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**APPLICANT:** Mr M Stace - North Essex  
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## TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 24/01062/VOC

**DATE REGISTERED:** 31st July 2024

Proposed Development and Location of Land:

**Application under Section 73 of the Town and Country Planning Act for Variation of Condition 1 (Approved Plans and Documents) of application 22/01920/DETAIL to allow for amendments to suit information provided for road design, drainage details and landscaping.**

**Sato UK Ltd Valley Road Dovercourt**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **GRANT APPROVAL OF RESERVED MATTERS** pursuant to Outline Planning Permission No. 18/02109/OUT (Allowed at Appeal under Reference - APP/P1560/W/20/3246908) 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.

- OS 2862-24-Doc1 Revision A (Biodiversity Enhancement Plan)
- SK002A (Visibility Splay Plan)
- PA\_01 B (Block Plan)
- 001D (Engineering Plan)
- 5899\_PA\_17-House Type F Proposed Elevations
- 5899\_PA\_18-House Type F Proposed Elevations
- 5899\_PA\_07-House Type B Proposed Elevations

- 5899\_PA\_15-House Type E Proposed Elevations
- 5899\_PA\_12-House Type D Proposed Elevations
- 5899\_PA\_13-House Type D Proposed Elevations
- 5899\_PA\_10-House Type C Proposed Elevations
- 5899\_PA\_04-House Type A Proposed Elevations
- 5899\_PA\_05-House Type A Proposed Elevations
- 5899\_PA\_04-House Type A Proposed Elevations
- 5899\_PA\_05-House Type A Proposed Elevations
- 5899\_PA\_23-House Type H Proposed Elevations
- 5899\_PA\_02-House Type A Proposed Floor Plans
- 5899\_PA\_16-House Type F Proposed Floor Plans
- 5899\_PA\_06-House Type B Proposed Floor Plans
- 5899\_PA\_14-House Type E Proposed Floor Plans
- 5899\_PA\_11- House Type D Proposed Floor Plans
- 5899\_PA\_02-House Type A Proposed Floor Plans
- 5899\_PA\_22-House Type H Proposed Floor Plans
- OS 2862-24.3 Revision B (Hard Landscaping Scheme)
- OS 2862-24.4 Revision B (Hard Landscaping Scheme)
- OS 2862-24.1 B (Soft Landscaping Scheme)
- OS 2862-24.2 B (Soft Landscaping Scheme)
- OS 2862-24.5 B (Biodiversity Enhancement Plan)
- OS 2862-24.6 B (Biodiversity Enhancement Plan)
- OS 2862-24.8 A (Tree Protection Plan)
- OS 2862-24.9 A (Tree Protection Plan)
- 5899\_PA\_03-House Type A Proposed Roof Plan
- 5899\_PA\_09-House Type C Proposed Roof Plan
- 5899\_PA\_19-House Type G Proposed Floor Plans
- 5899\_PA\_20-House Type G Proposed Elevations
- 5899\_PA\_21-House Type G Proposed Elevations
- 5899\_PA\_24-Proposed Site Sections
- 5899\_PA\_25-Proposed Site Sections
- 2310-865 Valley Road Dovercourt - Amended Technical Planning Note (Rec - 18th September 2024)
- 2310-865-015 - Road Long Sections
- 2310-865-020 - UU Road Construction Details
- 2310-865-021 - UU Road Construction Details
- 2310-865-025 - Private Pavement Construction Details
- 2310-865-026 - Private Drainage Construction Details
- 2310-865-027 - Private Drainage Construction Details
- OS 2862-24.7 Revision B Planting Schedule

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: LANDSCAPE MANAGEMENT PLAN

No development shall take place above slab level 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 (including those existing trees and vegetation present on the southern and western boundaries of the site), 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.

## 3 FURTHER APPROVAL: AGREEMENT OF MATERIALS

CONDITION: No development/works shall be commenced above slab level until precise details of the manufacturer and types and colours of the external facing and roofing materials 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 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.

While this condition does not detail in what form the materials sought shall be detailed to the Local Planning Authority, it is suggested that a plan is submitted with the details to show where the materials will be located and the extent of coverage.

