



**AGENT:** Mr Ian Coward –  
Collins and Coward  
22 Post Office Road  
Broomfield  
Chelmsford  
CM1 7AD

**APPLICANT:** Bocking Homes  
Valley Road  
Dovercourt  
Essex  
CO12 4RR

## TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 23/00242/VOC

**DATE REGISTERED:** 14th February 2023

Proposed Development and Location of Land:

**Application under Section 73 of the Town and Country Planning Act, to allow a variation of condition 9 (Arboricultural Impact Assessment) of appeal decision for 18/02109/OUT to align with 22/01920/DETAIL in terms of soft landscaping.**

**Sato UK Ltd Valley Road Dovercourt Harwich**

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 begin not later than 2 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Dwg. No. 6635 - 1103

Dwg. No. 6635 - 1101 (Main Point of Access Only)

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

- 3 The development hereby approved shall not exceed 42 dwellings.

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

- 4 The development shall be carried out in full accordance with the recommendations outlined within the submitted 'Site Investigation Protocol' document (as prepared by Ground and Environmental Investigation Limited and approved under planning reference 22/01151/DISCON) and in full accordance with the recommendations outlined within the submitted 'Phase 2 Contamination Risk Assessment' (as prepared by Ground and Environmental Investigation Limited, Ref - 22-253 and approved under planning reference 22/01806/DISCON).

As the Phase 2 Contamination Risk Assessment concludes at Section 11 that a watching brief shall be implemented on this site during enabling works and should any contamination or potentially contaminative sources be discovered during the proposed enabling works all site works shall cease and suitably competent consultants/engineers will attend site to agree a formal remediation strategy. Any formal remediation strategy shall be submitted to and approved, in writing, by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason - The site has been utilised for industrial purposes. Consequently, the assessment/s shall assist in the protection of the health of site workers and end users.

- 5 No piling or any other foundation designs using penetrative methods shall take place until a piling/foundation method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out), has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with any such approved piling/foundation method statement.

Reason - In the interests of residential amenity.

- 6 All site demolition works and construction works shall take place in full accordance with the details and recommendations outlined within the following documents (as approved under planning reference 22/01587/DISCON);
- 'Construction Management Plan' - as prepared by Saint Safety Ltd and Bocking Homes (dated 16th September 2022); and
  - 'Method Statement' - as prepared by Anglian Demolition And Asbestos Ltd

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

- 7 The development hereby permitted shall be carried out in accordance with the Arboricultural Impact Assessment prepared by Open Spaces Landscape Architects (ref OS 1773-19-Doc1, dated January 2019) and associated tree protection/removal plans (dwg nos. OS 2435-22.1 REV B and OS 2435-22.2 REV B), including in respect of the protection of trees, shrubs and hedgerows during construction.

Reason - In the interests of visual amenity.

- 8 Prior to construction above damp proof course level, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the local planning authority. Prior to the occupation of any dwelling, the foul water drainage works relating to that dwelling must have been carried out in complete accordance with the approved scheme.

Reason - To safeguard the ground water environment from harm.

- 9 Details of the internal access road(s), to be submitted pursuant to the reserved matters submission, shall include details for their design, geometry, visibility splays and materials of construction. Prior to the laying out of the internal access roads, timescale(s) for their completion and details for their ongoing maintenance and management shall have been submitted to and approved in writing by the local planning authority. The internal access road(s) shall thereafter be constructed in accordance with the approved details and timescales and shall be managed and maintained as approved for the lifetime of the development.

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

- 10 Prior to the first occupation of each dwelling hereby approved, parking for vehicles, in accordance with a scheme that has been submitted to and approved in writing by the local planning authority, shall be provided for each dwelling.

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.

- 11 Prior to the first occupation of each dwelling hereby approved, secure parking for cycles, in accordance with a scheme that has been submitted to and approved in writing by the local planning authority, shall be provided for each dwelling. These facilities shall be retained thereafter for the parking of cycles only.

Reason - In the interests of promoting sustainable transport modes.

- 12 No dwelling hereby permitted shall be occupied until a Residential Travel Information Pack that promotes sustainable transport for future residents has been submitted to and approved in writing by the local planning authority. A Residential Travel Information Pack shall be made available in each dwelling upon occupation.

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

- 13 Prior to construction above damp proof course level, 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, shall have been submitted to and approved in writing by the local planning authority. The scheme shall include but not be limited to:

- Limiting discharge rates to 3.3 l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provision of sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, finished floor levels and ground levels, and location and sizing of any drainage features.

The approved scheme shall be implemented prior to first occupation of the development.

Reason - To safeguard the ground water environment and minimise the risk of flooding.

- 14 Prior to construction above damp proof course level, a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall have been submitted to and agreed, in writing, by the local planning authority. The surface water drainage system shall be maintained in accordance with the approved plan.

Reason - To ensure the approved drainage system is adequately maintained to safeguard the ground water environment and minimise the risk of flooding.

- 15 The Biodiversity Enhancement Strategy (as approved under planning reference 22/01806/DISCON) shall be implemented in accordance with the approved details and timescales and the ongoing management and maintenance

measures shall be adhered to for the life of the development.

Reason - To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

**DATED:** 29th March 2023

**SIGNED:**




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John Pateman-Gee  
Planning Manager

**IMPORTANT INFORMATION** :-

The local planning authority considers that the following policies and proposals in the development plan are relevant to the above 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)

SP3 Spatial Strategy for North Essex

SP4 Meeting Housing Needs

SP6 Infrastructure and Connectivity

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
- LP5 Affordable and Council Housing
- PPL1 Development and Flood Risk
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- PPL10 Renewable Energy Generation
- CP1 Sustainable Transport and Accessibility
- CP2 Improving the Transport Network
- DI1 Infrastructure Delivery and Impact Mitigation

#### 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.

#### Legal Agreement Informative

This application is the subject of a S106 legal agreement and this decision should only be read in conjunction with this agreement.

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.