



APPLICANT: Wellwick Farm Ltd
Bentfield Place
Bentfield Road
Stansted
Essex
CM24 8HL

AGENT:

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 24/00673/VOC

DATE REGISTERED: 23rd May 2024

Proposed Development and Location of Land:

Application under Section 73 of the Town and Country Planning Act for Variation of Conditions 1 (Approved plans) and Condition 3 (Car parking and turning areas) of application 18/01476/DETAIL. The Priory Estate St Osyth Clacton On Sea

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **GRANT APPROVAL OF RESERVED MATTERS** pursuant to Outline Planning Permission No. 20/01124/OUT in accordance with the application form, supporting documents and plans submitted subject to the following conditions

1 APPROVED PLANS & DOCUMENTS

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

- CC-0343-PL-02 C
- CC-0343-PL-03 C
- CC-0343-PL-04 C
- CC-0343-PL-05 C
- CC-0343-PL-06 C
- CC-0343-PL-07 C
- CC-0343-PL-08 B
- CC-0343-PL-11 C
- S343-CC-ARCH-DRG-PH1-ZZ-HT01 A
- House Types HT-A1 and HT-A1a, Plans and Elevations CC009-HT-A1 rev. C
- House Type HT-A2, Plans and Elevations CC009-HT-A2 rev. B
- House Type HT-A3, Plans and Elevations CC009-HT-A3 rev. A
- House Types HT-A4 and HT-A4a, Plans and Elevations CC009-HT-A4 rev. A
- House Type HT-B1, Plans and Elevations CC009-HT-B1 rev. B

- House Types HT-B1a and HT-B1b, Plans and Elevations CC009-HT-B1a rev. B
- House Types HT-B2 and HT-B2a, Plans and Elevations CC009-HT-B2 rev. C
- House Type HT-B2b, Plans and Elevations CC009-HT-B2b rev. C
- House Type HT-B4A, Plans and Elevations CC009-HT-B4A rev. D
- House Type HT-D1 Edge, Plans and Elevations CC009-HT-D1 rev. B
- House Type HT-D1 Internal, Plans and Elevations CC009-HT-D1 01 rev. B
- House Type HT-D1 Core Plans and Elevations CC009-HT-D1 02 rev. B
- House Type HT-F, Floor Plans CC009-HT-F-01 rev. C
- House Type HT-F Edge, Elevations CC009-HT-F-02 rev. D
- House Type HT-F Core, Elevations CC009-HT-F-03 rev. D
- House Type HT-H1, Floor Plans CC009-HT-H1-01 rev. C
- House Type HT-H1 Edge, Elevations CC009-HT-H1-02 rev. D
- House Type HT-H1 Core, Elevations CC009-HT-H1-03 rev. C
- House Type HT-K, Floor Plans CC009-HT-K-01 rev. C
- House Type HT-K Edge, Elevations CC009-HT-K-02 rev. D
- House Type HT-K Internal, Elevations CC009-HT-K-03 rev. D
- House Type HT-K Core, Elevations CC009-HT-K-04 rev. D
- House Type HT-Saffron, Floor Plans CC009-HT-Saf-01 rev. C
- House Type HT-Saffron, Elevations CC009-HT-Saf-02 rev. C
- Garages SG1 and SG2, Plans and Elevations CC009-GR-01 rev. A
- Garages SG3 and SG4, Plans and Elevations CC9-GR-2
- Garage DG1, Plans and Elevations CC009-GR-03
- Garage DG2, Plans and Elevations CC009-GR-04
- Garage DG3, Plans and Elevations CC009-GR-05
- Car Port 1 Plans CC009-CP-01 rev. A
- Car Port 1 Elevations CC009-CP-02 rev. A
- Entrance Feature CC009-ST-04
- Site Cross Sections CC009-CS-001 rev. E
- CC-0343-ST-01- Rev A - Street Elevations A-A_B-B - CC-0343-ST-01- Rev A - Street Elevations A-A_B-B
- S343-GT01 - Single Garage
- S343-GT02 - Double Single Garage - S343-GT03 - Double Garage - S343-GT04 - Double Garage with Studio
- S343-GT05 - Double Car Port - S343-CC-ARCH-DRG-PH1-ZZ-HT01 A
- S343-HT02 - Stock Semi
- S343-HT03 - Saffron Detached
- S343-HT04 - Saffron Semi - S343-HT05 - Chrishall Type A Semi - S343-HT06 - Chrishall Type B Detached
- S343-HT07 - Rowley Type B _C semi
- S343-HT08 - Rowley Type C_C semi
- S343-HT09 - Clayton Detached - S343-HT10 - Orford Detached - S343-HT11 - Langley A_B Semi - S343-HT12 - Ashford Detached - S343-HT13 - Coggeshall Detached - S343-HT14 - Langdon Detached
- S343-HT15 - Lambourne Detached
- S343-HT16 - Nantucket Detached

