



**APPLICANT:** Mr Steve Williams -  
Hill Residential Construction  
Ltd  
Hill Builders  
Bridge Mill House  
Brook Street Business Centre  
Colchester  
Essex  
United Kingdom  
CO1 2UX

**AGENT:**

## TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 21/01552/FUL

**DATE REGISTERED:** 15th September 2021

Proposed Development and Location of the Land:

**Erection of 62 dwellings (variation to previously approved scheme that results in amendments to 40 of the 62 dwellings).  
Land to The East of School Road School Road Elmstead 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 begin no later than two 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:

19/00791/DETAIL:

House Type 1 - 4177-0101 Rev P05

House Type 2 - 4177-0201 Rev P03

House Type 7A - 4177-0701A Rev P05

House Type 9 - 4177-0901 Rev P04

House Type 15 - 4177-1501 Rev P03

House Type 17 - 4177-1701 Rev P03

House Type 25A - 4177-3001 Rev P01

House Types 10 & 11 (General Arrangement Plans & Elevations) - 4177-1001 Rev P04

House Types 10, 11 & 19 (General Arrangement Plans & Elevations) - 4177-2501 Rev P02

House Types 14 & 19 (General Arrangement Plans & Elevations) - 4177-2701 Rev P02

House Types 14 & 19 (Reduced) (General Arrangement Plans & Elevations) - 4177-2801 Rev P02

Garage Type 1 - Single Garage - 4177-1901 Rev P03

Garage Type 2 - Double Garage - 4177-2001 Rev P03

Cart Lodge - Triple - 3522-2101 Rev P03

21/01526/NMA:

21.5171.01 - Soft Landscaping Proposals Sheet 1 of 4

21.5171.02 - Soft Landscaping Proposals Sheet 2 of 4

21.5171.03 A - Soft Landscaping Proposals Sheet 3 of 4

21.5171.04 - - Soft Landscaping Proposals Sheet 4 of 4

21/01552/FUL:

16/08/01 - Location Plan

170122/RM/100 - Proposed Site Plan

170122/RM/103 - House Type 3 - Floor Plans and Elevations

170122/RM/104 - House Type 5 - Floor Plans and Elevations

170122/RM/105 - House Type 7 - Floor Plans and Elevations

170122/RM/106 - House Type 8 - Floor Plans and Elevations

170122/RM/107 - House Type 10 - Floor Plans and Elevations

170122/RM/108 - House Type 16 - Floor Plans and Elevations

170122/RM/109 - House Type 24 - Floor Plans and Elevations

170122/RM/110 - House Type 25 - Floor Plans and Elevations

170122/RM/111 - Single and Double Garages

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

- 3 The development shall be in full accordance with the tree protection details submitted and approved in writing by the local planning authority within 21/01820/DISCON. These approved measures shall be implemented in full throughout the construction and operational phases of the development.

Reason - In order to protect existing trees impacted by the development.

- 4 Prior to occupation of the approved development, the developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport (in consultation with Essex County Council), to include six 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.

- 5 The detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, including infiltration testing, shall be in full accordance with the details submitted to and approved in writing by the local planning authority within planning reference 21/01820/DISCON.

Reason - To ensure the safe distribution of surface water is incorporated within the development.

- 6 The scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and to prevent pollution will be in full accordance with the details submitted to and approved in writing by the local planning authority within

planning reference 21/01820/DISCON. Construction works shall be carried out in accordance with this approved scheme.

Reason - To ensure the risk of offsite flooding is sufficiently mitigated.

- 7 The maintenance plan detailing the maintenance arrangements including who is responsible for all of the surface water drainage system and the maintenance activities/frequencies shall be in full accordance with the details submitted to and approved in writing by the local planning authority within planning reference 21/01820/DISCON. Upon completion, the surface water drainage system shall be maintained in accordance with this approved plan.

Reason - To ensure surface water drainage is sufficiently incorporated within the development scheme.

- 8 The applicant shall maintain yearly logs of the maintenance of the surface water drainage system which should be carried out in accordance with the approved maintenance plan. These must be available for inspection upon a request by the local planning authority.

Reason - To ensure surface water drainage is sufficiently incorporated within the development scheme.

- 9 No development shall commence until a foul water drainage scheme has been submitted to and approved in writing by the local planning authority. None of the dwellings hereby permitted shall be occupied until the works have been carried out in accordance with the approved scheme.

Reason - To ensure the safe and secure passage of foul water associated with the development.

- 10 The programme of archaeological evaluation secured and undertaken in accordance with a written scheme of investigation shall be in full accordance with the details as approved within 21/01820/DISCON.

