



AGENT: Mr Robert Pomery –
Pomery Planning Consultants Ltd
Pappus House
Tollgate West
Stanway
Colchester
CO3 8AQ

APPLICANT: Messers West & Sherwood
Westside House
Westside Centre
London Road
Stanway
Colchester
CO3 8PB

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 20/01130/FUL

DATE REGISTERED: 19th August 2020

Proposed Development and Location of the Land:

Erection of 122no. residential units complete with roads and public open space.

Foots Farm, Land South of Centenary Way and West of Thorpe Road Clacton on Sea

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;

Time limit & Approved Documents

1. **COMPLIANCE: TIME LIMIT**

CONDITION: The development hereby permitted shall be begun before the expiration of three 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. **COMPLIANCE: APPROVED PLANS AND 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.

Plans and Drawings

The approved red line plan drawing is Location Plan Dwg. No. OC151-PL-02 Rev I received 20.03.2024.

Dwg. No. OC151-PL-02 Rev I – Development Layout
 Dwg. No. OC151-PL-03 Rev G – Detailed Development Layout
 Dwg. No. OC151-PL-04 Rev G – Parking Layout
 Dwg. No. OC151-PL-05 Rev H – Storey Heights Plan
 Dwg. No. OC151-PL-06 Rev G – Garden Areas Plan
 Dwg. No. OC151-PL-08 Rev I – Materials Layout
 Dwg. No. OC151-PL-09 Rev G – Refuse Plan
 Dwg. No. OC151-PL-10 Rev E Fire Tracking Layout
 Dwg. No. OS151-ST-01 Street Elevations A, B & C Rev C
 Dwg. No. OC151-SUB-01 Rev 00 Sub Station Floor Plans & Elevations

Dwg. No. OC151-Apt-BlockA-01 Rev 00 – Block A Floor Plans
 Dwg. No. OC151-Apt-BlockA-02 Rev A – Block A Elevations
 Dwg. No. OC151-Apt-BlockB-01 Rev A– Block B Floor Plans
 Dwg. No. OC151-Apt-BlockB-02 Rev B – Block B Elevation Plans

Dwg. No. OC151-HT-ALa-01 Rev.A – ALa Alnmouth - Floor Plans & Elevations
 Dwg. No. OC151-HT-ASa-01 Rev A – ASa Ashworth - Floor Plans & Elevations
 Dwg. No. OC151-HT-BAa-01 Rev A – BAa Barton - Floor Plans & Elevations
 Dwg. No. OC151-HT-BRa-01 Rev B – BRa Brampton - Floor Plans & Elevations
 Dwg. No. OC151-HT-CHa-01 Rev B – CHa Charnwood - Floor Plans & Elevations
 Dwg. No. OC151-HT-CHb-02 Rev B – CHb Charnwood - Floor Plans & Elevations
 Dwg. No. OC151-HT-GAa-01 Rev B – GAa Garrett - Floor Plans & Elevations
 Dwg. No. OC151-HT-SHa-01 Rev A – SHa Sherwood - Floor Plans & Elevations
 Dwg. No. OC151-HT-WAa-01 Rev A – WAa Wareham - Floor Plans & Elevations

Dwg. No. OC151-BN-01 Rev 00 – Bin & Cycle Store
 Dwg. No. OC151-GR-01 Rev.00 – Sales Garage - SG
 Dwg. No. OC151-GR-02 Rev.01 – Carport Plans CP1
 Dwg. No. OC151-GR-03 Rev.01 – Carport Plans CP2 & CP3
 Dwg. No. OC151-GR-04 Rev.01 – Carports Plans CP4 & CP5
 Dwg. 23-027/336 Rev T2 – Site Levels Drawing

