



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT: Mr Samuel Bampton
City & Country
Bentfield Place
Stansted
Essex
CM24 8HL

APPLICANT: Tendring Farms Ltd
C/o Agent

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 18/01190/OUT **DATE REGISTERED:** 19th July 2018

Proposed Development and Location of Land:

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).

Land South of Long Road Mistley Essex

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **DO HEREBY GRANT OUTLINE PLANNING PERMISSION** in accordance with the application form, supporting documents and plans submitted, subject to the following conditions:

- 1 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 Coxs 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.

DATED: 19th September 2019

SIGNED:



Catherine Bicknell
Head of Planning

IMPORTANT INFORMATION :-

The local planning authority considers that the following policies and proposals in the development plan are relevant to the above decision:

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL3 Minimising and Managing Flood Risk

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

QL12 Planning Obligations

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

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.

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.