



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT:	Mark Potter - Hurley Porte and Duell Ltd 3 Balkerne House Balkerne Passage Colchester CO1 1PA	APPLICANT:	Mark Potter Land adjacent Leisureglades Park and Fronting St Johns Road St Osyth Clacton On Sea Essex CO16 8HE
---------------	--	-------------------	--

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 20/00629/FUL **DATE REGISTERED:** 19th May 2020

Proposed Development and Location of the Land:

**3No. two storey detached dwellings, 6No. single storey detached dwellings
and associated garages, access drives and hard and soft landscaping.
Land adjacent Leisureglades Park and Fronting St Johns Road St Osyth
Clacton On Sea 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 begun before the expiration of three years
from the date of this permission.

Reason - To comply with the requirements of Section 91 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 following
approved plans: Site location plan 01A; block plan 10A; 02C; 03; 04A; 05; 06; 07A; 08;
11A; 12A; 13A; 001; BRE 365 - Infiltration Report; Arboricultural Impact Assessment;
and, Planning Statement.

Reason - For the avoidance of doubt and in the interests of proper planning.
- 3 No development above ground level shall take place until there has been submitted to
and approved, in writing, by the Local Planning Authority a scheme of soft landscaping
works for the site, which shall include any proposed changes in ground levels and
include tree planting as indicated by approved plans 02C and 10A. The scheme of soft
landscaping, including tree planting, shall be implemented during the first planting
season following occupation of any dwelling hereby permitted. If any tree should die
within 5 years of its planting it will be replaced to the satisfaction of the district planning
authority.

Reason - In the interest of achieving a well-designed place, in the interest of visual amenity and to ensure that soft landscaping is an integral part of the development, in accordance with the provisions of section 12 of the National Planning Policy Framework, Policy QL9 of the adopted Local Plan and Policy SPL3 of the emerging Local Plan.

- 4 Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of each vehicular access, i.e. the vehicular access to plots 2, 3 and 4 and the vehicular access to plots 5, 6, 7, 8, 9 and 10. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason - To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with Policy TR1a of the adopted Local Plan and Policies CP1 and CP2 of the emerging Local Plan.

- 5 Prior to occupation of the development a vehicular turning facility, as indicated on site layout plan Drawing no. 02C, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason - To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with Policy TR1a of the adopted Local Plan and Policies CP1 and CP2 of the emerging Local Plan.

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

Reason - To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy TR1a of the adopted Local Plan and Policy CP2 of the emerging Local Plan.

- 7 Prior to the occupation of any of the dwellings hereby approved, each proposed private drive shall be constructed, as indicated on site layout plan drawing no. 02C, to a width of 5.5 metres for at least the first 6 metres from the back of Carriageway / Footway and provided with an appropriate dropped kerb crossing of the footway/verge.

Reason - To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with Policy TR1a of the adopted Local Plan and Policies CP1 and CP2 of the emerging Local Plan.

- 8 There shall be no discharge of surface water onto the Highway.

Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with Policy TR1a of the adopted Local Plan and Policies CP1 and CP2 of the emerging Local Plan.

- 9 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and underbody washing facilities

Reason - To ensure that on-street parking of these vehicles does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

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

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 and in accordance with Policy TR1a of the adopted Local Plan and Policies CP1 and CP2 of the emerging Local Plan.

- 11 Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason - To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy TR7 of the adopted Local Plan.

- 12 All single garages shall have a minimum internal measurement of 7m x 3m and all double garages shall have a minimum internal measurement of 7m x 5.5m.

Reason - To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy TR7 of the adopted Local Plan.

- 13 No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

Reason - To protect the heritage asset of the archaeology of the site in accordance with the National Planning Policy Framework, particularly at paragraph199, and in accordance with Policy EN29 of the adopted Local Plan and Policy PPL7 of the emerging Local Plan.

- 14 No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the Written Scheme of Investigation defined in condition 14 above.

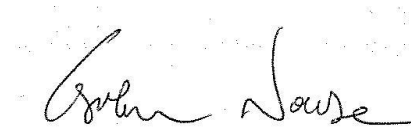
Reason - To protect the heritage asset of the archaeology of the site in accordance with the National Planning Policy Framework, particularly at paragraph199, and in accordance with Policy EN29 of the adopted Local Plan and Policy PPL7 of the emerging Local Plan.

- 15 A post excavation assessment shall be submitted to the local planning authority within six months of the completion of the fieldwork and prior to occupation of any dwelling hereby permitted, unless otherwise agreed in advance with the Planning Authority. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason - To protect the heritage asset of the archaeology of the site in accordance with the National Planning Policy Framework, particularly at paragraph 199, and in accordance with Policy EN29 of the adopted Local Plan and Policy PPL7 of the emerging Local Plan.

DATED: 7th September 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 |
| QL4 | Supply of Land for Employment Development |
| QL9 | Design of New Development |
| QL10 | Designing New Development to Meet Functional Needs |
| QL11 | Environmental Impacts and Compatibility of Uses |
| QL12 | Planning Obligations |
| ER3 | Protection of Employment Land |
| HG1 | Housing Provision |
| HG6 | Dwelling Size and Type |

HG7	Residential Densities
HG9	Private Amenity Space
HG14	Side Isolation
COM6	Provision of Recreational Open Space for New Residential Development
EN1	Landscape Character
EN6	Biodiversity
EN11A	Protection of International Sites European Sites and RAMSAR Sites
EN12	Design and Access Statements
EN29	Archaeology
TR1A	Development Affecting Highways
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
SP4	Providing for Employment & Retail
SP6	Place Shaping Principles
SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
HP2	Community Facilities
HP5	Open Space, Sports & Recreation Facilities
LP1	Housing Supply
LP3	Housing Density and Standards
LP4	Housing Layout
PP6	Employment Sites
PPL3	The Rural Landscape
PPL7	Archaeology
CP1	Sustainable Transport and Accessibility

CP2 Improving the Transport Network

Local Planning Guidance

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.

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 are 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.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact Anglian Water's Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Essex Police would recommend the applicant incorporate Crime Prevention through Environmental Design and apply for nationally acknowledged and police recommended Secure By Design accreditation.

Essex Police provide a no cost, impartial advice service to any applicant who requests this service and is able to support the applicant to achieve the requirements to gain the nationally acknowledged Secured by Design accreditation and would invite the applicant to contact Essex Police via designingoutcrime@essex.police.uk

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.