



APPLICANT: Sam Caslin - Taylor
Wimpey London
Ground Floor East Wing
BT Brentwood
Brentwood
CM14 4QP

AGENT:

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 23/00622/VOC

DATE REGISTERED: 4th October 2023

Proposed Development and Location of the Land:

**Application under Section 73 of the Town and Country Planning Act, for the variation of Condition 17 (Landscape Scheme) of 21/00978/FUL to allow for the removal of the landscaping buffer alongside Plots 119 and 136 (alternative planting to be provided within the red line area of the residential portion of the site).
Land to The South of Weeley Road Great Bentley 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 be carried out in accordance with the following approved plans and documents:
 - 48737/c/005 b Amended construction access
 - 48737/c/004 c Amended drainage layout - east
 - 20.1464.40b Amended proposed site layout (infrastructure)
 - 20.1462.31 Site plan (infrastructure)
 - Preliminary Ecological Appraisal (EECOS, June 2021)
 - Bat Surveys (EECOS, September 2021)
 - Reptile Survey (EECOS, September 2021)
 - Biodiversity Net Gain Assessment (EECOS, December 2021)

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

- 2 The surface water drainage system Maintenance Plan approved under discharge of condition application 22/01860/DISCON shall be implemented in accordance with the approved details and programme for delivery and thereafter retained, unless otherwise agreed in writing by the local planning authority.

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.

- 3 The site shall be remediated in accordance with the measures and timescale approved under discharge of condition application 22/01858/DISCON. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the LPA. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the LPA within 21 days of the report being completed and shall be approved in writing by the LPA.

Reason - To protect future residents against any potential contaminants present on the site.

- 4 The development shall be carried out in accordance with the Construction Management Plan approved under discharge of condition application 22/01562/DISCON, unless otherwise agreed in writing by the local planning authority.

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.

- 5 The temporary construction access, as shown in principle on drawing 48737/c/005 b Amended construction access, shall be constructed at right angles to the existing carriageway. The width of the access at its junction with the highway shall not be less than 7.3 metres retained at that width for 22 metres within the site and shall be provided with an appropriate kerb radius of no less than 15 metres. Upon completion of the development / numbered occupancy, the temporary construction vehicular access shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge / footway / cycleway / kerbing. Full details to be agreed in writing with the Local Planning Authority.

Reason - To ensure that vehicles can enter and leave the highway in a controlled manner and the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway following development in the interests of highway safety.

- 6 The temporary Traffic Regulation Order and Traffic Management signage either side of the temporary construction access shall accord with the details approved under discharge of condition application 22/01767/DISCON.

Reason - To ensure to ensure that vehicles can enter and leave the highway in a controlled manner and the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway following development in the interests of highway safety.

- 7 There shall be no discharge of surface water onto the Highway.

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.

- 8 The temporary road junction / access at its centre line shall be provided with a minimum clear to ground visibility splay with dimensions of 2.4 metres by 97 metres to the south-east and 2.4 metres by 90 metres to the north-west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason - To provide adequate inter-visibility between vehicles using the road junction /

access and those in the existing public highway in the interest of highway safety.

- 9 No unbound material shall be used in the surface treatment of the vehicular access within 10 metres of the highway boundary.

Reason - To avoid displacement of loose material onto the highway in the interests of highway safety in accordance.

- 10 The development shall be carried out in accordance with the demolition and construction method statement approved under discharge of condition application 22/01562/DISCON, unless otherwise agreed in writing by the local planning authority.

Reason - Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

- 11 The development shall be carried out in accordance with the details of the footways (including layout, levels, gradients, surfacing, traffic calming and means of surface water drainage) approved under discharge of condition application 22/01562/DISCON, unless otherwise agreed in writing by the local planning authority.

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

- 12 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (EECOS, June 2021), Bat Surveys (EECOS, September 2021) and Reptile Survey (EECOS, September 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason - To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021.

- 13 The proposed BNG enhancement measures shall be implemented in accordance with the details approved under discharge of condition application 22/01395/DISCON shall be retained in that manner thereafter.

