



AGENT: Miss Stefanie Mizen –
JLL
30 Warwick Street
London
W1B 5NH

APPLICANT: Mr Paul Smith –
Beaumont Retirement Living
95 Springfield Road
Shalford Court
Chelmsford
CM2 6JL

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 22/00660/VOC

DATE REGISTERED: 3rd May 2022

Proposed Development and Location of the Land:

Variation of conditions 20 and 22 of application 17/01988/FUL to alter the timing of information to be submitted for Condition 20, and to specify the protection of trees relating to the development of Plots 3, 4 and 5 under Condition 22.

Land off Kirby Road Great Holland 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 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

8540/01
8540/02 Rev. B
8540/03 Rev. D
8540/04 Rev. B
8540/05
8540/10 Rev. B
8540/11 Rev. A
8540/12 Rev. A
8540/13
8540/14
8540/15
8540/16

8540/17
 8540/18 Rev. B
 8540/19 Rev. B
 8540/20 Rev. B
 8540/21 Rev. A
 8540/22 Rev. A
 8540/23 Rev. A
 8540/24 Rev. A
 8540/25 Rev. A
 8540/26 Rev. A
 8540/30 Rev. C
 8540/31 Rev. C
 8540/32 Rev. B
 8540/033 Rev. B
 8540/034 Rev. C
 8540/035 Rev. B
 8540/036 Rev. B
 18.4008.01 Rev. A

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

2 SPECIFIC RESTRICTION ON DEVELOPMENT: OCCUPATION

The residential units hereby approved shall be occupied only by persons aged 55 years or over.

Reason - For the avoidance of doubt and to ensure that the development is as applied for.

3 FURTHER APPROVAL: AGREEMENT OF MATERIALS

CONDITION: No development shall be commenced above slab level until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development and fully applied prior to the first use/occupation.

REASON: To secure an orderly and well designed finish sympathetic to the character of the existing building(s) and in the interests of visual amenity and the character and appearance of the area.

NOTE/S FOR CONDITION:

Slab level is normally refers to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visually above ground level or seek confirmation from the Local Planning Authority for your development.

While this condition does not detail in what form the materials sought shall be detailed to the Local Planning Authority, it is suggested that a plan is submitted with the details to show where the materials will be located and the extent of coverage.

4 FURTHER APPROVAL: AGREEMENT OF BOUNDARY TREATMENTS

CONDITION: No development shall be commenced above slab level 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 the adjoining property and in the interests of visual amenity.

NOTE/S FOR CONDITION:

Slab level is normally refers to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visually above ground level or seek confirmation from the Local Planning Authority for your development.

5 ACTION REQUIRED: HIGHWAYS WIDTH OF ACCESS

CONDITION: Prior to the first occupation of the development hereby permitted, the access drive shall be constructed as a shared use route measuring no less than 6 metres in width to the satisfaction of the Local Planning Authority, in conjunction with the Highway Authority.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.

NOTE/S FOR CONDITION:

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the ECC Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by Essex County Council or its agents at the applicant's expense.

6 ACTION REQUIRED: HIGHWAYS OVERHANG STRIP

CONDITION: Prior to the first occupation of the development, a 500mm wide overhang strip shall be provided adjacent to the carriageway, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that adequate clearance for vehicles swept paths is provided in the interests of highway safety.

7 COMPLIANCE: ACCESS SURFACE

CONDITION: The access/s hereby approved shall have a bound material surface and shall be laid out for a minimum distance of 6 metres from the edge of the carriageway prior to first use. The bound material as implemented shall then be retained thereafter.

REASON: In the interests of highway safety to prevent hazards caused by loose materials on the highway.

NOTE/S FOR CONDITION:

Carriageway is the part of a road intended for vehicles rather than pedestrians normally define by kerb if available or edge of a bound surface.

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the ECC Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by Essex County Council or its agents at the applicant's expense.

8 ACTION REQUIRED: HIGHWAYS PARKING AND TURNING PROVISION

CONDITION: The dwellings hereby permitted shall not be occupied until the area within the site shown on approved drawings for the purposes of manoeuvring and parking (including garage spaces as applicable) of vehicles has been provided and made functionally available. The parking area shall then be retained and remain free of obstruction.

REASON: To ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would otherwise be detrimental to highway safety.

9 ACTION AND DISCHARGE REQUIRED: RESIDENTIAL TRAVEL PACK

CONDITION: Prior to occupation of the development hereby permitted, 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, 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.

10 COMPLIANCE: ENVIRONMENTAL CONSTRUCTION MANAGEMENT PLAN

CONDITION: The development hereby permitted shall be constructed in accordance with the Construction Method Statement and Drawing No. 8540/02/WW Rev. A as approved by application 22/00657/DISCON.

REASON: To ensure that development is carried out in a controlled manner while minimising impacts on the surrounding residential properties and also in the interests of highway safety.

11 COMPLIANCE: SURFACE WATER DRAINAGE

CONDITION: The development hereby permitted shall be constructed in accordance with details approved under application 22/00658/DISCON.

