



AGENT:	Michael Smith - JCN Design and Planning 2 Exchange Court London Road Feering Colchester CO5 9FB	APPLICANT:	Taylor Wimpey UK Ltd Ground Floor East Wing BT Brentwood 1 London Road Brentwood Essex CM14 4QP
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TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 22/01640/VOC **DATE REGISTERED:** 30th September 2022

Proposed Development and Location of Land:

Application under Section 73 of the Town and Country Planning Act, to allow a variation of conditions 1 (Approved Plans) and 4 (Highways) of 19/01269/DETAIL to reflect changes to the approved landscaping and surface water drainage scheme (removal of proposed trees within approved northern attenuation basin, relocation of trees outside of overhead lines easement, and amended gradient of approved southern attenuation basin) and to update plan references to reflect 22/00431/NMA.
Land to South of Thorpe Road Kirby Cross

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY GRANT APPROVAL OF RESERVED MATTERS** pursuant to Outline Planning Permission No. 15/01710/OUT in accordance with the application form, supporting documents and plans submitted, subject to the below conditions;

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

Site Location Plan - TW019-PL-01
 Concept Development Layout - TW019-PL-02 Rev P
 Detailed Layout - TW019-PL03 Rev M
 Landscape Plan - TW019-PL04 Rev J
 HA Location Plan - TW019-PL06 Rev I
 Storey Height Plan - TW109-PL08 Rev I
 Garden Areas - TW109-PL09 Rev G
 Housetype Ashenford NA20a - TW019-HA-NA20a-01 Rev 00
 Housetype Ashenford NA20b - TW019-HA-NA20b-02 Rev A
 Housetype Coltford NA34 - TW019-HA-NA34-01 Rev 00
 Housetype Byford NA32a - TW019-HT-NA32a-01 Rev A
 Housetype Byford NA32b (Boarding) - TW019-HT-NA32b-02 Rev A
 Housetype Manford NA44 - TW019-HT-NA44-01 Rev B
 Housetype Possdale NA40a - TW019-HT-NT40a-01 Rev C
 Housetype Possdale NA40c - TW019-HT-NT40c-02 Rev B
 Housetype Waysdale NT42 - TW019-HT-NT42-01 Rev B
 Housetype Waysdale NT42a - TW019-HT-NT42a-02 Rev C

Housetype Waysdale (Boarding) - NT42b - TW019-HT-NT42b-03 Rev B
 Housetype Waysdale NT42c - TW019-HT-NT42c-04 Rev A
 Housetype Canford PA25 - TW019-HT-PA25-01 Rev C
 Housetype Gosford PA34a - TW019-HT-PA34a-01 Rev C
 Housetype Gosford PA34b - TW019-HT-PA34b02 Rev C
 Housetype Gosford PA34c - TW019-HT-PA34c-03 Rev A
 Housetype Easedale PT36a - TW019-HT-PT36a-01 Rev A
 Housetype Easedale PT36c - TW019-HT-PT36c-02 Rev B
 Housetype Yewdale PT37a - TW019-HT-PT37a-01 Rev E
 Housetype Yewdale PT37b - TW019-HT-PT37b-02 Rev B
 Housetype Yewdale PT37c - TW019-HT-PT37c-03 Rev A
 Garage Types - TW019-GR-01
 Garage Types - TW109-GR-02
 Sub-Station - Tw019-sub-01 rev a
 Street Scenes - TW019-ST01 Rev.B
 Soft Landscape Proposals 1 of 10 - 19.4068.01.F
 Soft Landscape Proposals 2 of 10 - 19.4068.02 D
 Soft Landscape Proposals 3 of 10 - 19.4068.03.E
 Soft Landscape Proposals 4 of 10 - 19.4068.04.D
 Soft Landscape Proposals 5 of 10 - 22.5296.05 A
 Soft Landscape Proposals 6 of 10 - 22.5296.06 B
 Soft Landscape Proposals 7 of 10 - 19.4068.07.D
 Soft Landscape Proposals 8 of 10 - 19.4068.08.D
 Soft Landscape Proposals 9 of 10 - 19.4068.09.E
 Soft Landscape Proposals 10 of 10 - 19.4068.10.J
 Updated Barn Owl Ecological Advice Note (SES, November 2019)
 Reptile Mitigation Strategy (SES, November 2019)
 Attenuation Basin Plan
 Circular Dog Walking Route 19.4668.11A
 Pump Station Details 5793:101 Rev B
 AIA 7658.D.AIA Rev A
 Root Investigation 7816-D-R1
 Root Investigation 2 7816-D-R1 2
 Preliminary Arboricultural Method Statement Proj, 7658 Rev A
 Arboricultural Monitoring Report Proj. 7816