Technical Reports

Planning Statement produced by Pomery Planning Consultants Ltd
 Phase 1 Geo-Environmental Desk Study and Preliminary Risk Assessment (ref: P0118/R01 Issue 1) produced by Sue Slaven
 Transport Assessment (ref: IT1898TA_29.06.20_Issued) produced by Intermodal Transportation Ltd
 Flood Risk Assessment (ref: IT1898_FRA_issued 31-07-2020) produced by Intermodal Transportation Ltd
 Extended Phase 1 Survey produced by Hillier Ecology Limited
 Great Crested Newt eDNA Survey produced by Hillier Ecology Limited
 Arboricultural Impact Assessment and Preliminary Method Statements produced by Tree Planning Solutions
 Design and Access Statement (revised July 2021) produced by McLean Architectural
 Qualifying Unit Schedule received 18th September 2023

S106 Plans

Open Space Plan – ref: PH-168-OSP Rev D
 Phasing Plan – ref: PH-168-PP Rev C
 Walking Routes Plan – ref: PH-168-WRP
 Affordable Housing Plan – ref: PH-168-AHP Rev B

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.

Materials

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 shown on Dwg. No. OC151-PL-08 Rev. I – Materials Layout 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 in the interests of visual amenity and the character and appearance of the development.

Levels**4. COMPLIANCE: LEVELS**

CONDITION: The development shall be carried out in accordance with the approved Dwg. 23-027/336 Rev T2 – Site Levels Drawing listed above, unless otherwise agreed in writing by the local planning authority.

REASON: To avoid the excessive raising or lowering of any building hereby permitted and the alterations of ground levels within the site which may lead to unneighbourly development with problems of overlooking and loss of privacy. This information is required before the commencement of development as the condition requires details of the existing ground levels, which will need to be obtained before development commences.

Landscaping**5. COMPLIANCE: TREE PROTECTION AND RETENTION**

CONDITION: The development shall be carried out in accordance with the approved Arboricultural Impact Assessment and Preliminary Method Statements listed above, undertaken by James Choat, Tree Planning Services, Ref. TPSarb0811019 Issue 2, dated 21st November 2023. This shall include a qualified Arboriculturalist visiting the site throughout the development process to carry out an assessment of tree health and protection condition and make recommendations when required, as set out in Paragraphs 10.8.2 – 10.8.4 of the approved AIA.

No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.

REASON: To ensure existing trees, shrubs and hedges that are identified as being retained are not removed and are protected appropriately during the development, as they are considered essential to enhance the character of the development and contribute positively to the appearance of the area.

6. APPROVAL REQUIRED: LANDSCAPING SCHEME

CONDITION: In accordance with Phasing Plan – ref: PH-168-PP Rev C, no development above slab level shall take place within a phase until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard, soft and boundary treatment landscaping works for that phase, which shall include any proposed changes in ground levels.

REASON: In the interests of visual amenity and the character and appearance of the area.

NOTE/S FOR CONDITION:

Slab level is normally referring 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.

Should the landscape works include any new hedgerow, please consider the following planting for a native hedge. Native hedge: 50% hawthorn, 25% blackthorn (but beware – this

can spread into adjacent fields), 15% field maple, 2% holly, 2% wild privet, 2% guelder rose, 2% dog rose, 2% buckthorn.

7. COMPLIANCE WITH DETAILS AND TIMESCALE REQUIRED: LANDSCAPING SCHEME

CONDITION: In accordance with Phasing Plan – ref: PH-168-PP Rev C, all changes in ground levels, soft/hard landscaping shown on the approved landscaping details shall be carried out for each Phase in full during the first planting and seeding season (October - March inclusive) following the occupation of 75% of the dwellings within that relevant Phase of development, or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use/first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted, or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and same species unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

8. APPROVAL REQUIRED: LANDSCAPE MANAGEMENT PLAN

CONDITION: No works above ground level shall take place until there has been submitted to and approved, in writing, by the Local planning authority a landscape management plan for a minimum of 5 years. Both new and existing planting (including SUDs features as applicable) will be required to be included in a long-term management plan. The landscape management plan shall also include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens. The landscape management plan shall be carried out as approved in accordance with the details and timescales in the plan and thereafter retained.

REASON: To support plant establishment and ensure the proper management and maintenance of the approved landscaping in the interests of amenity, functionality and the character and appearance of the area.

