



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT:	Mr Adrian Fox - City and Country Residential Ltd Bentfield Place Bentfield Road Stansted CM24 8HL	APPLICANT:	Mr R.A, T.R, D.R, A.I Sargeant The Priory St Osyth Clacton On Sea Essex CO16 8NY
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TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 20/01124/OUT **DATE REGISTERED:** 19th August 2020

Proposed Development and Location of Land:

**Variation of conditions 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 27 and 28 of approved application 19/01171/OUT to allow for the discharge of conditions in a phased manner.
St Osyth Estate The Bury St Osyth Clacton On Sea**

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 maximum number of dwellings to be contained in the development shall be 190.

Reason - To ensure that the impact of the residential development does not exceed what has been assessed through the determination of the outline planning application.
- 3 The development shall be carried out in full accordance with the details contained within the document titled 'Wellwick Land, St Osyth: Strategic Phasing Plan' (as prepared by City & Country) and associated drawing no. CC009-PL-08 rev K, as approved under planning reference 20/01099/DISCON.

Reason - To ensure a satisfactory development programme in the interests of the occupiers of the development and in terms of local amenity.
- 4 No works above ground floor slab level shall commence within each phase of the development that shall contain new-build residential dwellings or other new buildings (in accordance with the approved Phasing Plan ref. CC009-PL-08 Rev K or any subsequently approved Phasing Plan) until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in the construction of that phase have been submitted to and approved, in writing, by the Local Planning Authority. Such materials so approved shall be those used in that particular phase of development.

Reason - To ensure a satisfactory development in relation to external appearance.

- 5 No development shall take place within each phase of the development (in accordance with the approved Phasing Plan ref. CC009-PL-08 Rev K or any subsequently approved Phasing Plan) until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for that phase, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows in the phase and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 - Trees in relation to design, demolition and construction."

Reason - In the interests of visual amenity.

- 6 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development within each phase of the development (in accordance with the approved Phasing Plan ref. CC009-PL-08 Rev K or any subsequently approved Phasing Plan) or in such other 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 ensure that planting and landscaping can endure and remain in place for the long-term.

- 7 No works above ground floor slab level shall take place within each phase of the development that shall contain new-build residential dwellings or other new buildings (in accordance with the approved Phasing Plan ref. CC009-PL-08 Rev K or any subsequently approved Phasing Plan) until precise details of the provision, siting, height, design and materials of all boundary walls and fences which face onto public spaces/highways or private drives in that phase have been submitted to and approved in writing by the Local Planning Authority. The boundary walls and fences so approved shall be erected prior to the building/s to which they relate being first occupied and shall thereafter be retained in their approved form.

Reason - To ensure a satisfactory development in terms of appearance and functionality, in the interests of amenity.

- 8 No works above ground floor slab level shall take place within each phase of the development that shall contain new-build residential dwellings or other new buildings (in accordance with the approved Phasing Plan ref. CC009-PL-08 Rev K or any subsequently approved Phasing Plan) until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas within that phase, other than, privately owned, domestic gardens, has been submitted to and approved, in writing, by the Local Planning Authority. The landscape management plan for that phase shall be carried out as approved in accordance with the details and timescales in the plan. The scheme shall include the following elements:

- a) Detail extent and type of new planting (NB planting to be of native species of local provenance);
- b) Details of any SUDS e.g. attenuation ponds, wetlands;
- c) Details of the on-site recreational area, including its size and any proposed footpaths and cycleways;

- d) Details of maintenance regimes; and
- e) Details of any new habitat created on site.

Reason - To ensure best practice measures are used on the site and during the construction phase of the development to secure necessary landscaping and minimise the impact on birds and wildlife.

- 9 No works above ground floor slab level shall take place within each phase of the development that shall contain new-build residential dwellings or other new buildings (in accordance with the approved Phasing Plan ref. CC009-PL-08 Rev K or any subsequently approved Phasing Plan) until details of the provision for the storage of bicycles for each dwelling within that phase are approved in writing by the Local Planning Authority. The approved facility shall be secure, convenient and covered and shall be provided prior to the building/s to which they relate being first occupied and shall be maintained free from obstruction at all times for that sole purpose in perpetuity.