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

NOTE/S FOR CONDITION:

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

needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

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

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

2 APPROVAL REQUIRED: LANDSCAPING SCHEME

CONDITION: No development shall take place within the relevant phase (as per approved phasing plan drawing no. CC-0343-PL-08 B) 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 the site, 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 refers to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visually above ground level or seek confirmation from the Local Planning Authority for your development.

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.

3 COMPLIANCE WITH DETAILS AND TIMESCALE REQUIRED - LANDSCAPING SCHEME

CONDITION: All changes in ground levels, soft/hard landscaping shown on the approved landscaping details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development within the relevant phase, 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.

4 COMPLIANCE WITH DETAILS AND TIMESCALE REQUIRED - PARKING AND TURNING AREAS

No dwelling shall be occupied until such time as the car parking and turning areas serving that dwelling have been provided in accordance with the submitted parking plan CC-0343-PL-04 C. 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.

5 ACTION REQUIRED - RAMS MITIGATION

Prior to the first occupation of the development a scheme for the on-site mitigation of the recreational impact of the development on protected Essex Coast European sites shall have been submitted to and approved in writing by the Local Planning Authority.

This mitigation scheme shall comprise;

- a circular walking route; dog off-lead area; dog waste bins; and residents' information leaflets and interpretation boards.

Development shall be undertaken in strict accordance with the approved mitigation scheme and program and thereafter managed and retained as approved. Any approved information leaflet shall be included within the new resident's welcome pack to every dwelling.

REASON - To encourage the future residents to remain on-site for day to day recreation/dog walking, so as to minimise pressures upon the Colne Estuary SPA, pursuant to the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy.

DATED: 02 August 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 December 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)
- 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

- PPL1 Development and Flood Risk
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- PPL8 Conservation Areas
- PPL9 Listed Buildings
- PPL10 Renewable Energy Generation and Energy efficiency Measures

- CP1 Sustainable Transport and Accessibility
- CP2 Improving the Transport Network

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)

Essex Design Guide

Technical housing standards: nationally described space standard Published 27 March 2015

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.

Legal Agreement Informative

This development is the subject of a legal agreement secured at outline stage and this decision should only be read in conjunction with that agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017 and St Osyth Priory Repair/Restoration Works.

Highway Informatives

- i) 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
- ii) The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is a breach of this legislation. The public's rights and ease of passage over public footpath no. 2 (St Osyth_178) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.
- iii) The areas directly adjacent to the carriageway(s) in which the trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway. In paved areas, whether the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.
- iv) 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.
- v) 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.
- vi) Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide.

Climate Action Advice guides for residents, businesses and schools are also available.

The attached notes explain the rights of app

Standard Informative 1: The Provisions of the Essex Act 1987, Section 13 (Access for the Fire Brigade) may apply to this Development and will be determined at Building Regulation Stage.

Standard Informative 2: You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning

permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control section at Tendring District Council.

Standard Informative 3: If the development includes the construction of a new building on or at the boundary of 2 properties, work to an existing party wall or party structure or involve excavation near to and below the foundation level of neighbouring buildings, you are advised that the provisions of the Party Wall Act 1996 may apply to this development. An explanatory booklet concerning the implications of this Act is available online or from the District Council.

The attached notes explain the rights of appeal.

NOTES FOR GUIDANCE

WHEN PLANNING PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within the set time frame as outlined below:
 - a. If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Householder Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - b. If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - c. If you want to appeal against your local planning authority's decision on a development which is not caught by a. and b. above then you must do so within **6 months** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
- Appeals must be made using the relevant form (as detailed above) which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. **Please note, only the applicant possesses the right of appeal.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions imposed having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

ENFORCEMENT

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.