



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT: Mr Michael Calder - Phase 2
 Planning and Development
 270 Avenue West
 Skyline 120
 Great Notley
 CM77 7AA

APPLICANT: Mrs Sarah Cornwell - Bellway
 Homes (Essex) Ltd
 C/O Agent

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 19/01392/DETAIL

DATE REGISTERED: 17th September 2019

Proposed Development and Location of Land:

**Reserved matters for details of appearance, landscaping, layout and scale; and discharge of conditions 3 (landscape specification), 5 (levels), and 6 (lighting) of outline planning permission 17/00859/OUT for the erection of 145 dwellings and associated development.
 Land to The South of Bromley Road Ardleigh**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **GRANT APPROVAL OF RESERVED MATTERS** pursuant to Outline Planning Permission No. 17/00859/OUT 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 and documents:
 - 905 PL 001 O Unit Mix
 - 905 PL 002 T Site Layout
 - 905 PL 003 C Site Red Line Layout
 - 905 PL 004 K Storey Heights Layout
 - 905 PL 005 K Refuse Layout
 - 905 PL 006 M Parking Layout
 - 905 PL 007 K Materials Layout
 - 905 PL 009 D Site Location Plan
 - 905 PL 118 B Street Elevations
 - 905 PL 119 B Street Elevations (Sheet 2)
 - 905 PL 120 Apartments Sheet 1
 - 905 PL 121 Apartments Sheet 2
 - 905 PL 122 (CA) Carver Housetype
 - 905 PL 123 B (CH) [Chandler Housetype]
 - 905 PL 124 (HA) [HA71 Housetype]
 - 905 PL 125 B (HA) [HA71 Housetype]
 - 905 PL 126 (HA) [HA83 Housetype]
 - 905 PL 127 B (JE) [Jeweller Housetype]
 - 905 PL 128 B (JE) [Jeweller Housetype]
 - 905 PL 129 B (JE) [Jeweller Housetype]
 - 905 PL 130 (JO) [Joiner Housetype]
 - 905 PL 131 (JO) [Joiner Housetype]
 - 905 PL 132 (MI) [Milliner Housetype]
 - 905 PL 133 B (MI) [Milliner Housetype]

905 PL 134 B (MI) [Milliner Housetype]
 905 PL 135 (MI) [Milliner Housetype]
 905 PL 136 B (PO) [Potter Housetype]
 905 PL 137 B (PO) [Potter Housetype]
 905 PL 138 B (QU) [Quilter Housetype]
 905 PL 139 B (SC) [Scrivener Housetype Version 1]
 905 PL 140 (SC) [Scrivener Housetype Version 2]
 905 PL 141 (SI) [Silversmith Housetype]
 905 PL 142 B (SI) [Silversmith Housetype]
 905 PL 143 B (TH) [Thespian Housetype]
 905 PL 144 B (TH) [Thespian Housetype]
 905 PL 145 B (TH) [Thespian Housetype]
 905 PL 146 B (SG) [Single Garage Sheet 1]
 905 PL 147 B (SG) [Single Garage Sheet 2]
 905 PL 148 B (DG) [Double Garages Sheet 1]
 905 PL 149 B [Double Garages Sheet 2]
 905 PL 150 [Double Sales Garage]
 905 PL 151 (SS) [Sub Station]
 905 PL 152 Proposed Perspectives
 905 PL 153 Proposed Perspectives [Sheet 2]
 905 SCH 001 Material Schedule
 PR159-01 Rev Q Landscape Master Plan
 19 281 -01-08 MWS Rev C
 19 281 01 SK01 and SK02 Visuals Rev B
 Drawing number JBA 19/281-01 Rev C Detailed Soft Landscape Proposals
 Drawing number JBA 19/281-02 Rev C Detailed Soft Landscape Proposals
 Drawing number JBA 19/281-03 Rev C Detailed Soft Landscape Proposals
 Drawing number JBA 19/281-04 Rev C Detailed Soft Landscape Proposals
 Drawing number JBA 19/281-05 Rev C Detailed Soft Landscape Proposals
 Drawing number JBA 19/281-06 Rev C Detailed Soft Landscape Proposals
 Drawing number JBA 19/281-07 Rev C Detailed Soft Landscape Proposals
 Drawing number JBA 19/281-08 Rev C Detailed Soft Landscape Proposals

Design and Access Statement Rev J

1902/07/7000 rev M - External Works Sheet 1 of 2
 1902/07/7001 rev M- External Works Sheet 2 of 2
 1902/07/1002 rev H - Cross Sections Through The Site Sheet 1 of 2
 1902/07/1008 rev B - Cross Sections Through The Site Sheet 2 of 2
 1902/07/1009 - Kings Post
 1902/07/1010 - Kings Post
 1902/07/1011 North East Corner
 Outdoor Lighting Report 21 August 2019
 Connection Schedule 28 August 2019
 Environmental Impact Assessment and Lighting Design Category Selection Process
 28 August 2019
 Street Lighting Design MMA 15423/001
 Street Lighting Design MMA 15423/002
 Risk Management Form 28 August 2019
 Shadow Habitats Regulation Assessment September 2019
 Ecological Impact Assessment
 Aboricultural Impact Assessment Rev 6 - 24th January 2020

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

- 2 Notwithstanding the submitted details, no above ground works shall take place until precise details of the provision, siting, design and materials of all walls and fences have been submitted to and approved in writing by the Local Planning Authority. The

approved screen walls and fences shall be erected prior to the dwellings to which they relate being occupied and thereafter be retained in the approved form. Prior to first occupation of the development the anti-personnel fence shall be erected in accordance with the approved plans to prevent public access from the development site in to Churn Wood. The fence shall thereafter be maintained in accordance with the approved plans.