Reason - To promote the use of sustainable means of transport.

- 10 No development shall take place, including any works of demolition, until details of a wheel and underbody cleaning facility within the site and adjacent to the egress onto the highway have been submitted to and approved in writing by the Local Planning Authority and that facility shall be maintained during the periods of demolition and construction.

Reason - To ensure that loose materials and spoil are not brought out onto the highway, in the interests of highway safety.

- 11 No occupation of the development hereby permitted shall take place until the following have been completed (details of which shall have been submitted to and agreed in writing by the Local Planning Authority):

- a) The highway works as shown in principle on planning application drawing number 208104/21 Rev. E dated November 2013 prepared by Waterman Boreham. Works include:
 - i) The removal of the existing access and lay-by;
 - ii) A priority junction off the B1027 to provide access to the proposal site. Junction to include 2no. 3 metre wide footways and a 160 x 2.4 x 160 metre visibility splay maintained clear to the ground at all times;
 - iii) A right turn lane at the priority junction mentioned above to include 2no. pedestrian central islands; and
 - iv) A bell mouth access off Colchester Road to provide access to the proposal site. Bell mouth to include kerbed radii and a 70 x 2.4 x 70 metre visibility splay maintained clear to the ground at all times (as shown in principle on planning application drawing number 208104/07 Rev. F dated 19 January 2012 prepared by Waterman Boreham).
- b) Two new bus stops (to current ECC specification) on the B1027 adjacent to the proposal site (subject to agreement with the local bus service operators) AND/OR upgrade to current ECC specification the two nearest bus stops in Colchester Road.

Reason - To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

- 12 The highway details shown on planning application drawing number 208104/21 Rev. E dated November 2013 prepared by Waterman Boreham shall be implemented for each phase of the development prior to the first occupation within that phase of the development. Works include;
- a) Retention of the lay-by located on the western side of the B1027 south of the proposal site access;
 - b) A 3 metre wide footway between the proposal site access and the lay-by mentioned above; and
 - c) A 3 metre wide footway between the proposal site access and the pedestrian central island at the northern end of the proposed right turn lane.

Reason - To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

- 13 No works above ground floor slab level shall take place within each phase of the development that shall contain new-build residential dwellings or other new buildings (in accordance with the approved Phasing Plan ref. CC009-PL-08 Rev K or any subsequently approved Phasing Plan) until details of the gates at the proposed bell mouth access off Colchester Road have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of the development.

Reason - In the interest of highway safety.

- 14 Prior to first occupation within each phase of the development (in accordance with the approved Phasing Plan ref. CC009-PL-08 Rev K or any subsequently approved Phasing Plan) details of a Transport Information and Marketing Scheme (green travel pack) for sustainable transport shall have been previously submitted to and approved in writing by the Local Planning Authority. The Transport Information and Marketing Scheme shall be implemented as approved.

Reason - In the interests of promoting sustainable development and transport.

- 15 No development shall commence within the relevant phase of the development (in accordance with the approved Phasing Plan ref. CC009-PL-08 Rev K or any subsequently approved Phasing Plan) until an ecological survey of the pond located in the north-west corner of the site has been undertaken and submitted to the Local Planning Authority. If any protected species are present, the survey shall be accompanied by a scheme of appropriate mitigation measures (including precise details of the timing and method of protection) and post construction monitoring arrangements. No development shall be undertaken except in accordance with the approved scheme of mitigation and monitoring.

Reason - In order to safeguard protected wildlife species and their habitats.

- 16 Land as identified on drawing RW007-008 Rev D to be used for the relocated Bowmans Archery range shall be retained for that use with any ancillary buildings.

Reason - To provide for the proposed relocation of the Bowmans Archery Range from Priory Park.

