

TENDRING DISTRICT COUNCIL

Planning Services

Council Offices, Thorpe Road, Weeley, Clacton-on-Sea, Essex CO16 9AJ

AGENT:

Mr Geoff Armstrong -

Armstrong Rigg Planning

The Exchange

Colworth Science Park

Sharnbrook Bedford MK44 1LQ

APPLICANT:

Hopkins Homes Ltd

C/O Agent

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO:

17/01318/FUL

DATE REGISTERED: 4th August 2017

Proposed Development and Location of the Land:

Residential development of 115 No. dwellings together with garages, access roads, parking, fencing, walling, public open space, landscaping, drainage, highways infrastructure and other ancillary works. Land at Robinson Road Brightlingsea Essex

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY HEREBY GRANT PLANNING PERMISSION in accordance with the application form, supporting documents and plans submitted, subject to the following conditions;

The development hereby permitted shall be begun before the expiration of three years 1 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.

The development hereby permitted shall be carried out in accordance with the following 2 approved Drawing Nos:

001 - Location Plan

002 Rev. D - External Works Layout

003 Rev. D - Planning Layout

004 Rev. C - Materials Plans

005 Rev. A - Open Space Plan

010 - House Type 1762 Elevations

011 - House Type 1762 Plans

012 - House Type 1302 Elevations

013 - House Type 1302 Plans

014 Rev. A -House Type 792 & 1050 Elevations

015 Rev. A - House Type 792 & 1050 Plans

016 Rev. A - House Type 1050 & 790 Elevations 1

017 Rev. A - House Type 1050 & 790 Elevations 2

018 Rev. B - House Type 1050 & 790 Plans

019 - House Type 1042 Elevations

020 - House Type 1042 Plans

- 021 House Type 1469 Elevations 1
- 022 House Type 1469 Elevations 2
- 023 House Type 1469 Plans
- 024 House Type 1762 Elevations
- 025 House Type 1762 Plans
- 026 House Type 1635 Elevations
- 027 House Type 1635 Plans
- 028 Rev. A House Type 660 Elevations
- 029 Rev. A House Type 660 Plans
- 030 House Type 1300 Elevations & Plans
- 031 House Type 887 Elevations 1
- 032 House Type 887 Elevations 2
- 033 House Type 887 Plans
- 034 House Type 852 Elevations
- 035 House Type 852 Plans
- 036 House Type 673, 654 & 734 Elevations 1
- 037 House Type 673, 654 & 734 Elevations 2
- 038 House Type 673, 654 & 734 Plans 1
- 039 House Type 673, 654 & 734 Plans 2
- 040- House Type 706 Gifted Plan & Elevations
- 041 House Type 699 Plans & Elevations
- 042 House Type 855 Elevations
- 043 House Type 855 Plans
- 044 House Type 892 Elevations
- 045 House Type 892 Plans
- 046 House Type 1300 Plans & Elevations
- 047 House Type 740 Plans & Elevations
- 048 House Type 1200b Floor Plan & Elevations
- 049 House Type 790 & 660 Elevations
- 050 House Type 790 & 660 Plans
- 051 House Type 852 Elevations
- 052 House Type 852 Plans
- 053 House Type 1042 Elevations
- 054 House Type 1042 Plans
- 055 House Type 1050 & 660 Elevations 1
- 056 House Type 1050 & 660 Elevations 2
- 057 House Type 1050 & 660 Plans
- 058 Rev. A House Type 1050 & 1200 Elevations
- 059 Rev. A House Type 1050 & 1200 Plans
- 060 House Type 660 Elevations
- 061 House Type 660 Plans
- 062 Rev. A House Type 1350 & 1050 Elevations
- 063 Rev. A House Types 1350 &1050 Plans
- 067 House Type 946 Gifted Elevations
- 068 House Type 946 Gifted Plans
- 069 House Type 495 Elevations 1
- 070 House Type 465 Elevations 2
- 071 House Type 495 Plans
- 072 House Type 861 Gifted Elevations
- 073 House Type 861 Gifted Plans
- 074 House Type 790 Elevations
- 075 House Type 790 Plans
- 076 House Type 654 & 734 Elevations
- 077 House Type 654 & 734 Plans
- 078 House Type 892 Elevations
- 079 House Type 892 Plans

080 - House Type 855 Elevations

081 - House Type 855 Plans

082 - House Type 1050 Elevations

083 - House Type 1050 Plans

084 - House Type 660 & 892 Elevations

085 - House Type 660 & 892 Plans

086 - House Type 1350 & 1050 Elevations

087 - House Type 1350 & 1050 Plans

088 Rev. A - House Type 892 & 660 Elevations

089 Rev. A - House Type 892 & 660 Plans

090 - House Type 1567 Elevations

091 - House Type 1567 Plans

092 Rev. A - House Type 1567 Elevations

093 Rev. A - House Type 1567 Plans

200 Rev. A - Garage 1 Plan & Elevations

201 Rev. A - Garage 2 Plan & Elevations

202 - Garage 3 Plan & Elevations

203 - Garage 4 Plan & Elevations

204 - Sales Garage Plan & Elevations

205 - Garage 5 Plan & Elevations

206 - Pumping Station Enclosure

301 - External Works Detail 1

302 - External Works Details 2

303 - External Works Details 3

HOPK 428/14-001 Rev. D

HOPK 428/xx-002 Rev. D

HOPK 428/xx- 03 Rev. D

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

- No works shall take 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, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

 -Discharging surface water runoff via infiltration where site conditions allow and limiting all additional runoff to 5l/s for storm events up to and including the 1 in 100 year event plus 40% climate change allowance unless otherwise agreed by the local authority.
 - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
 - Final modelling and calculations for all areas of the drainage system.
 - The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
 - 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.