9. APPROVAL REQUIRED: DETAILS OF SCREEN WALLS AND FENCES

CONDITION: In accordance with Phasing Plan – ref: PH-168-PP Rev C, prior to the first occupation of the development within a phase precise details of the provision, design and materials of all screen walls and fences shown on approved Dwg. No. OC151-PL-03 Rev. G – Detailed Development Layout listed above shall be submitted to and approved, in writing, by the Local Planning Authority. The screen walls and fences as may be approved shall be erected prior to the dwelling/s/building/s to which they relate being first occupied/used and thereafter be retained in the approved form.

REASON: In the interests of visual amenity and the character and appearance of the area.

10. APPROVAL REQUIRED: DETAILS OF CAR PORTS

CONDITION: Construction of any building which contains or has a car port attached to it shall not be commenced until additional drawings that show details of proposed opening, the materials that will be used internally within the car port have been submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details and shall be permanently maintained as such.

REASON: To control the materials used to form the car ports to ensure that appropriate materials and finishes are used given the prominence that they will have within the streetscene. In the interests of visual amenity and the character and appearance of the area.

Removal of Permitted Development Rights (PD)

11. SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PD FOR ENCLOSURES

CONDITION: Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 2 Minor operations, Class A (or any Order revoking and re-enacting that Order with or without modification):- no fence, gate, wall or any other means of enclosure, shall be erected forward of any elevation of the dwelling house(s) fronting a highway, except pursuant to the grant of planning permission on an application made in that regard.

REASON: To enable the local planning authority to retain control over the development in the interests of the visual amenity and the quality of the development.

12. SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PD RIGHTS FOR ALTERATIONS TO CAR PORTS

CONDITION: Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 2 Development within the curtilage of a dwellinghouse Class A (or any Order revoking and re-enacting that Order with or without modification):- no enlargement, improvement, or other alterations to the car ports shall be carried out, except pursuant to the grant of planning permission on an application made in that regard.

REASON: In the interests of highway safety and to ensure adequate vehicular access to and use of parking and turning provision within the site is provided and maintained, and to enable the local planning authority to retain control over the development in the interests of the visual amenity, the quality of the development and residential amenities.

13. ONGOING REQUIREMENT: PROVISION AND RETENTION OF PARKING SPACES

CONDITION: Prior to occupation of each dwelling the car parking spaces indicated on the approved plans shall be hard surfaced and available for the occupants to park vehicles on. The car parking spaces shall be retained in this form at all times and kept available for use for the parking of vehicles.

REASON: In the interests of highway safety and to ensure adequate vehicular access to and use of parking and turning provision within the site is provided and maintained.

14. APPROVAL REQUIRED: PROVISION OF CYCLE STORAGE

CONDITION: No occupation of any dwelling shall take place until powered two-wheeler/cycle parking facilities for each dwelling have been provided in accordance with details that shall have been previously submitted to and agreed, in writing, by the Local Planning Authority, and the cycle parking for the apartments, shown in drawing OC-151-BN-1 Rev 00, shall be permanently maintained as such.

REASON: To ensure appropriate powered two-wheeler and bicycle parking is provided.

Highways15. **COMPLIANCE: HIGHWAYS PROVISION OF VISIBILITY SPLAYS**

CONDITION: Prior to the first use of the access to the site and development from Centenary Way, clear visibility shall be provided and thereafter permanently maintained with dimensions of 2.4 metres by 101m to the right (east) and 2.4m by 115m to the left (west), as measured from and along the nearside edge of the carriageway, from the centre of the access. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

REASON: To ensure vehicles exiting the development would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.

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.

16. **ACTION REQUIRED: HIGHWAY WORKS PRIOR TO OCCUPATION**

CONDITION: No dwelling hereby permitted shall be occupied until the following have been provided or completed:

- a) A priority junction off Centenary Way to provide access to the proposed site as shown in principle on planning application, proposed site access, drawing number: IT1898/TA/02.
- b) Dedicated right turn lane to be designed in accordance with DMRB standards.
- c) Upgrade to a minimum 3-metre-wide shared footway/ cycleway along the entire site frontage of Centenary Way westwards to the Morrisons roundabout and any associated signage.
- d) Where possible the existing footway to be widened to 2-metre-wide along the entire site frontage with Thorpe Road.
- e) To current Essex County Council specification, the provision of two new bus stops on Thorpe Road, north of Gorse Lane which would best serve the proposal site (details shall be agreed with the Local Planning Authority prior to commencement of the development).
- f) Pedestrian/ cycleway provision required to access existing shared footway/ cycleway on Centenary Way with associated tactile paving.
- g) Upgrade of any street lighting in association with the new junction onto Centenary Way.