#### 4 COMPLIANCE WITH DETAILS AND TIMESCALE REQUIRED - LANDSCAPING SCHEME

**CONDITION:** All changes in ground levels, soft/hard landscaping shown on the approved landscaping details (Drawings OS 2862-24.1 B, OS 2862-24.2 B, OS 2862-24.3 B, OS 2862-24.4 B and OS 2862-24.7 Revision B Planting Schedule) shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the 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.

#### 5 FURTHER APPROVAL: DETAILS OF ILLUMINATION

**CONDITION:** Prior to the erection/installation of any floodlighting or other means of external lighting at the site, details to include position, height, aiming points, lighting levels and a polar luminance diagram shall be submitted to and approved, in writing, by the Local Planning Authority. The lighting shall be carried out and retained as may be approved. There shall be no other means of external lighting installed and/or operated on/at the site except that approved.

**REASON:** In the interests of amenity to reduce the impact of night time illumination on the character of the area and in the interests of biodiversity and security.

#### 6 COMPLIANCE - EV CHARGING SCHEME

**CONDITION:** Each dwelling shall be provided with an electric vehicle charging point in accordance with the details outlined on drawing no. PA\_01 B (Block Plan). The EV charging point shall be provided prior to the first occupation of the dwelling it serves and shall be retained in full working order thereafter.

**Reason -** In the interests of sustainability and to accord with the requirements of the Framework (2023) which states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

#### 7 SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS NEW OPENINGS

**CONDITION: SPECIFIC RESTRICTION ON DEVELOPMENT:**

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no new openings shall be inserted in the south facing side elevations above ground floor level within plots 1, 6, 8, 14 and 22 of the hereby approved development except pursuant to the

grant of planning permission on an application made in that regard.

REASON: In the interests of the amenities of the occupants of neighbouring properties.

8 ACTION REQUIRED: PROVISION OF ACCESS VISIBILITY SPLAYS

CONDITION: Prior to first occupation of the development, 1.5 metre x 1.5 metre pedestrian visibility splays, as measured from and along the highway boundary, shall be provided on both sides of the hereby permitted vehicular accesses. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

REASON: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

9 COMPLIANCE REQUIRED: TREE PROTECTION

CONDITION: For 10 years following from the commencement of development, none of the existing trees on the site as shown on the approved landscaping drawings shall be lopped, topped, felled, have their roots severed or be uprooted without the prior written approval of the Local Planning Authority. Any trees felled, uprooted, dying or being seriously damaged as a result of actions taken without such prior written approval shall be replaced in the next planting season (October - March inclusive) in the same siting with others of similar size and species.

REASON: To enable existing landscaping to be protected and retained in the interests of visual amenity.

10 APPROVAL REQUIRED: LANDSCAPE PROTECTION

CONDITION: No development shall take place until the existing hedges/trees on the site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping, have been protected by the erection of temporary protective fences of a design, height, size and siting as outlined on approved drawings - OS 2862-24.8 A (Tree Protection Plan) and OS 2862-24.9 A (Tree Protection Plan). The protective fences shall be retained throughout the duration of building and engineering works. Any tree or hedge that dies or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with planting of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be approved, in writing, with the Local Planning Authority up to first use or first occupation of the development, following the death of, or severe damage to the tree/hedgerow.

REASON: For the avoidance of damage to protected hedgerow included within the landscaping scheme in the interests of visual amenity and the character and appearance of the area. This condition is required to be carried out prior to the commencement of any other development to ensure hedge/hedgerows are protected early to ensure avoidance of damage or lost due to the development and/or its construction. If agreement was sought at any later stage there is an unacceptable risk of lost and damage to the tree/hedgerow.

**DATED:** 4th October 2024**SIGNED:**



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 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:

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

HP5 Open Space, Sports &amp; Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP5 Affordable and Council Housing

PPL1 Development and Flood Risk

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL10 Renewable Energy Generation

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

DI1 Infrastructure Delivery and Impact Mitigation

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

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.

### **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.