The scheme shall subsequently be implemented prior to occupation.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment.

4 No works shall take place until a scheme to minimise the risk of offsite flooding caused

by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented as approved.

Reason - To ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

No dwelling shall be occupied until 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.

The maintenance plan referred to in Condition No. 5 above shall allow for the provision of annual maintenance logs at the request of 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.

The development shall be carried out in accordance with the mitigation measures set out in the Ecological Assessment produced by Southern Ecological Solutions dated July 2017 and the Habitats Regulations Assessment Screening Report dated August 2017.

Reason - To ensure the proposal does not adversely affect Protected Species.

No development shall commence until an Ecological Mitigation Scheme and Management/Enhancement Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate how biodiversity within the site will be encouraged by the development.

Reason - In order to safeguard protected wildlife species and their habitats and in the interests of biodiversity.

No development shall take place before an Environmental Construction Management Plan for the construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement.

Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel cleaning facilities during the excavation, site preparation and construction stages of the development. The method statement shall also include details of the loading and unloading of plant and materials, hours of construction, dust suppression strategy, means of recycling materials, the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.

Reason - To ensure that development is carried out in a controlled manner while minimising impacts on the surrounding residential properties and also in the interests of highway safety.

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes B and C 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 enlargement, improvement or other alteration to the dwelling shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of the amenities of the occupants of neighbouring properties.

All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out 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 agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

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

Within the hereby permitted development, no dwelling shall be occupied until a highspeed broadband connection is installed utilising resistant tubing to that dwelling, all in
accordance with details that shall be submitted and approved, in writing, by the Local
Planning Authority. 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 wireless service will be considered
acceptable.

Reason - To ensure the development is able to be equipped with high speed broadband to enable opportunities for web-based communication and homeworking.

Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 90 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason - To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

Prior to occupation of any dwelling the vehicular parking and associated vehicle turning facilities serving that dwelling, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason - To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

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

Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.

Reason - To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety.

Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport.

Prior to occupation a footway measuring no less than 2m in width has been provided entirely at the Developer's expense along the Robinson Road frontage of the development as shown on drawing No.BRI2 003D.

Reason - To make adequate provision within the highway for the additional pedestrian traffic generated within the highway as a result of the proposed development.

No works in connection with the proposed development shall commence until such time as Robinson Road between the recent improvement works associated with the Phase 1 development and the site access has been upgraded to current policy standards of no less than 5.5m in width as shown on drawing No. BRI2 003D. These improvements shall be provided entirely at the Developer's expense.

Reason - To make adequate provision within the highway for the additional vehicular traffic generated within the highway as a result of the proposed development.

- A. No development or preliminary ground-works within any defined phase of the development can commence until a programme of archaeological trial trenching for that phase has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the Local Planning Authority. Following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/or preservation in situ through re-design of the development, shall be submitted to the Local Planning Authority.
 - B. No development or preliminary groundwork can commence on those areas of the development site containing archaeological deposits, until the satisfactory completion of

archaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by the Local Planning Authority.

C. Following completion of the archaeological fieldwork, the applicant will submit to the Local Planning Authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the Local Planning Authority), which 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 - The proposed development is located within an area with potential for below ground archaeological deposits. The development would result in harm to non-designated heritage assets with archaeological interest.

DATED:

28th August 2018

SIGNED:

Cathebickness.

Catherine Bicknell Head of Planning

IMPORTANT INFORMATION:-

The local planning authority considers that the following policies and proposals in the development plan are relevant to the above decision:

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

- QL1 Spatial Strategy
- QL2 Promoting Transport Choice
- QL3 Minimising and Managing Flood Risk
- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- QL12 Planning Obligations
- **HG1** Housing Provision
- HG3 Residential Development Within Defined Settlements
- HG4 Affordable Housing in New Developments
- HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

COM6 Provision of Recreational Open Space for New Residential Development

COM20 Air Pollution/ Air Quality

COM21 Light Pollution

COM22 Noise Pollution

COM23 General Pollution

COM30 Electricity Supply

COM31 Water Supply

EN1 Landscape Character

EN3 Coastal Protection Belt

EN6 Biodiversity

EN6A Protected Species

EN6B Habitat Creation

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN11B Protection of National Sites SSSI's, National Nature Reserves, Nature Conservation Review Sites, Geological Conservation Review Sites

EN11C Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites

EN12 Design and Access Statements

EN13 Sustainable Drainage Systems

TR1A Development Affecting Highways

TR3A Provision for Walking

TR5 Provision for Cycling

TR7 Vehicle Parking at New Development

TR8 Public Car Parking

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP5 Affordable and Council Housing

PPL1 Development and Flood Risk

PPL2 Coastal Protection Belt

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL7 Archaeology

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

SAH3 Development Robinson Road, Brightlingsea

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

Provision of Recreational Open Space for New Development

The applicant is reminded that this permission is linked to a planning obligation under Section 106 of the Town and Country Planning Act 1990.

Please note Condition No. 20 requires a Legal Agreement between the Applicant/Developer and the Highway Authority using the powers in Section 278 of the Highways Act, 1980 and due to the current condition and rural nature of the road is likely to consist of complete reconstruction of the road.

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 considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no10 (Brightlingsea) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site. No vehicles associated with the development shall affect the ease of passage along the Public Right of Way.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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:

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.

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.

<u>Standard Informative 1:</u> 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.

<u>Standard Informative 2:</u> 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.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by the Secretary of State.

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.





Do not scale from this drawing to ascertain dimensions. Copyright for all designs and drawings shall remain with Hopkins

Single Storey

1.5 Storey

2.5 Storey

Dwg No: 003 Scale: 1:500 @ A0