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

- 2 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Updated Barn Owl Ecological Advice Note (SES, November 2019) and Reptile Mitigation Strategy (SES, Nov 2019). This may include the appointment of an appropriately competent person e.g. a suitably qualified ecologist holding a Natural England Barn Owl Licence, 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 Protected species and allow the Local Planning Authority to discharge its duties under the Wildlife & Countryside Act 1981 as amended and s17 Crime & Disorder Act 1998 (wildlife crime).

- 3 Development shall be carried out in accordance with the biodiversity monitoring strategy for Barn Owls approved under 20/00432/DISCON.

A report describing the results of monitoring shall be submitted to the Local Planning Authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the Local Planning Authority, and then implemented so that the development still delivers the fully functioning

biodiversity objectives of the originally approved scheme.

The monitoring strategy will be implemented in accordance with the approved details.

Reason - To allow the Local Planning Authority to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended.

- 4 Prior to the occupation of each dwelling the internal road and footway serving that dwelling shall be provided in principal and accord with drawing number TW019-PL-02 Rev P Concept Layout Drawing.

Reason - To ensure acceptable vehicle and pedestrian access to each dwelling.

- 5 The estate roads, footways, and three footway links to Thorpe Road and Chapel Lane shall be as approved under 20/00432/DISCON. Development shall be carried out in accordance with the approved details.

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

- 6 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason - To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

- 7 On-site foul water drainage works shall be as approved under 20/00432/DISCON. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been completed in full accordance with the approved scheme.

Reason - To prevent environmental and amenity problems arising from flooding.

- 8 Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles and each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres. All single garages should have a minimum internal measurement of 7m x 3m and all double garages should have a minimum internal measurement of 7m x 5.5m

Reason - To ensure adequate space for parking off the highway is provided in the interest of highway safety.

- 9 The cycle parking facilities shall be as approved under 20/00432/DISCON. The approved cycle parking facility shall be provided prior to occupation of each dwelling that it will serve.

Reason - To ensure appropriate bicycle parking is provided in accordance with the Council's adopted Parking Standards.

- 10 No dwelling shall be occupied until such time as its car parking/garaging and turning area as shown on the approved plans has been provided. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

Reason - To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

- 11 The garage hereby permitted on Plots 1, 16, 17, 20, 23, 27, 28, 31, 32, 33, 86, 87, 92, 93, 101, 102 and 110 shall only be used for the parking of vehicles or for domestic storage

associated with the dwelling and not used for living accommodation.

Reason - To ensure adequate parking and garage space is provided within the site in accordance with the standards adopted by the local planning authority.

- 12 The bathroom window on the west facing elevation on Plot 2 shall be glazed with obscure glass and shall be so maintained at all times.

Reason - In order to safeguard the privacy of adjoining occupiers.

- 13 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no additional windows, doors, rooflights, or dormer windows, as permitted by Classes A, B and C of Part 1 of Schedule 2, other than those indicated on the approved plans shall be constructed on the western elevation/roof slope of the dwelling hereby permitted on Plot 2 without first obtaining planning permission from the local planning authority.

Reason - In order to safeguard the privacy of adjoining occupiers.

- 14 Prior to occupation of Plots 36, 37, 38, 39, 40 or 41 the pedestrian link between the estate road and Thorpe Road, and running between no. 155 Thorpe Road and no. 159 Thorpe Road, shall have been constructed in accordance with the approved details and shall be available for public access and thereafter retained and maintained in the approved form.

Reason - To ensure footways are constructed to an acceptable standard and available for the public to use, to encourage more sustainable modes of transport and to reduce reliance on the private car.

- 15 Prior to occupation of Plots 54, 55, 56 or 57 the pedestrian link between the estate road and Thorpe Road, and running between no. 129 Thorpe Road and no. 127 Thorpe Road, shall have been constructed in accordance with the approved details and shall be available for public access and thereafter retained and maintained in the approved form.

