



# TENDRING DISTRICT COUNCIL

## Planning Services

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

**APPLICANT:** Miss Clara Spicer - CALA  
Homes (NHC)  
Shire Park  
1 Falcon Gate  
Walwyn Garden City  
AL7 1TW

**AGENT:**

### TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 20/00903/OUT

**DATE REGISTERED:** 8th July 2020

Proposed Development and Location of Land:

**Variation of condition 15 of 14/01750/OUT to remove part of clause (ii) which states " the widening of Heckfords Road at its junction with the A133".  
Land at Station Field Plough 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 carried out in accordance with the Location Plan No. EG004-LP01 Revision B.

Reason - For the avoidance of doubt.

- 2 The maximum number of dwellings to be contained in the development shall be 150 and maximum amount of gross internal B1 business space shall be 2,700 square metres.

Reason - For the avoidance of doubt.

- 3 All 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 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 - To secure the implementation of the approved landscaping scheme in the interests of visual amenity.

- 4 The development shall be constructed in full accordance with the phasing plan (drawing no. 1645/10 and Cala Homes Letter dated 2th October 2017) as approved under planning reference 17/01681/DISCON.

Reason - In the interests of visual and residential amenity.

- 5 In order to reflect the requirements of Network Rail, no more than 25 dwellings shall be occupied so long as Footpath FP8 level crossing (also referred to as E45) remains open. Any additional dwellings may not be occupied until such time as this rail crossing has been closed and a footpath diversion has been provided or a bridge or other possible measures to be agreed by the Council in writing are in place.

Reason - In the interests of health and safety.

- 6 No development shall commence until a Landscape and Public Open Space Management Plan including a lighting strategy, long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas has been submitted to and approved, in writing, by the Local Planning Authority. The Landscape and Public Open Space Management Plan so approved shall be carried out in accordance with the details and timescales to be contained in that document.

Reason - To secure the successful implementation of the approved landscaping and open spaces in the interests of visual amenity.

- 7 No development shall commence until a foul water strategy has been submitted to and approved in writing by the local planning authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved.

Reason - In the interests of amenity.

- 8 No development shall commence until details of a surface water drainage works shall have been submitted to and approved in writing by the local planning authority. The submitted details shall:

- a) include measures to minimise the risk of flooding during the construction works; and
- b) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
- c) include a timetable for its implementation; and
- d) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

No building shall be occupied until the works have been implemented in accordance with the approved details.

Reason - To avoid the risks associated with surface water flooding.

- 9 The development shall be carried out in full accordance with the findings and recommendations of the Phase II Site Appraisal (P7820 - dated March 2017) as approved under planning reference 19/00126/DISCON.

Reason - To address the potential for any land contamination issues in the interests of health and safety.

- 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 Plough Road to provide access to the site as shown in principle on the planning application drawings; and
- ii) 2no. traffic islands with illuminated bollards and high level beacons at the right turn lane at

the A133 and Heckfords Road junction; and  
 iii) Two new bus stops adjacent the proposal site access off Plough Road or upgrading of existing bus stops with the highest frequency of services which would serve the development. For either option, stops shall be provided or upgraded to current Essex County Council specification.

No dwelling within the development shall be first occupied until such time as all facilities identified in a), b) and c) above have been provided in accordance with details so approved.

Reason - In the interests of highway safety.

- 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, 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 the use of sustainable transport options.

- 12 The development shall be carried out in full accordance with the findings and recommendations contained within the Ecological Assessment (as prepared by Ethos Environmental Planning - dated August 2018) as approved under planning reference 19/00125/DISCON.

Reason - In the interests of biodiversity.

- 13 No phase of development shall commence until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority for that particular phase. The statement shall include details of:

- i) the parking of vehicles of site operatives and visitors; and
- ii) the loading and unloading of plant and materials; and
- iii) storage of plant and materials used in constructing the development;
- iv) wheel and under-body washing facilities; and
- v) hours of construction

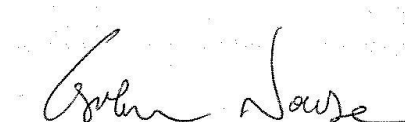
Reason - In the interests of highway safety and residential amenity.

- 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 24mbps) wireless service will be considered acceptable.

Reason - In the interests of residential amenity of future residents.

**DATED:** 7th October 2020

**SIGNED:**




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Graham Nourse  
 Assistant Director

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

HG4 Affordable Housing in New Developments

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

COM26 Contributions to Education Provision

EN1 Landscape Character

EN3 Coastal Protection Belt

EN6 Biodiversity

EN29 Archaeology

TR1A Development Affecting Highways

ER7 Business, Industrial and Warehouse Proposals

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

SPL1 Managing Growth

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

PP6 Employment Sites

PP13 The Rural Economy

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

CP2 Improving the Transport Network

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.

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.