 8. Informatives

### 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.

### Conditions Precedent

The applicant is reminded that this detailed planning consent is subject to conditions attached to the outline permission for this development reference 17/01537/OUT. Please refer to the outline planning permission to ensure full compliance with all conditions.

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.

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>	YES	NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	YES	NO