Reason - In order to demonstrate measurable net gains and allow the LPA to discharge its duties under the NPPF (2021) as updated by the Environment Act 2021.

- 14 Prior to occupation, the Biodiversity Enhancement Layout measures shall be implemented in accordance with the details approved under discharge of condition application 22/01954/DISCON and all features shall be retained in that manner thereafter.

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) as updated by

the Environment Act 2021.

- 15 The development shall be carried out in accordance with the Landscape and Ecological Management Plan (LEMP) approved under discharge of condition application 22/02054/DISCON, unless otherwise agreed in writing by the local planning authority.

Reason - To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021.

- 16 Within 2 months of the date of this decision, a scheme of soft landscaping works for the entire site shall be submitted to and approved in writing by the local planning authority. 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 scheme shall also provide details of the hard and soft landscaping for the footpath connection across the centre of the site.

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

- 17 Structural landscaping shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development and other landscaping in a phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees, shrubs or hedge 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 order to ensure a satisfactory development in terms of landscape appearance, character and functionality and ensure the earliest and practicable implementation of new planting required to mitigate the impact of the development.

- 18 The connection of the footpath to Weeley Road, culvert over the existing drainage ditch adjacent to Weeley Road and surface material used for the path across the site shall be carried out in accordance with the details approved under discharge of condition application 23/00756/DISCON. The approved details shall be implemented in full, retained and maintained for perpetuity by the Management Company responsible for the site. These works shall be fully completed and operational prior to the occupation of any residential dwelling associated with the residential development to the west of the site subject of the original application 17/01881/OUT or any related Section 73 application following the original planning approval.

Reason - In the interests of Highway Safety and in the interests of adequate drainage provision.

- 19 The development shall be carried out in accordance with the archaeological investigations, findings and reports approved under discharge of condition application 22/01562/DISCON, 22/01395/DISCON and 23/00101/DISCON.

Reason - In the interests of preserving, any possible historic artefacts found on the host site.

- 20 The fencing/boundary treatment approved under discharge of condition application

23/00101/DISCON shall be erected prior to the development hereby approved becoming operational and thereafter be retained in the approved form.

Reason - In the interests of safety and residential amenity.

DATED: 10th November 2023

SIGNED:



John Pateman-Gee
Head of Planning and Building Control

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

National:

National Planning Policy Framework July 2023 (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
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- PPL10 Renewable Energy Generation
- CP1 Sustainable Transport and Accessibility
- CP2 Improving the Transport Network

Supplementary Planning Guidance

Essex Design Guide

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)
Tending Provision of Recreational Open Space for New Development SPD 2008 (under review)
Essex Design Guide

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

INFORMATIVES:

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.

Legal Agreement Informative

This application is the subject of a S106 Legal Agreement. This decision should only be read in conjunction with the relevant agreement and any subsequent related Deed of Variations.

Highways Informatives

1: 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

2: Under Section 23 of the Land Drainage Act 1991, prior written consent from the Environment Agency is required to build any culvert (pipe) or structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River. If you believe you need to apply for consent, please contact the Environment Agency as soon as possible to discuss your plans. Planning permission does not negate the requirement for consent, and full details of the work you propose will be required at least two months before you intend to start. Once preliminary details have been agreed, you will be asked you to fill in an application form, which must be returned with the appropriate fee.

Please call the Environment Agency on 08708 506 506 and ask for the Essex Development and Flood Risk Team to discuss this requirement further.

3: The proposed connecting footpath from the development to public footpath no. 11 (Great Bentley_165) should be permissive though and should not form part of the Public Rights of Way (PROW) network as it does not add anything to the PROW network and will only serve the new development. Therefore, this footpath will need to be clearly marked as permissive. Public footpath no.11 is of limited use as to the north it ends at the A133 as there are no other PROW directly connecting to this public footpath.

4: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

5: 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.

Drainage Informative

We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below. <https://www.essex.gov.uk/protecting-environment>

Network Rail Informatives

Please refer to the comments received from Network Rail (attached to this decision notice) which contains a number to concerns / advisories from the Asset Protection (ASPRO) team, aiming to ensure high standards of Network Rail's operation. These should be read and adhered to in full.

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.