



TENDRING DISTRICT COUNCIL

Planning Services

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

APPLICANT: Miss Clara Spicer - CALA
Homes (NHC)
1 Falcon Way
Shire Park
Welwyn Garden City
AL7 1TW

AGENT:

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 21/00036/OUT

DATE REGISTERED: 4th January 2021

Proposed Development and Location of Land:

Variation of condition 3 (approved Plans) of approved planning application 19/01956/OUT to vary the approved access plan (drawing no. 0964-F01 rev D). Land to The East of New Road Mistley 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 following approved plans:

- 18179.TOPO.101.05 Rev A
- 18179.TOPO.101.06 Rev A
- AA7718-2002 REV-24 - Site Layout.

Reason - For the avoidance of doubt.

- 2 Any trees or plants which die, are removed, or become seriously damaged or diseased within a period of 5 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 approval in writing to any variation.

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

- 3 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved, in writing, by the Local Planning Authority prior to the first occupation of the development. The landscape management plan shall be carried out as approved in accordance with the details and timescales in the plan.

Reason - To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

- 4 All areas of hardstanding shall be constructed using porous materials laid on a permeable base. All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in phases to be agreed in writing as part of that scheme by the Local Planning Authority. Prior to the occupation of each dwelling, the hardstanding associated with that dwelling shall be fully laid out.

Reason - In the interests of sustainable development and to ensure that run-off water is avoided to minimise the risk of surface water flooding.

- 5 All tree/hedge protection measures during the construction phase shall be carried out in full accordance with the details contained in the submitted document titled 'Tree Survey Report' as prepared by RGS Arboricultural Consultants (June 2019) as approved under planning reference 20/00953/DISCON.

Reason - To protect existing trees/vegetation on site during construction in the interests of visual amenity.

- 6 No external lighting shall be installed until details of the illumination scheme have been submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details.

Reason - In the interests of amenity to reduce the impact of night time illumination on the character of the area.

- 7 The development shall be carried out in accordance with the biodiversity management plan information contained in the submitted document titled 'Biodiversity Enhancement & Management Plan' as prepared by Ethos Environmental Plan (June 2020), as approved under planning reference 20/00953/DISCON.

Reason - To preserve and enhance the biodiversity of the site.

- 8 No materials, goods or articles of any description shall be stacked, stored or placed at any time within the limits of the spread of any of the existing trees, shrubs or hedges. No works involving alterations in ground levels, or the digging of trenches, or excavations of any kind, (including the laying or installation of drains, pipes, cables or other services) shall be carried out within the extent of the spread of any existing trees, shrubs and hedges unless the express consent in writing of the Local Planning Authority has previously been obtained. No machinery of any kind shall be used or operated within the extent of the spread of the existing trees, shrubs, or hedges.

Reason - To ensure the mature trees/hedges within the site are safeguarded during construction and retained in the interests of visual amenity.

- 9 The development shall be constructed in full accordance with the submitted document titled 'Construction Management Statement' and associated drawing no. AA7718-2002 13, as prepared by Cala Homes, as approved under planning reference 20/00953/DISCON.

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

- 10 Prior to occupation of the development, the road junction at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4m by 43m in both directions, as measured from and along the nearside edge of the carriageway (as shown on the approved drawing 18179.TOPO.101.06 REV A). The vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times.

Reason - To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety.

- 11 The development shall be carried out in accordance with the estate road details approved under planning reference 20/01381/DISCON and as shown on the following plans;

- PA00167-381-C-SW-SEC A
- PA00167-382-C-SW-SEC A
- PA00167-383-C-SW-SEC A
- PA00167-331-C-SW-GA A
- PA00167-332-C-SW-GA A
- PA00167-333-C-SW-GA A
- PA00167-334-C-SW-GA A
- PA00167-308-C-SW-DET B
- PA00167-301-C-SW-LEV A
- PA00167-302-C-SW-LEV A
- PA00167-303-C-SW-LEV B
- PA00167-304-C-SW-LEV B
- PA00167-356-C-SW-DR D

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

- 12 All parking spaces and turning areas within the site shall be provided prior to the first occupation of the approved dwellings and retained for the sole purpose of the parking and turning of vehicles thereafter.

