



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT:	City & Country Bentfield Place Bentfield Road Stansted CM24 8HL	APPLICANT:	Tendring Farms Ltd Land South of Long Road Mistley Essex CO11 2HN
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TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 21/00213/OUT **DATE REGISTERED:** 5th February 2021

Proposed Development and Location of the Land:

Variation of condition 3 (Approved Plans) and 12 (highway proposal drawings) of approved planning application 17/01181/OUT (Approved under appeal APP/P1560/W/19/3220201).

Land South of Long Road Mistley Essex

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **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 application for approval of the reserved matters for the development, or any first phase of development approved in relation to Condition 6 (Phasing Plan), shall be made to the Local Planning Authority before the 23rd December 2022.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

- 3 The development hereby approved shall be carried out in accordance with the following approved plans:
 - a) 162173/A/02 dated 16th May 2016 - Long Road Preliminary Access Arrangement
 - b) CC-Y321-DR2a Rev. E dated 20th September 2021 - Clacton Road Access Arrangement
 - c) JTP/04814 DR4 dated 7th February 2017 - Employment Area Access and Pedler's Corner Improvements.
Reason - For the avoidance of doubt and in the interests of proper planning.

- 4 No development shall be commenced on any phase of development as approved under Condition 6 (Phasing Plan) of this permission until plans and particulars of "the reserved

matters" relating to the appearance, landscaping, layout and scale for that phase of development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - The application as submitted does not provide sufficient particulars for consideration of these details.

- 5 The reserved matters shall be in general conformity with the following parameter plans:
- a) OPA/17006-04b - Landscape Parameter Plan
 - b) OPA/17006-06a - Density Parameter Plan
 - c) OPA/17006-07b - Storey Heights Parameter Plan

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

- 6 The development shall be carried out in accordance with the Phasing Plan dated 9th September 2021 approved under 21/00494/DISCON, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the scheme is brought forward in a timely and comprehensive manner in the interests of proper planning, highway safety and amenity. Given the scale and mixed-use nature of the development, the definition of phases will also enable more specific planning conditions to be discharged, as appropriate, on a phase-by-phase basis to assist in the timely delivery of the whole scheme.

- 7 No development shall commence on each phase 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:
- a) The proposed hours and days of working;
 - b) Proposals to minimise harm and disruption to the adjacent local area from ground works, construction noise and site traffic; and
 - c) Details of a wheel washing facility.
- The development shall be carried out in accordance with the Statement so approved.

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

- 8
- a) The development shall be carried out in accordance with the Written Scheme of Investigation dated May 2021 approved under 21/01170/DISCON, unless otherwise agreed in writing with the Local Planning Authority.
 - b) No development or preliminary groundwork shall commence on those areas of the development site containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by the Local Planning Authority.
 - c) Following completion of the archaeological fieldwork for any phase of development, the applicant will submit to the Local Planning Authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the Local Planning Authority), which 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 - There may be the potential for significant heritage assets in the form of below ground archaeological remains that will be affected by the proposed development.

- 9
- a) No development shall commence on each phase of the development until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development has been submitted to and approved in writing by the Local Planning Authority. The

drainage scheme shall identify, among other matters, how the discharge of any surface water onto the highway will be avoided. The scheme shall be implemented in accordance with the approved details.

b) No development shall commence on each phase of the development until a plan detailing maintenance arrangements, including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be implemented and maintained in accordance with the approved details and the adopting body responsible for maintenance of the surface water drainage system must record yearly logs of maintenance which must be available for inspection by the Local Planning Authority on request.

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 and to ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

- 10 No development shall commence on any phase of the development 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 residential amenity.

