



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT: Vaughan & Blyth
Estuary House
Whitehall Road
Colchester
Essex
CO2 8HA

APPLICANT: Rusden Ltd
Estuary House
Whitehall Road
Colchester
Essex
CO2 8HA

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 19/01713/FUL

DATE REGISTERED: 6th November 2019

Proposed Development and Location of the Land:

**Variation of conditions 02 (approved drawings) to change the proposed properties on plots 1, 2, 3, 4 and 5 from bungalows to houses and 04 (parking spaces layout) of planning permission 19/01335/FUL.
Land adjacent Morton House Station Road Thorrington 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: 686/1 Rev B, 686/2 Rev B, 686/9 Rev A, 686/8 Rev A, 686/7 Rev A, 686/6 Rev A, 686/5 Rev A, 686/4 Rev A, 686/3 Rev A, 686/11 Rev A, 686/10 Rev A, 686/12 Rev A and 686/13 Rev A.

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

- 2 The junction and service road shall be constructed in accordance with the details shown on drawing no's. 1906-367-015 A, 1906-367-021 and 1906-367-001 B (as approved under planning reference 19/01549/DISCON). The junction and service road shall thereafter be retained as approved.

Reason - In the interests of highway safety.

- 3 No dwelling shall be occupied until spaces and garages have been laid out within the site in accordance with drawing nos. 686/1 Rev B and 686/2 Rev B for cars to be parked and these spaces shall thereafter be kept available at all times for the parking of vehicles.

Reason - In the interests of highway safety.

- 4 The estate roads shall be constructed in accordance with the details shown on drawing no's. 1906-367-015 A, 1906-367-021, 1906-367-002 and 1906-367-001 B (as approved under planning reference 19/01549/DISCON). No dwelling shall be occupied until the roads have been constructed in accordance with the approved details.

Reason - In the interests of highway safety.

- 5 The wheel cleaning facility approved under planning reference 19/01549/DISCON and as outlined within Vaughan & Blyth's letter dated 14th October shall be provided at the commencement of the development and maintained during the period of construction.

Reason - In the interests of highway safety.

- 6 Prior to the occupation of any dwelling the existing footpath to the frontage of the site shall be widened to 1.5m in width, aside from a small section adjacent to an existing tree where only 1.4m is achievable, by removing the existing overgrown verge. The footpath shall then be maintained at this width thereafter.

Reason - To make adequate provision within the highway for the additional pedestrian traffic generated as a result of the proposed development.

- 7 The garages hereby permitted shall be kept available at all times for the parking of motor vehicles by the occupants of the dwellings and their visitors and for no other purpose.

Reason - In the interests of highway safety.

- 8 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 by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason - To promote the use of sustainable transport modes.

- 9 No dwelling hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with the details outlined in the documents approved under planning reference 19/01549/DISCON, these being;

- Surface Water Drainage Technical Note (prepared by Ingent and dated 11th October 2019); and
- SUDs Works Maintenance and Management Plan Document (prepared by Ingent and dated November 2019).

The SUDs features approved shall be maintained in accordance with the details outlined in these approved documents.

Reason - To ensure satisfactory provision of surface water drainage in order to prevent the development from causing increased flood risk off site over the lifetime of the development.

- 10 The tree protection measures outlined on the submitted Tree Removal and Protection Plan (Drawing no. 4217 AR/001/Rev 0) shall be adhered to at all times during the construction phase of the development.

Reason - To ensure the adequate protection of mature trees on the site in the interests of visual amenity.

- 11 No dwelling shall be occupied until a broadband connection has been installed in accordance with the details outlined in Vaughan & Blyth's letter dated 14th October 2019 (as approved under planning reference 19/01549/DISCON).

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

- 12 The approved scheme of landscaping shown on drawing nos. 686/1 Rev B and 686/2 Rev B shall be implemented no later than the first planting season following commencement of the development (or within such extended period or phased arrangement as the Local Planning Authority may allow) and shall thereafter be retained and maintained for a period of five years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

Reason - To ensure the effective implementation of the approved landscaping scheme, in the interests of visual amenity.

DATED: 5th February 2020

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

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG3A Mixed Communities

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
- 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
- EN12 Design and Access Statements
- EN13 Sustainable Drainage Systems
- TR1A Development Affecting Highways
- TR3A Provision for Walking
- 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
- SP5 Infrastructure & Connectivity
- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- HP1 Improving Health and Wellbeing
- HP4 Safeguarded Local Greenspace
- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards

LP4 Housing Layout

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

CP3 Improving the Telecommunications 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.

Public Rights of Way - The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is a breach of this legislation. The public's rights and ease of passage over public footpath no3 (Thorrington) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

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.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Essex Highways

Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

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.