- 17 No development shall take place within each phase of the development (in accordance with the approved Phasing Plan ref. CC009-PL-08 Rev K or any subsequently approved Phasing Plan) until a Construction and Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be carried out as approved for that phase and any subsequent variations shall be agreed in writing by the Local Planning Authority. Each CEMP shall include the following elements:
- a) A detailed schedule setting out how works will be phased to avoid construction at particularly sensitive times e.g. during freezing periods when wintering birds are most vulnerable to disturbance;
 - b) Plans showing which sensitive areas of the site will have restricted access as stated in paragraph 7.302 of the Environmental Statement;
 - c) Drawings showing details of design and type of external lighting to minimise the impact on bats and birds;
 - d) Measures to ensure nesting birds, bats and reptiles are not harmed during the construction phases as stated in paragraph 7.325 of the Environmental Statement;
 - e) Measures to ensure disturbance to breeding birds is minimised; and
 - f) Details of the measures taken to minimise the risk of pollution on the site.

Reason - To ensure best practice measures are used on the site and during the construction phase of the development to minimise the impact on birds and wildlife.

- 18 No works above ground floor slab level shall take place within each phase of the development that shall contain new-build residential dwellings or other new buildings (in accordance with the approved Phasing Plan ref. CC009-PL-08 Rev K or any subsequently approved Phasing Plan) until a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and occupational phases of that phase of the development has been submitted to and agreed in writing by the Local Planning Authority. The scheme for each phase shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetables as may be agreed.

Reason - To enhance the sustainability of the development through better use of water, energy and materials.

- 19 No development shall commence within each phase of the development that shall contain new-build residential dwellings or other new buildings (in accordance with the approved Phasing Plan ref. CC009-PL-08 Rev K or any subsequently approved Phasing Plan) until a wastewater strategy for that phase 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 wastewater strategy so approved.

Reason - To prevent environmental and amenity problems.

- 20 No development shall commence within each phase of the development that shall contain new-build residential dwellings or other new buildings (in accordance with the approved Phasing Plan ref. CC009-PL-08 Rev K or any subsequently approved Phasing Plan) 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 unless otherwise approved in writing by the Local Planning Authority.

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

- 21 Prior to the commencement of development within each phase of the development (in accordance with the approved Phasing Plan ref. CC009-PL-08 Rev K or any subsequently approved Phasing Plan), a scheme for the provision and implementation of surface water drainage, incorporating sustainable drainage principles for that phase and an assessment of the hydrological and hydrogeological context of the development in that phase, shall be submitted and agreed, in writing, with the Local Planning Authority. The scheme for that phase shall be constructed and completed in accordance with the approved plans and prior to the occupancy of any part of the proposed development. Surface water shall be discharged from the site at a rate no greater than 4.87l/s as identified within the submitted Flood Risk Assessment.

Reason - To ensure the risk of flooding is not increased as a result of the development.

- 22 No development shall commence within each phase of the development that shall contain new-build residential dwellings or other new buildings (in accordance with the approved Phasing Plan ref. CC009-PL-08 Rev K or any subsequently approved Phasing Plan) until a survey to confirm (or otherwise) the presence of bats on the application site has been submitted to and approved in writing by the Local Planning Authority. If bats are present the survey shall be accompanied by a scheme of appropriate mitigation measures (including precise details of the timing and method of protection). No development within a phase that shall contain buildings shall be undertaken except in accordance with the approved scheme of mitigation.

Reason - In order to safeguard protected wildlife species and their habitats.

- 23 No works above ground floor slab level shall take place within each phase of the development that shall contain new-build residential dwellings or other new buildings (in accordance with the approved Phasing Plan ref. CC009-PL-08 Rev K or any subsequently approved Phasing Plan) until details of external lighting for that phase have been submitted and approved in writing by the Local Planning Authority. External lighting shall be implemented in accordance with the approved scheme.

Reason - To ensure lighting is sensitively designed, minimises light spillage and avoids illuminating bat commuting and foraging routes and to ensure the use of low level, directional lighting to minimise light pollution.