- 11 No development shall commence on any phase of development until a scheme to minimise the risk of off-site flooding caused by surface water run-off and groundwater during construction works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- 12 No occupation of the development, or specific phase of development, shall take place until the following have been completed, as necessary for each phase, in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority:
- a) A priority junction with right turn lane (with two pedestrian refuge islands) in Long Road to provide access to the proposal site, in accordance with drawing 162173/A/02 - Long Road Preliminary Access Arrangement. The priority junction shall have minimum 10.5 metre kerbed radii with dropped kerbs/tactile paving crossing points, a minimum 6.75 metre access road carriageway with two 3 metre footway/cycleways, pedestrian/cycle refuge island and a minimum 120 x 2.4 x 120 metre clear to ground visibility splay.
 - b) A priority junction from Clacton Road to provide access to the site, in accordance with Drawing No. CC-Y321-DR2a Rev. E dated 20th September 2021 - Clacton Road Access Arrangement.
 - c) Prior to occupation of the employment land and any access derived from Dead Lane, an improved junction shall be provided at Pedler's Corner and improvements to Dead Lane in accordance with Plan No. JTP/04814 DR4.
 - d) Improvements at the A137 Coxs Hill/Long Road/Wignall Street mini roundabout as shown in principle on planning application drawing number JTP/04814 DR3a;
 - e) To current Essex County Council specification, the provision of two new bus stops in Long Road or upgrade of the stops which would best serve the proposal site, details of

which shall have been agreed in writing by the Local Planning Authority prior to commencement of the development; and

f) A minimum 3 metre-wide footway/cycleway along the proposal site's Long Road frontage.

Reason - In the interests of Highway safety and to encourage sustainable transport methods.

- 13 Prior to occupation of any phase of development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport approved by Essex County Council for all new residential dwellings.

Reason - In the interests of Highway safety and to encourage sustainable transport methods.

- 14 All planting, seeding or turfing shown on the landscaping details required to be submitted and approved under Condition 4 shall be carried out during the first planting and seeding season (October - March inclusive) following the occupation of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority.

Reason - In the interests of visual amenity and the character of the area.

- 15 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 - In the interests of visual amenity and the character of the area.

- 16 The development of the site shall be carried out in accordance with Broadband Strategy dated March 2021 approved under 21/00494/DISCON, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To enable opportunities for web-based communication and home working.

- 17 As part of the Reserved Matters to be submitted in accordance with Condition 4, an on-site Recreational disturbance Avoidance and Mitigation Strategy as outlined in the Habitat Regulations Assessment by DF Clark (dated 22 March 2018) shall be submitted to, and agreed in writing by, the Local Planning Authority. The Strategy shall include:

a) Details of the measures set out below and as necessary to provide suitable on site mitigation to reduce the frequency of visits to sensitive sites, these being:

- a. High quality informal semi-natural areas
- b. Measures to provide suitable routes for joggers, cyclists, walkers and dog walkers
- c. Dedicated dog-off lead areas
- d. Signage and leaflets to households to promote these areas for recreation
- e. Dog waste bins
- f. Dedicated areas within which children can play.

b) Details of how each phase or phases of the development will deliver the Recreational disturbance Avoidance and Mitigation Strategy to mitigate the impact of the development in advance of first occupation of each Phase or Phases.

Such measures as approved by the Local Planning Authority shall be carried out in accordance with the Recreational disturbance Avoidance and Mitigation Strategy.

Reason - To ensure that the development meets the Habitat Regulation Assessment requirements.

- 18 Each dwelling that includes a dedicated parking space shall be provided with a vehicle charging point, in accordance with Building Regulations. The charging point shall be provided prior to the occupation of each such dwelling.

Reason - To enhance the sustainability of the development.

- 19 The gradient and proposed vehicular access/ road junction shall be in accordance with Design Manual for Roads and Bridges standards.

Reason - To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

- 20 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

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.

DATED: 11th October 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 July 2021

National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

QL11 Environmental Impacts and Compatibility of Uses (part superseded)

EN1 Landscape Character

TR1A Development Affecting Highways

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)

Relevant Section 1 Policies (adopted)

SP7 Place Shaping Principles

Relevant Section 2 Policies (emerging)

SPL3 Sustainable Design

PPL3 The Rural Landscape

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highway Informatives

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 - Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester, CO7 7LT

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.

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.