Reason - The Tendring Historic Environment Characterisation project and Essex HER show that the proposed development is located within an area with potential for below ground archaeological deposits. The development would result in harm to non-designated heritage assets with archaeological interest.

- 11 The development shall be in full accordance with the Construction Method Statement details submitted and approved within planning reference 21/01820/DISCON.

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

- 12 No development that is sensitive to noise or disturbance shall take place within 15 metres of the boundary of any Anglian Water sewage pumping station.

Reason - To ensure the development does not harmfully impact upon the Anglian Water sewage pumping station.

- 13 The development hereby permitted 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 to and approved in writing by the local planning authority.

Reason - To ensure sufficient broadband coverage is provided to future occupants of the development.

- 14 No more than 35 dwellings hereby approved shall be occupied until one 2 bed house has been made available for use by Market Field School as a respite house for parents of the school's pupils.

Reason - To ensure the respite house is made available for use.

- 15 The Ecological Design Specification and Ecological Management Plan shall be in full accordance with the details approved within planning reference 21/01820/DISCON. The development shall be carried out in full accordance with the measures set out in this approved Specification and Plan.

Reason - In the interests of protecting biodiversity on the site.

- 16 No development shall commence until details of existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed scheme prior to occupation.

Reason - To ensure a satisfactory form of development having particular regard to drainage and the provision of level access.

- 17 Prior to the occupation of any of the proposed development the internal road and footway layout shall be provided in accordance with drawing no. 170122/RM/100.

Reason - To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

- 18 Prior to the commencement of development, details of the estate roads and footpaths (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

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

- 19 Prior to the first occupation of the dwellings, details of cycle storage required to serve each dwelling shall be submitted to and approved in writing by the Local Planning Authority. All cycle storage so approved shall be provided prior to first occupation of the dwelling to which it relates and shall be retained thereafter as approved.

Reason - To ensure a satisfactory development in terms of appearance and functionality and sustainability, so that cycling is encouraged as a sustainable means of transport.

- 20 Notwithstanding the details shown on the submitted site plan , no development shall take place until:

a) There has been submitted to and approved in writing by the Local Planning Authority, a more detailed scheme of hard and soft landscaping works for the site, to include all areas of open space, all play areas, all amenity areas, all street trees, all verges and all other planted or open areas of the site. The scheme shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing

trees, shrubs and hedgerows on the site 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. The development shall be carried out in accordance with the approved details.

b) Existing trees on the site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping (above), have been protected by the erection of temporary protective fences of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Any trees dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with trees of appropriate size and species during the first planting season or in accordance with such other arrangement as may be agreed in writing with the Local Planning Authority.

Reason - To ensure a satisfactory standard of landscaping and the protection of retained trees.

- 21 A landscape implementation and management plan, including planting schedules and long term design objectives, management responsibilities and maintenance schedules for all hard and soft 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 implementation and management plan shall be carried out as approved in accordance with the details and timescales in the plan.

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

- 22 No street lighting or lighting of common area shall be installed until details of an 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.

- 23 No development shall take place until precise details of the provision, siting, design and materials of screen walls and fences have been submitted to and approved in writing by the Local Planning Authority. The approved screen walls and fences shall be erected prior to the dwellings to which they relate being first occupied and thereafter be retained in the approved form.

Reason - To protect the amenities and privacy of occupiers of each plot and in the interests of wider visual amenities.

- 24 No development shall take place until precise details of the provision, siting, surface treatment of children's play space together with details of the equipment to be provided and a timetable for the provision of the facility has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided in their entirety and be made available for use in accordance with the agreed timetable and thereafter retained for public use.

Reason - The need for play space close to dwellings is essential to help meet the needs

of the development.

- 25 No development shall take place until precise details of the provision of a parcel of land close to the northern boundary of the site, to be dedicated to the adjoining Market Field School for use for horticultural educational purposes (i.e. allotments/poly-tunnel(s)), to include a timetable for the provision of the agreed site, has been submitted to and approved in writing by the Local Planning Authority. The approved dedication of the agreed parcel of land to the school shall be in accordance with the agreed timetable and thereafter retained for such purposes.

Reason - To accord with details agreed as part of the planning application submission.

**DATED:** 5th August 2022

**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 July 2021

National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development

SP4 Meeting Housing Needs

SP5 Employment

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

- LP4 Housing Layout
- LP5 Affordable and Council Housing
- HP1 Improving Health and Wellbeing
- HP4 Safeguarded Local Greenspace
- HP5 Open Space, Sports & Recreation Facilities
- DI1 Infrastructure Delivery and Impact Mitigation
- 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
- CP3 Improving the Telecommunications 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.

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.