REASON: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

17. COMPLIANCE: INTERNAL ROAD AND FOOTWAYS PRIOR TO OCCUPATION

CONDITION: Prior to the occupation of any of the proposed development the associated internal road site access and footway layout required by the relevant dwelling to facilitate safe from such dwelling to the adoptable highway on Centenary Way shall be provided in principle and accord with Drawing Numbers:

- OC151-PL-02 Rev I Development Layout
- OC151-PL-04 Rev G Parking Layout

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

18. FURTHER APPROVAL: CONSTRUCTION MANAGEMENT TO BE AGREED

CONDITION: Prior to the commencement of development details of the construction methodology and timetable shall be submitted to and approved, in writing, by the Local Planning Authority. This shall incorporate the following information:-

- a) Confirmation of the hours of operation on the site. No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- b) Details of the loading/unloading/storage of construction materials on site, including details of their siting and maximum storage height.
- c) Details of how construction and worker traffic and parking shall be managed. This shall include routing of all traffic and any directional signs to be installed and where.
- d) Details of wheel and underbody washing facilities to be provided and used at the site.
- e) Details of any protection measures for footpaths and trees surrounding the site.
- f) Details of any means of access to the site during construction.
- g) Details of the scheduled timing/phasing of development for the overall construction period.
- h) Details of measures to control the emission of dust and dirt during construction and including details of any wheel washing to be undertaken, management and location it is intended to take place.
- i) Details of the siting of any on site compounds and portaloos.
- j) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition.
- k) Site waste management plan (that shall include reuse and recycling of materials) and the prohibition of the burning of materials on the site.
- l) Scheme for sustainable construction management to ensure effective water and energy use.
- m) A scheme to control noise and vibration during the construction phase, including details of any piling operations. If piling is to be carried out on the site a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents shall be provided.
- n) Scheme of review of complaints from neighbours.
- o) Registration and details of a Considerate Constructors Scheme
- p) Details on the provision, location and management of any show home/s or reception, including opening times, parking and advertisements (including flags and directional signs).

The said methodology as may be approved shall be implemented in its entirety and shall operate as may be approved at all times during construction.

REASON: To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm on amenity.

Archaeology

19. FURTHER APPROVAL: ARCHAEOLOGICAL WORKS

CONDITION:

1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.
2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above.
3. The applicant will submit to the local planning authority a post excavation assessment either prior to the occupation of any dwelling, or within six months of the completion of the fieldwork, whichever is the sooner, unless otherwise agreed in advance with the Planning Authority. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development. This condition is required to be agreed prior to the commencement of any development to ensure matters of archaeological importance are preserved and secured early to ensure avoidance of damage or loss due to the development and/or its construction. If agreement was sought at any later stage as there is an unacceptable risk of loss and damage to archaeological and historic assets.

20. COMPLIANCE: CONTAMINATED LAND

CONDITION: The development shall be carried out in accordance with all the recommendations specified within the Phase 1 Geo-Environmental Desk Study and Preliminary Risk Assessment produced by Sue Slaven (Report no. P0118/R01 Issue 1, dated May 2020), unless otherwise first agreed in writing by the Local Planning Authority.

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

21. COMPLIANCE: ASBESTOS SURVEY

CONDITION: Prior to commencement of development, including any demolition or site clearance an asbestos survey should be carried out on the site. Any asbestos containing materials identified must be safely removed by a qualified contractor.

REASON: To prevent contamination of the site with asbestos and resulting danger to human health. This survey is required before any works are undertaken on the site. Inadvertently disturbing materials during site clearance or demolition could release asbestos which could contaminate the site.