Reason: To ensure footways are constructed to an acceptable standard and available for the public to use, to encourage more sustainable modes of transport and to reduce reliance on the private car.

- 16 The Residential Travel Packs that are to be provided pursuant to Condition no.12 of planning permission 15/01710/OUT, shall include the following;

- a) Information regarding the safe use of level crossings over the railway lines and the dangers of failing to use them properly.
- b) Details of the approved circular walking routes to and from the site, which can be used by residents along with specific encouragement for dog walkers to use these routes.

As required by condition no.12 of planning permission (15/01710/OUT) the Residential Travel Information Packs shall have been previously submitted to and approved in writing by the local planning authority, and shall be provided to the first occupant of each new dwelling.

Reason - To promote the safe use of railway level crossings and to encourage the future residents to remain on-site for day to day recreation/dog walking, so as to minimise pressures upon Hamford Water SPA and Ramsar, Colne Estuary SPA and Ramsar, Blackwater Estuary SPA and Ramsar, Dengie SPA and Ramsar, and Essex Estuaries SAC pursuant to the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy.

- 17 The scheme of landscaping as shown on the approved Soft Landscape Proposals Plans,

or such other scheme as may be agreed in writing by the local planning authority, shall be carried out during the first available planting season after the commencement of the development. Any trees or plants which die, are removed or become seriously damaged, or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any variation.

Reason - To ensure a satisfactory scheme of hard and soft landscaping to enhance the appearance of the development.

- 18 The underground power line shall be as approved under 20/00432/DISCON. Development shall be carried out in accordance with the approved details.

Reason - As insufficient information has been provided with the application, in the interests of visual and residential amenity, and the Grade II listed building Mill House at 127 Thorpe Road.

- 19 Development shall be carried out in accordance with the railway line boundary fence strategy as approved under 20/00432/DISCON. Any works specified in the approved strategy shall be carried out in accordance with the approved strategy prior to the first occupation of the development.

Reason - To ensure that the increase in public activity resulting from the development does not result in an increase in trespass or anti-social behaviour on the railway line that would be detrimental to the safety of member of the public and railway users.

DATED: 14th December 2023

SIGNED:



John Pateman-Gee
Head of Planning and Building Control

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 2023 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

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

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
 HP3 Green Infrastructure
 HP5 Open Space, Sports and Recreation Facilities
 LP1 Housing Supply
 LP2 Housing Choice
 LP3 Housing Density and Standards
 LP4 Housing Layout
 LP5 Affordable Housing
 PP12 Improving Education and Skills
 PPL1 Development and Flood Risk
 PPL3 The Rural Landscape
 PPL4 Biodiversity and Geodiversity
 PPL5 Water Conservation, Drainage and Sewerage
 PPL9 Listed Buildings
 CP1 Sustainable Transport and Accessibility
 CP2 Improving the Transport Network
 CP3 Improving the Telecommunications Network

Supplementary Planning Documents

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

Local Planning Guidance

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 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.

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 - Essex Highways
 Colchester Highways Depot,
 653 The Crescent,
 Colchester
 CO4 9YQ

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.

2) All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway by the ECC.

3) Prior to occupation, the development shall be served by a system of operational street lighting of design approved from the Highway Authority along the Primary route, which shall thereafter be maintained in good repair.

4) Any tree planting proposed within the highway must be agreed with the Highway Authority. Trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme. All proposed tree planting must be supported by a commuted sum to cover the cost of future maintenance, to be agreed with the Highway Authority.

5) Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy. If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team.

Foul water drainage strategy will need to include a feasible drainage strategy agreed with Anglian Water detailing the discharge solution including:

Development size; Proposed discharge rate (Should you require a pumped connection, please note that our minimum pumped discharge rate is 3.8l/s); Connecting manhole discharge location (No connections can be made into a public rising main); Notification of intention to connect to the public sewer under S106 of the Water Industry Act.

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

6) Anglian Water advise that they have assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

7) Given the close proximity to the operational railway line, if and before any works are undertaken the developer would need to engage with the ASPRO team (AssetProtectionAnglia@networkrail.co.uk) to ensure the protection of the railway line.

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.