



TENDRING DISTRICT COUNCIL

Planning Services

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

APPLICANT: Mr Steve Williams - Hills
Residential Ltd
Bridge Mill House
Brook Street Business Centre
Brook Street
Colchester
Essex
CO1 2UZ

AGENT:

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 19/01021/OUT

DATE REGISTERED: 9th July 2019

Proposed Development and Location of Land:

Variation of condition 12 of approved application 16/00133/OUT to amend clause (ii).

Land at Admirals Farm Heckfords Road Great Bentley 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 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.
- 2 The development hereby permitted shall be carried out in accordance with the Location Plan No.1125.A.L.001 dated 29/01/2016 as approved under planning reference 16/00133/OUT.

Reason- For the avoidance of doubt and in the interests of proper planning.
- 3 The reserved matters shall be in general conformity with the submitted illustrative master plan dated 7th March 2016 but with the exclusion of any dedicated pedestrian access route via Moors Lane , as currently shown on that drawing.

Reason- To establish reasonable limits to the layout of the development in the interests of good design, layout, appearance and residential amenity and to address local concerns about pedestrian movements over land in private ownership.
- 4 The maximum number of dwellings to be contained in the development shall be 50.

Reason - To ensure compliance with the description of development hereby approved and to reflect the assumptions made in transport assessment for the scheme.
- 5 The development shall be carried out in accordance with the tree protection measures

submitted as part of the Arboricultural Impact Assessment prepared by Tree Planning Solutions (dated 29th December 2016), as approved under planning reference 18/01796/DISCON.

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

- 6 Structural landscaping shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development and other landscaping in a 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 obviously 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 a satisfactory development in terms of landscape appearance, character and functionality and ensure the earliest and practicable implementation of new planting required to mitigate the impact of the development.

- 7 The development shall be constructed in full accordance with Phasing Plan drawing no. 3522-0031 P01 as approved under planning reference 18/01796/DISCON.

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

- 8 The development shall be constructed in full accordance with the Landscaping and Public Open Space Management Plan as detailed on drawing nos. 16.2030.01 Rev C, 16.2030.02 Rev C, 16.2030.03 Rev C, 16.2030.04 Rev C, 16.2030.05 Rev C and 16.2030.06 Rev C, as approved under planning reference 18/01796/DISCON.

Reason - To ensure the proper planning, management and maintenance of the approved landscaping and open space in the interests of amenity and the character and appearance of the area. It will form a new edge to the village and it is essential that the development includes adequate provision for structural tree planting and for the soft landscaping to mature and create an appropriate landscaped context for the built development as permitted.

- 9 The development shall be carried out in accordance with the detailed surface water scheme as per the Drainage Management Plan (prepared by Intermodal Transportation, dated October 2018); Drawing no. IT 1493/DS/01 Rev B; and letter prepared by Intermodal Transportation dated 15th February 2019, as approved under planning reference 19/00307/DISCON.

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

- 10 No occupation of the development shall take place until the following have been completed in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority:
- i) A priority junction off Heckfords Road to provide access to the site as shown on drawing number IT1493/SK/02 Rev. D;
 - ii) 2 no. traffic islands with illuminated bollards and high level beacons at the right turn lane;
 - iii) Two new bus stops adjacent to the site access off Heckfords Road or upgrading of existing bus stops with the highest frequency of services which should serve the proposals site. For either option, stops shall be provided or upgraded to current Essex County Council specification; and
 - iv) A footway along Heckfords Road between the proposal site access and the Village Green as shown on drawing no. IT1493/SK/02 Rev. D.

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

Reason - To enable satisfactory access to the site, including by bicycle as an alternative to the private motor car.

- 11 Prior to occupation of the development , the Developer shall be responsible for the provision , to the first owner of each dwelling on the site , of 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.

- 12 The development shall be carried out in accordance with the recommendations contained within the following documents: Preliminary Ecological Assessment prepared by Eco-Planning UK (dated 21st January 2016); Amphibian Survey Presence or Absence prepared by Eco-Planning UK (dated 1st June 2016) and Bar Report prepared by ADAD UK Ltd (dated October 2016), as approved under planning reference 18/01796/DISCON.

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

- 13 The development shall be constructed in full accordance with the details shown within the Construction Phase Health and Safety Plan prepared by Hills Building Group (dated 17th October 2018) as approved under planning reference 18/01796/DISCON.

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.

- 14 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 24 mbps) 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.

- 15 The development shall be constructed in accordance with the Local Recruitment Strategy as prepared by Hills Residential Group, as approved under planning reference 18/01796/DISCON.

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

DATED: 17th October 2019

SIGNED:



Catherine Bicknell

IMPORTANT INFORMATION :-

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

Tendring District Local Plan 2007

- QL1 Spatial Strategy
- QL11 Environmental Impacts and Compatibility of Uses
- QL12 Planning Obligations
- 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
 - COM21 Light Pollution
 - COM23 General Pollution
 - COM29 Utilities
 - COM31A Sewerage and Sewage Disposal
- EN12 Design and Access Statements
- EN29 Archaeology
- TR1A Development Affecting Highways
- TR3A Provision for Walking
- TR4 Safeguarding and Improving Public Rights of Way
- TR6 Provision for Public Transport Use
- TR7 Vehicle Parking at New Development
- SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP1 Improving Health and Wellbeing

HP2 Community Facilities

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

LP1 Housing Supply

LP2 Housing Choice

Essex Design Guide

Conservation in Essex No. 6 - Signs and Lettering

Designing for Accessibility

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.

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

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.

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.