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 and to provide mitigation of any environmental harm which may be caused to the local water environment.

12 FURTHER APPROVAL: UNEXPECTED CONTAMINATION

CONDITION: If unexpected contamination is found after development has commenced, no further development shall be carried out on that part of the site affected by the unexpected contamination until it has been reported in writing to the Local Planning Authority. An investigation and risk assessment shall then be undertaken to assess the nature and extent of any contamination of the site. The investigation and risk assessment shall be undertaken by a competent person and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments; and
- (iii) an appraisal of options for remediation and a proposal with preferred option(s). This appraisal shall be conducted in accordance with the Environment Agency "Model Procedures for the Management of Land Contamination (CLR 11)".

Where remediation is necessary, a detailed Remediation Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works of remediation to be undertaken, remediation objectives and criteria, timetable of works and related site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the use of land after remediation. Following completion of the measures identified in such approved Remediation Scheme, a verification report to demonstrate the effectiveness of the remediation carried out shall be submitted to and

approved in writing by the Local Planning Authority. In such circumstances, no further works of development shall be carried out to that part of the site until such time as the above requirements have been satisfied

REASON: To ensure that any risks (to future users of the land and neighbouring land and to controlled waters, property and ecological systems) arising from any land contamination are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13 COMPLIANCE: PILING METHOD STATEMENT

CONDITION: The development hereby permitted shall be constructed in accordance with details set out in the Piling Method Statement approved under application 22/00657/DISCON.

REASON: In the interests of residential amenity.

14 FURTHER APPROVAL: NOISE AND ODOUR ASSESSMENT

CONDITION: Prior to occupation, details of a noise and odour assessment shall be submitted to and approved in writing by the Local Planning Authority. The noise and odour assessment shall either demonstrate that the pumping station would not adversely impact on the dwellings hereby permitted or include necessary mitigation measures. Any identified mitigation measures shall be carried out prior to first occupation of any dwellings and retained at all times.

REASON: To avoid noise and odour nuisance in the interest of the amenity enjoyed by the nearest proposed residential dwellings.

15 FURTHER APPROVAL: EXTERNAL LIGHTING SCHEME

CONDITION: Other than for external lighting within the curtilage of a dwellinghouse and any lighting within the public highways, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The external lighting strategy shall consider how the use of such lighting will avoid, or minimise, harm caused by light pollution and the development shall be carried out in accordance with the approved scheme.

REASON: To ensure that new external lighting of the development is not harmful to biodiversity or local amenity.

16 FURTHER APPROVAL: HEDGE PROTECTION

CONDITION: No development of Plots 3, 4 and 5 shall take place until the hedgerow adjacent to the western boundary of the site has 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 hedgerow.

REASON: To enable existing landscaping to be protected and retained in the interests of visual amenity.

17 COMPLIANCE: LANDSCAPING

CONDITION: 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 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: In the interests of visual amenity and the character of the area.

18 APPROVAL REQUIRED: LANDSCAPE MANAGEMENT PLAN

CONDITION: No development above slab level shall take place until a Landscape Management Plan for the relevant phase or phases of the development has been submitted to, and approved in writing by, the Local Planning Authority. The Landscape Management Plan(s) shall include design objectives, management responsibilities and maintenance schedules for the landscaped elements of the development. The development shall be implemented and thereafter maintained in line with the details and timescales in the approved plan.

REASON - To ensure proper planning, management and maintenance of the approved landscaping; landscaped areas; sustainable urban drainage features; public open space; amenity space and play areas and equipment in the interests of amenity; sustainability and the character and appearance of the area.

NOTE/S FOR CONDITION:

Slab level is normally refers to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visually above ground level or seek confirmation from the Local Planning Authority for your development.

19 APPROVAL REQUIRED: ECOLOGICAL MANAGEMENT PLAN

CONDITION: No development above slab level shall take place until an Ecological Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The Ecological Management Plan will reflect the conclusions, recommendations and enhancement opportunities as set out in the Preliminary Ecological Appraisal by Landscape Planning Limited (ref. 69889).

REASON: In order to safeguard protected wildlife species and their habitats and in the interests of biodiversity and to ensure best practice measures are used on site during both construction and occupation phases of development to minimise the impact on birds and wildlife and to promote biodiversity.

20 COMPLIANCE: SITE CLEARANCE

CONDITION: Vegetation clearance in relation to the development hereby permitted shall only be carried out outside of the bird nesting period (from 31st March - 1st September), unless the Local Planning Authority first gives written approval to any variation subsequent to the submission of satisfactory evidence from a suitably qualified ecologist that nesting birds are absent from the site.

REASON: In the interests of wildlife protection.

DATED: 17th March 2023

SIGNED:



John Pateman-Gee
Planning Manager

NATIONAL & LOCAL PLAN POLICIES AND GUIDANCE RELEVANT TO THIS DECISION:

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

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

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP4 Meeting Housing Needs

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

HP1 Improving Health and Wellbeing

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

INFORMATIVES:

LEGAL AGREEMENT

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

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.

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.