Biodiversity and Protected Species

22. COMPLIANCE: IN ACCORDANCE WITH ECOLOGICAL APPRAISAL

CONDITION: All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Extended Phase 1 Survey (Hillier Ecology, May 2020) 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).

23. FURTHER APPROVAL: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

CONDITION: A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- q) Risk assessment of potentially damaging construction activities.
- r) Identification of "biodiversity protection zones".
- s) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- t) The location and timing of sensitive works to avoid harm to biodiversity features.
- u) The times during construction when specialist ecologists need to be present on site to oversee works.
- v) Responsible persons and lines of communication.
- w) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- x) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: To conserve 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). This information is required prior to the commencement of development as appropriation protection measures will need to be put in place prior development

commencing, or site clearance. Failure to approve a CEMP and implement it before works commence could lead to harm to protected and priority species.

24. FURTHER APPROVAL: BIODIVERSITY ENHANCEMENT STRATEGY

CONDITION: Prior to commencement, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species).

25. FURTHER APPROVAL: LIGHTING DESIGN SCHEME

CONDITION: Prior to development above slab level, a lighting design scheme designed to promote personal safety, protect amenity, and biodiversity shall be submitted to and approved in writing by the local planning authority.

The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

The scheme shall include position, height, aiming points, lighting levels and appropriate lighting contour plans and isolux drawings.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme prior to the first occupation of the development, or if phased of each relevant phase, and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To ensure that optimal levels of personal safety are achieved whilst balancing the need for the scheme to not adversely affect resident's amenity or ecology. The scheme should have regard to best practice advice, including Secured By Design and the Local Planning Authorities 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).

Sustainable Drainage (SuDS)**26. FURTHER APPROVAL: SUDS WATER DRAINAGE DETAILS (FOR CONSTRUCTION)**

CONDITION: No development shall commence until details of a construction surface water management plan, including timetable, detailing how surface water and storm water will be managed on the site during construction, are submitted to and agreed in writing by the local planning authority. No part of the development shall be commenced and/or developed except as may be agreed and in accord with the approved timetable. The drainage scheme shall thereafter be maintained as approved or as be agreed to be retained by the local planning authority in writing.

REASON: To safeguard the ground water environment and minimise the risk of flooding. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm by reason of flood risk.

NOTE/S FOR CONDITION:

This condition shall engage and requires details to be agreed prior to the commencement of development. This condition is imposed to ensure the potential impact on a sensitive area is considered and harm avoided that may be detrimental to amenity and the environment. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

27. FURTHER APPROVAL: SUDS WATER DRAINAGE DETAILS

CONDITION: No works except demolition shall takes place until 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, and in accordance with the principles contained within the Flood Risk Assessment (Intermodal Transportation, July 2020) has been submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:

- Limiting discharge rates to 5.6l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party.
- All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm 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, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

REASON: To safeguard the ground water environment and minimise the risk of flooding. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm by reason of flood risk.

28. FURTHER APPROVAL: SUDS MAINTENANCE PLAN

CONDITION: Prior to occupation of the development 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, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON - To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

29. COMPLIANCE: SUDS MAINTENANCE LOGS

CONDITION: The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Bins / Collection

30. ACTION AND DISCHARGE REQUIRED: REFUSE BINS AND COLLECTION AREAS

CONDITION: Prior to the first use/occupation of the development, or in accordance with an alternative timetable for provision as may be agreed in writing by the Local planning authority, details of the storage for refuse/recycling bins and any collection areas shown on approved Dwg. No. OC151-PL-09 Rev. G Refuse Plan listed above shall be submitted to and approved, in writing, by the local planning authority. The relevant approved areas shall be provided prior to first occupation/ use by the occupants of the relevant dwelling and thereafter retained as approved.

REASON: In the interest of highway safety to ensure that refuse/recycling bins do not cause any obstruction or danger on the highway and in the interests of an attractive well-designed development that is not detrimental to visual amenity.