Reason - In the interests of visual and residential amenity and to ensure the existing woodland is retained and public access restricted to avoid damage from recreational use.

- 3 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (SES, September 2019).

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason - To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 4 Development shall not commence within badger exclusion areas (i.e. within 20m of a badger sett in current use) as identified within the Ecological Assessment (SES, September 2019) unless or until the Local Planning Authority has been provided with either: a licence issued by Natural England pursuant to The Protection of Badgers Act 1992 authorizing the specified activity close to the badger sett / development to go ahead; or a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason - To conserve Protected species and allow the LPA to discharge its duties under the Protection of Badgers Act 1992 and s17 Crime & Disorder Act 1998.

- 5 The development shall be carried out in accordance with the Lighting Environmental Impact Assessment & Lighting Design Category Selection Process (produced by MMA, dated September 2019). All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason - To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 6 Prior to the occupation of each dwelling the internal road and footway serving that dwelling shall be provided in accordance with the approved plans 905-PL-02T Site Layout and 905-PL-06M Parking Layout.

Reason - To ensure acceptable vehicle and pedestrian access to each dwelling.

- 7 Construction of any buildings above ground level shall not be commenced until a schedule of the types and colour of the materials to be used in the external finishes has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason - To ensure an appropriate choice of materials having regard to the location

of this site in a rural area and to ensure that the choice of materials will harmonise with the character of the surrounding area.

- 8 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay to Bromley Road.

Reason - To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

- 9 Prior to the development above ground level the details of the number, location and design of a covered parking facility for bicycles for all properties without a garage shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking facilities shall be provided prior to occupation of each dwelling that it will serve.

Reason - To ensure appropriate bicycle parking is provided in accordance with the Council's Parking Standards.

- 10 No dwelling shall be occupied until such time as its car parking/garaging and turning area as shown on the approved plan 905-PL-06M has been provided. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

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

- 11 The garage hereby permitted on Plots 10, 11, 40, 46, 84, 85, 95, 103, 104, 112, 113, 117, 118, 122, 123, and 136 shall only be used for the parking of vehicles or for domestic storage associated with the dwelling and not used for living accommodation.

Reason - To ensure adequate parking and garage space is provided within the site in accordance with the standards adopted by the local planning authority.

- 12 The scheme of landscaping as shown on the Approved Plans, or such other scheme as may be agreed in writing by the local planning authority, shall be carried out during the first planting season after the commencement of the development. Any trees or plants which die, are removed or become seriously damaged, or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any variation.

Reason - To ensure a satisfactory scheme of hard and soft landscaping to enhance the appearance of the development.

- 13 All estate roads where the refuse collection vehicle is required to go shall be constructed to take a load of 23 tonnes.

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

- 14 Prior to commencement of any above ground works a scheme for the on-site mitigation of the recreational impact of the development on protected Essex Coast European sites shall have been submitted to and approved in writing by the Local Planning Authority. This mitigation scheme shall comprise;
- a) footpath link to Salary Brook; dog waste bins; information board; and residents'

information leaflets as indicated within the Shadow HRA (Habitat Regulations Assessment September 2019);

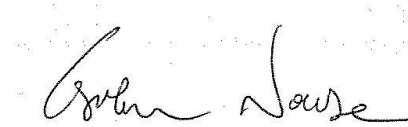
- b) full details of the long-term maintenance and management of the green space;
- c) a program for implementation

Development shall be undertaken in strict accordance with the approved mitigation scheme and program and thereafter managed and retained as approved. Any approved information leaflet shall be included within the new residents welcome pack to every dwelling.

Reason - To encourage the future residents to remain on-site for day to day recreation/dog walking, so as to minimise pressures upon Essex Estuaries SAC, Colne Estuary SPA and Ramsar, Stour and Orwell Estuaries SPA and Ramsar, Dengie SPA and Ramsar, and Blackwater Estuary SPA and Ramsar, pursuant to the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy.

DATED: 5th May 2020

SIGNED:



Graham Nourse
Acting Assistant Director
Planning Service

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

HG4 Affordable Housing in New Developments

COM6 Provision of Recreational Open Space for New Residential Development

COM29 Utilities

COM31A Sewerage and Sewage Disposal

EN1 Landscape Character

EN6 Biodiversity

EN6A Protected Species

EN6B Habitat Creation

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN11B Protection of National Sites SSSI's, National Nature Reserves, Nature Conservation Review Sites, Geological Conservation Review Sites

EN11C Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites

EN12 Design and Access Statements

EN13 Sustainable Drainage Systems

EN29 Archaeology

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

SP2 Spatial Strategy for North Essex

SP3 Meeting Housing Needs

SP4 Providing for Employment & Retail

SP5 Infrastructure & Connectivity

SP6 Place Shaping Principles

SP7 Development and Delivery of New Garden Communities in North Essex

SP8 Tendring/Colchester Borders Garden Community

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
- 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
- CP3 Improving the Telecommunications Network

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

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.

Highway informatives

1. 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

2. 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.
3. All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway by the ECC.
4. Prior to occupation, the development shall be served by a system of operational street lighting of design approved from the Highway Authority along the Primary route, which shall thereafter be maintained in good repair.
5. Any tree planting proposed within the highway must be agreed with the Highway Authority. Trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme. All proposed tree planting must be supported by a commuted sum to cover the cost of future maintenance, to be agreed with the Highway Authority.
6. The applicant is advised that the shared private drives should be 5.5m wide for the first 6m tapering down to a lesser width and that Essex Highways will not adopt the loop road featuring Plot 51 in the north, south-east around to Plot 80.

Positive and Proactive Statement

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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.