



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT:	Tim Snow Architects 9A High Street Brightlingsea Colchester Essex CO7 0AE	APPLICANT:	Mr Cross - Futureway Homes Ltd. Units 40/41 70-72 The Havens Ransomes Business Park Ipswich IP3 9BF
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TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 19/00937/FUL

DATE REGISTERED: 24th June 2019

Proposed Development and Location of the Land:

Removal of conditions 16 and 17 of approval 15/01787/FUL as bus stops no longer necessary or required.

Land to The South of Pound Corner Harwich Road Mistley Essex

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans of previous planning permission 15/01787/FUL: 710/20 B, 710/22, 710/19 B, 710/18, 710/17 Rev A, 710/16, 710/14, 710/12, 710/21 A, 710/11 A, 710/15 B, 710/13 A and 710/10 E.

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

- 2 Details of the manufacturer and types and colours of the external facing and roofing materials used in construction shall be in full accordance with the details as approved within 18/01027/DISCON.

Reason - This is a publicly visible building where materials are a visually important design element.

- 3 Details of all boundary walls and fences which face onto public spaces/highways or private shall be in full accordance with the details approved within 19/00936/DISCON. The boundary walls and fences approved shall be retained in their approved form for perpetuity.

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

- 4 The method statement in respect of piling containing a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents shall be in full accordance with the details approved within 18/00976/DISCON.

Reason - In the interests of residential amenity.

- 5 The scheme of hard and soft landscaping works for the site shall be in full accordance with the details approved within 19/00936/DISCON.

Reason - In order to ensure the satisfactory development of the site in terms of visual impact as the landscaping scheme is considered to play an important part in integrating the development with the surrounding development and to ensure the existing mature trees and identified hedgerows are safeguarded during construction and retained in the interests of visual amenity.

- 6 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details

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

- 7 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved, in writing, by the Local Planning Authority prior to the first occupation of the development. The landscape management plan shall be carried out as approved in accordance with the details and timescales in the plan.

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

- 8 Details of existing and proposed levels of the site, finished floor levels and all areas of cut or fill shall be in full accordance with the details approved within 18/00976/DISCON.

Reason - In the interests of visual and residential amenity.

- 9 The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). Prior to occupation the carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands' to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a mews) from the occupation of such dwelling.

Reason - To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety.

- 10 All off street car parking shall be in precise accord with the details contained within the current Parking Standards.

Reason - To ensure that on-street parking of vehicles in the adjoining streets does not

occur, in the interests of highway safety.

- 11 Prior to occupation of the proposed development, the developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport approved in liaison with Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport.

- 12 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class B or 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 windows shall be inserted in the roof slope of the dwellings except in accordance with drawings which shall previously have been submitted to and approved, in writing, by the Local Planning Authority by way of a planning application.

Reason - In the interests of neighbouring residential amenity.

- 13 Prior to the first use of the new road and footway connection to Harwich Road, Mistley, visibility splays of 17m by 2.4m by 17m as measured along, from and along the nearside edge of the carriageway or footway, shall be provided on both sides of the centre line of the FP N07 (Mistley) and shall be maintained in perpetuity free from obstruction clear to ground.

Reason - To ensure adequate intervisibility between drivers of vehicles using the proposed highway and those on the Public Right of Way, in the interests of highway safety. (Required at both crossing points of the new carriageway and footway).

- 14 Prior to the occupation of the proposed development, the proposed new road and footway connection to Harwich Road, Mistley shall be provided as shown detailed in Drawing Numbered 710/10 Revision E of planning permission 15/01787/FUL.

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

- 15 The development shall be in full accordance with the Construction Method Statement approved within 18/01027/DISCON.

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

- 16 The vehicular turning facility shall be in full accordance with the details as approved within 18/01027/DISCON.

Reason - To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety.

- 17 The details of the clear ground level visibility splays for each internal estate road junction shall be in full accordance with the details as approved within 18/00976/DISCON. Such visibility splays shall be provided before the road is first used by vehicular traffic and shall be retained free from obstruction clear to ground.

Reason - To ensure a reasonable degree of intervisibility between drivers of vehicles at and approaching the road junction, in the interests of highway safety.