Local Recruitment Strategy

31. ACTION AND DISCHARGE REQUIRED: LOCAL RECRUITMENT STRATEGY

CONDITION: Prior to commencement of development the applicants shall submit to the Local planning authority, in writing, a Local Recruitment Strategy to include details of how the applicant/developer shall use their reasonable endeavours to promote and encourage the

recruitment of employees and other staff in the locality of the application site, for the construction of the development and for the uses of the development thereafter. The approved Local Recruitment Strategy shall thereafter be adhered to.

REASON: To promote and encourage the recruitment of employees and other staff in the locality of the application site.

Sustainability Measures

32. FURTHER APPROVAL: IMPROVE SUSTAINABILITY OF DEVELOPMENT

CONDITION: Prior to development above slab level a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include as a minimum:-

- i. An electric car charging point per dwelling
- ii. Agreement of a scheme for water conservation including greywater recycling and rainwater capture/re-use for new dwellings, including the use of permeable hardstanding, and the installation of water butts
- iii. Agreement of a scheme to achieve as far as possible a water consumption rate of not more than 110 litres, per person, per day for new dwellings
- iv. Agreement of heating of each dwelling/building
- v. Agreement of scheme for waste reduction
- vi. Provision of a fibre optic broadband connection to the best possible speed installed on an open access basis and directly accessed from the nearest exchange, incorporating the use of resistant tubing. (If the applicant is unable to achieve this standard of connection, and can evidence through consultation that this would not be possible, practical or economically viable an alternative superfast (i.e. will provide speeds greater than 30mbps) wireless service will be considered.

The scheme shall be fully implemented prior to the first occupancy of the development unless otherwise agreed in writing by the Local Planning Authority. The scheme shall be constructed and the measures provided and made available for use as may be agreed and thereafter shall be maintained.

REASON: To enhance the sustainability of the development through reduced need, better use or savings in the use of water, energy and resources; reduced harm to the environment; and result in wider public benefit in accordance with the NPPF.

NOTES FOR CONDITION:

Slab level 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 visualised above ground level or seek confirmation from the Local Planning Authority for your development.

Broadband provision is included to ensure the development is able to be equipped with high-speed broadband to enable opportunities for web-based communication and homeworking reducing the need for unsustainable travel.

A water consumption rate of not more than 110 litres, per person, per day adopted as Planning Policy and as imposed by this condition will directly change the building regulations water consumption rate to match as a result of this policy. The introduction of effective

utilities, rainwater capture for watering plants, aerators to taps and other water saving options can be considered.

Renewable Energy and Energy Efficiencies

33. **FURTHER APPROVAL: RENEWABLE ENERGY GENERATION PLAN AND ENERGY EFFICIENCY MEASURES**

CONDITION: No development shall commence above slab level until a scheme for the provision of Renewable Energy Generation within the application site shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include, as a minimum, the measures that will be incorporated into the design, layout and construction aimed at maximising energy efficiency and the use of renewable energy.

The approved scheme shall be fully implemented prior to the first occupancy of the development unless otherwise agreed in writing by the local planning authority. The scheme shall be constructed and the measures provided and made available for use as may be agreed and thereafter shall be maintained.

REASON: To enhance the sustainability of the development through better use of energy and resources reduce harm to the environment and result in wider public benefit in accordance with the NPPF.

DATED: 10th May 2024

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 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
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 and Recreation Facilities
LP1 Housing Supply
LP2 Housing Choice
LP3 Housing Density and Standards

LP4 Housing Layout
 LP5 Affordable Housing
 PPL1 Development and Flood Risk
 PPL3 The Rural Landscape
 PPL4 Biodiversity and Geodiversity
 PPL5 Water Conservation, Drainage and Sewerage
 PPL7 Archaeology
 PPL10 Renewable Energy Generation and Energy efficiency Measures
 CP1 Sustainable Transport and Accessibility
 CP2 Improving the Transport Network
 CP 3 Improving the Telecommunication Network
 DI1 Infrastructure Delivery and Impact Mitigation

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 (under review)
 Essex Design Guide
 Statutory guidance -Technical housing standards: nationally described space standard
 Published 27 March 2015

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, Agent and Developer, 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 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 <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.