- 24 No works above ground floor slab level shall take place within each phase of the development that shall contain new-build residential dwellings or other new buildings (in accordance with the approved Phasing Plan ref. CC009-PL-08 Rev K or any subsequently approved Phasing Plan) until a scheme for the provision and implementation of rainwater harvesting within that phase has been submitted to and agreed, in writing, with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification before occupancy of any part of the proposed development.

Reason - To enhance the sustainability of the development through efficient use of water resources.

- 25 No development shall begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority and the measures approved in the scheme have been fully implemented. The scheme shall include an investigation and assessment to identify the extent of the contamination and the measures to be taken to avoid risk to the public, buildings and environment when the site is developed.

Reason - The site has been used for mineral extraction and there is a likelihood of contamination. It is essential, if the site is to be developed for housing, that any contamination is identified and addressed.

- 26 No residential dwelling hereby approved shall be first occupied until a fibre optic broadband connection has been installed for that dwelling on an open access basis and directly accessed from the nearest British Telecom 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.

Reason - To ensure the development is able to be equipped with high speed broadband.

- 27 Prior to commencement within any phase of the development that shall contain new-build residential dwellings or other new buildings (in accordance with the approved Phasing Plan ref. CC009-PL-08 Rev K or any subsequently approved Phasing Plan) or at a later date agreed in writing by the Local Planning Authority, the applicants shall submit to the Local Planning Authority, in writing, a Local Recruitment Strategy to include details of how the applicant/ developer shall use their reasonable endeavours to promote and encourage the recruitment of employees and other staff in the locality of the application site, for the construction of the development and for the uses of the development thereafter. The approved Local Recruitment Strategy shall be adhered to therein after.

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

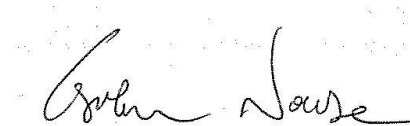
- 28 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Plan showing Application Boundary - CC-0175-ABP010-6
 Building Envelope/Use Plan RW007-008 Rev D
 Building Storey Heights Plan RW007-009 Rev E
 Highway Work Plans 208104/21 Rev. E dated November 2013 prepared by Waterman Boreham

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

DATED: 19th October 2020

SIGNED:



Graham Nourse
 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
- QL7 Rural Regeneration
- QL8 Mixed-Uses
- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- QL12 Planning Obligations
- ER16 Tourism and Leisure Uses
- HG1 Housing Provision
- HG3A Mixed Communities
- HG6 Dwelling Size and Type
- HG7 Residential Densities
- HG9 Private Amenity Space
- HG14 Side Isolation
- COM1 Access for All
- COM2 Community Safety
- COM6 Provision of Recreational Open Space for New Residential Development
- COM19 Contaminated Land
- COM21 Light Pollution
- COM23 General Pollution
- COM26 Contributions to Education Provision
- COM29 Utilities
- COM31A Sewerage and Sewage Disposal
- EN1 Landscape Character
- EN3 Coastal Protection Belt
- 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

EN17 Conservation Areas

EN20 Demolition within Conservation Areas

EN23 Development Within the Proximity of a Listed Building

EN27 Enabling Development

EN27A St Osyth Priory

EN29 Archaeology

EN30 Historic Towns

TR1A Development Affecting Highways

TR10A General Aviation

TR2 Travel Plans

TR3A Provision for Walking

TR4 Safeguarding and Improving Public Rights of Way

TR5 Provision for Cycling

TR6 Provision for Public Transport Use

TR7 Vehicle Parking at New Development

Tending 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
- HP4 Safeguarded Local Greenspace
- HP5 Open Space, Sports & Recreation Facilities
- LP1 Housing Supply
- LP3 Housing Density and Standards
- LP4 Housing Layout
- PP8 Tourism
- PP13 The Rural Economy
- PPL1 Development and Flood Risk
- PPL2 Coastal Protection Belt
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- PPL8 Conservation Areas
- PPL9 Listed Buildings
- CP1 Sustainable Transport and Accessibility
- CP2 Improving the Transport 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.

The applicant is reminded that this permission is linked to a planning obligation under Section 106 of the Town and Country Planning Act 1990.

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.