- 18 Prior to first occupation of the proposed development, each individual proposed vehicular access shall be constructed at right angles to the highway boundary and to a width of 3.7m and each shared vehicular access shall be constructed at right angles to the highway boundary and to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

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

- 19 Prior to the proposed accesses being brought into use, a 1.5m. x 1.5m. pedestrian visibility splay, relative to the highway boundary, shall be provided on both sides of that access and shall be maintained in perpetuity free from obstruction clear to ground. These splays must not form part of the vehicular surface of the access.

Reason - To ensure adequate intervisibility between drivers of vehicles using the proposed access and pedestrians in the adjoining highway, in the interests of highway safety.

- 20 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary/throughout.

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

- 21 Details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be in full accordance with the details as approved within 18/00976/DISCON.

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

- 22 No works shall take place until a Maintenance Plan detailing the 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 agreed, in writing, by the Local Planning Authority. The applicant or any successor in title shall maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason - To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

- 23 Details of a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works shall be in full accordance of details approved within 18/00976/DISCON.

Reason - The National Planning Policy Framework paragraph 103 states that Local Planning Authorities should ensure flood risk is not increased elsewhere by development. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of top soils during construction may limit the ability of the site to intercept rainfall and may lead to

increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

- 24 Details of a detailed surface water drainage scheme for the site, based on the approved drainage strategy in line with sustainable drainage principles, shall be in full accordance with the details as approved within 18/00976/DISCON. This scheme shall subsequently be implemented prior to occupation.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment.

- 25 The development shall be carried out in accordance with the recommendations contained in the submitted "Bat Activity and Reptile Survey" prepared by Geosphere Environmental Ltd within planning permission 15/01787/FUL. The enhancements shall be implemented in accordance with the recommendations in the survey before occupation of the hereby approved development.

Reason - To preserve and enhance the biodiversity of the site.

- 26 The working hours in connection with the use/building(s) hereby permitted, shall only be between 07:00hrs and 19:00hrs Monday to Saturday (finishing at 13:00hrs on a Saturday); and no work shall be carried out on Sundays, or Public Holidays, or outside the specified hours, unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interest of residential amenity.

- 27 Details of a scheme of demolition of existing buildings on site shall be in full accordance with the details approved within 18/01027/DISCON.

Reason - In the interests of residential amenity and to control pollution.

- 28 The development approved under planning permission 15/01787/FUL (including any site stripping or preparation and/or demolition), shall only be carried out outside of the wild bird nesting season - from 31 March - 1 September (dates as advised by ecology consultation), unless the Local Planning Authority first gives written approval to any variation subsequent to the submission of satisfactory evidence that the development of the site in the specified date range will not have an adverse impact on nesting birds.

Reason - In the interest of wildlife protection.

DATED: 23rd 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

COM6 Provision of Recreational Open Space for New Residential Development

COM19 Contaminated Land

COM20 Air Pollution/ Air Quality

COM21 Light Pollution

COM22 Noise Pollution

COM23 General Pollution

COM26 Contributions to Education Provision

EN1 Landscape Character

EN2 Local Green Gaps

EN6 Biodiversity

EN13 Sustainable Drainage Systems

EN23 Development Within the Proximity of a Listed Building

EN29 Archaeology

HG1 Housing Provision

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

QL1 Spatial Strategy

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

TR1A Development Affecting Highways

TR2 Travel Plans

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

TR10A General Aviation

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

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

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

Highways Informative

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Standard Informative 1: The Provisions of the Essex Act 1987, Section 13 (Access for the Fire Brigade) may apply to this Development and will be determined at Building Regulation Stage.

Standard Informative 2: You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control section at Tendring District Council.

Standard Informative 3: If the development includes the construction of a new building on or at the boundary of 2 properties, work to an existing party wall or party structure or involve excavation near to and below the foundation level of neighbouring buildings, you are advised that the provisions of the Party Wall Act 1996 may apply to this development. An explanatory booklet concerning the implications of this Act is available online or from the District Council.

The attached notes explain the rights of appeal.

NOTES FOR GUIDANCE

WHEN PLANNING PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within the set time frame as outlined below:
 - a. If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Householder Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - b. If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - c. If you want to appeal against your local planning authority's decision on a development which is not caught by a. and b. above then you must do so within **6 months** of the date of this notice. A **Planning Appeal Form** is required, available online <https://www.gov.uk/planning-inspectorate>
- Appeals must be made using the relevant form (as detailed above) which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. **Please note, only the applicant possesses the right of appeal.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions imposed having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

ENFORCEMENT

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.