Reason - To ensure off-street parking is provided at a level commensurate with the requirements of the current parking standards and to ensure there are sufficient turning facilities for all types of vehicles attracted by the development.

- 13 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport to include 6 one-day travel vouchers for use with the relevant local public transport operator.

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport.

- 14 Prior to the occupation of the development the bus stop upgrades, as shown on drawing no. 5352-1005 P2 and approved under planning reference 19/01043/DISCON, shall be completed in accordance with those approved details.

Reason - To promote the use of sustainable transport modes.

- 15 No vehicular or cycle access to the development shall be taken from Green Lane.

Reason - In the interests of safeguarding pedestrian use of Green Lane and in the interests of visual amenity.

- 16 Prior to first occupation of the proposed apartment blocks, communal recycling/bin/refuse collection points shall be provided within 15m of the carriageways or adjacent to the carriageways and additionally clear of all visibility splays at accesses and retained thereafter.

Reason - To minimise the length of time a refuse vehicle is required to wait within and cause obstruction of the highway, in the interests of highway safety.

- 17 Prior to the occupation of the proposed dwellings and apartments details of the provision for the storage of bicycles sufficient for all occupants of that dwelling of a design that shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

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

- 18 The surface water drainage scheme, off-site flood mitigation measures and surface water drainage maintenance shall be carried out in full accordance with the details approved under planning reference 20/01381/DISCON, these details being outlined in the following documents;

- PA00671-302-C-REP Drainage Calculations
- PA00167-351-C-SW-DR A
- PA00167-352-C-SW-DR A
- PA00167-353-C-SW-DR D
- PA00167-354-C-SW-DR D
- PA00167-341-C-SW-GA A
- PA00167-342-C-SW-GA A
- PA00167-343-C-SW-GA A
- PA00167-344-C-SW-GA B
- PA00167-311-C-SW-DR A
- PA00167-312-C-SW-DR A
- PA00167-313-C-SW-DR A
- PA00167-314-C-SW-DR A
- PA00167-316-C-SW-DR-B
- PA00167-318-C-SW-DR-B
- SUDS MAINTENANCE AND MANAGEMENT PLAN (REPORT REF: PA00671-303-C-REP, STRUCTA PROJECT NUMBER: 5352, REVISION B - 10 DECEMBER 2020)

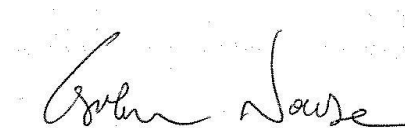
Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment.

- 19 The applicant or any successor in title shall maintain yearly logs of maintenance which shall be carried out in accordance with any approved Maintenance Plan. These shall be available for inspection upon the submission of a written request by the Local Planning Authority.

Reason - To ensure the SuDS are maintained for the lifetime of the development as outlined in the approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

DATED: 9th March 2021

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

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

HG3A Mixed Communities

HG4 Affordable Housing in New Developments

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

COM24 Health Care Provision

COM26 Contributions to Education Provision

COM29 Utilities

COM30 Electricity Supply

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

EN12 Design and Access Statements

EN13 Sustainable Drainage Systems

EN17 Conservation Areas

EN23 Development Within the Proximity of a Listed Building

EN29 Archaeology

TR1A Development Affecting Highways

TR10A General Aviation

TR2 Travel Plans

TR3A Provision for Walking

TR5 Provision for Cycling

TR6 Provision for Public Transport Use

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP2 Community Facilities

HP3 Green Infrastructure

HP4 Safeguarded Local Greenspace

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
- PPL8 Conservation Areas
- PPL9 Listed Buildings
- 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.

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.](https://www.gov.uk/planning-inspectorate)

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.