



TENDRING DISTRICT COUNCIL

Planning Services

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

APPLICANT: Ms Becky Mumford
Planning Potential
Magdalen House
148 Tooley Street
London
SE1 2TU

AGENT:

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 18/00646/FUL

DATE REGISTERED: 23rd April 2018

Proposed Development and Location of the Land:

Variation of Condition 2 of 15/00666/FUL to vary plans resulting in a minor increase of 134 sqm gross floor area, amending the size and layout of the storage area and staff offices, entrance location, and parking and trolley bay locations.

Land Site at Martello Caravan Park Kirby Road Walton On The Naze 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;

- 1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans and contained within the submitted reports as follows:

Drawing numbers 1293 CHE: 100 L, 101 D, 102 E, and 104 B; and V1293 L01 B.

Landscape Maintenance and Management Plan Document No: V1293_R01B Rev B.

As submitted and approved under 15/00666/FUL: Drawing numbers 14001 - 05 and 14001 - 06; and Reports and Technical Information:

- o Archaeological Desk-Based Assessment (Heritage Collective)
- o Architectural Drawings and Design and Access Statement (The Harris Partnership)
- o Ecological Assessment (Ecology Solutions)
- o Environmental Noise Report (Sharps Redmore)
- o Flood Risk Assessment and Drainage Strategy Report (Stirling Maynard)
- o Planning Statement (Planning Potential)
- o Recycled Aggregate
- o Statement of Community Involvement (Communications Potential)
- o Transport Assessment and Travel Plan (Connect)

Reason - For the avoidance of doubt, in order to ensure the development is carried out in accordance with the approved details in the interests of proper planning.

- 2 The surfacing materials for the car park and all other public circulation areas shall be as approved under 16/01131/DISCON unless otherwise agreed in writing by the Local Planning Authority.

Reason - In order for the Local Planning Authority to retain control over the materials to be used for the proposed development in the interests of visual amenity and to protect and enhance the character and appearance of the area.

- 3 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended by the Town and Country Planning (Use Classes) (Amendment) (England Order) 2005 (or any order revoking or re-enacting those Orders with or without modification), the retail foodstore hereby permitted shall be used for Class A1 (Retail) purposes only.

Reason - In order for the Local Planning Authority to retain control over the uses on the site because the retail impact of the development on the town centre of Walton on the Naze has been made on the basis of the information submitted for the scale and nature of the development hereby permitted.

- 4 Notwithstanding the provisions of Article 3, Schedule 2, Part 8 or Part 42 Class A, B or C of the Town and Country Planning (General Permitted Development) Order 1995, as amended, (or in any order revoking or re-enacting that order with or without modification) there shall be no extension to the hereby permitted foodstore or provision of retail floor space in the hereby permitted foodstore in excess of 1254 square metres net sales without the express permission of the Local Planning Authority of which no more than 334 square metres shall be used for the sale of comparison goods; neither shall there be any subdivision of the net sales floor area; nor provision of ancillary or subsidiary retail units within that sales floor area or the creation of any mezzanine floors.

Reason - In order for the Local Planning Authority to retain control over the uses on the site because the retail impact of the development on the town centre of Walton on the Naze has been made on the basis of the information submitted for the scale and nature of the development hereby permitted.

- 5 The local recruitment strategy shall be as approved under 16/02054/DISCON unless otherwise agreed in writing by the Local Planning Authority.

Reason - In order to recruit and procure services locally to help and improve employment and training opportunities for local residents.

- 6 The approved landscaping details as shown on drawing number V1293_L01 B shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five 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 ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

- 7 The landscape maintenance and management plan Document No: V1293_R01B Rev B shall be carried out as approved in accordance with the details and the timescales in the plan, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure the proper management and maintenance of the approved landscaping in the interests of the amenity and character and appearance of the area.

- 8 All of the following shall be provided or erected and/or installed prior to the occupation of any part of the development and, notwithstanding the details submitted with the application, none of the following shall be installed or erected and/or installed until a detailed scheme showing full details of each has been submitted to and approved in writing by the Local Planning Authority (including a date for installation or a timetable for implementation where applicable):
- a. All external lighting, including details of measures to minimise light pollution to adjoining residential properties
 - b. All external plant and machinery
 - c. A scheme for the provision and implementation of water, energy and resource efficiency measures during the construction and occupation of the development
 - d. All boundary treatments including engineering and facing material details of all retaining walls
 - e. A Service Management Plan (specifying delivery times and the means of securing and managing the car parking areas)
 - f. Flood resistance and resilience measures
 - g. A Flood Evacuation Plan

The approved details shall be constructed/implemented and adhered to therein after, unless otherwise agreed in writing with the Local Planning Authority.

Reason - In order to protect residential amenity; highway safety; heritage assets and in the interests of sustainability.

- 9 Notwithstanding the details submitted with the application, no development shall commence (excluding operations consisting of site clearance; demolition works; archaeological investigations; investigations for the purposes of assessing ground conditions; remedial work in respect of any contamination or other adverse ground conditions; diversion and laying of services; and groundworks) until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No occupation of the hereby permitted retail store shall occur until the works have been carried out in accordance with the approved foul water strategy.

Reason - To prevent environmental and amenity problems arising from flooding and to prevent pollution of the water environment.

- 10 Notwithstanding the details submitted with the application, no development shall commence (excluding operations consisting of site clearance; demolition works; archaeological investigations; investigations for the purposes of assessing ground conditions; remedial work in respect of any contamination or other adverse ground conditions; diversion and laying of services; and groundworks) until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority.

The surface water management strategy shall provide information about:

- o An appropriate level of treatment for all run off leaving the site
- o The method employed to delay and control the surface water discharged from the site
- o The design and maintenance of water storage (above or below ground)
- o Measures taken to prevent pollution of the receiving groundwater and/or surface waters

- o A timetable for implementation
- o A management and maintenance plan for the lifetime of the development (including any arrangements for the adoption by any public authority or statutory undertaker)

No hard-standing areas shall be constructed until the works have been carried out in accordance with the approved surface water strategy unless otherwise agreed in writing by the Local Planning Authority.

Reason - To prevent environmental and amenity problems arising from flooding and to prevent pollution of the water environment.

- 11 The hereby permitted retail store shall have a finished ground floor level of no lower than 4.87 metres above Ordnance Datum (AOD) and the finished car park level shall be set no lower than 4.1 metres above Ordnance Datum (AOD).

Reason - To reduce the risk of flooding to the proposed development and future occupants.

- 12 The following details shall be carried out in accordance with the drawings and information approved under 16/01131/DISCON, unless otherwise agreed in writing by the Local Planning Authority:

a) The shared footway/cycleway at the proposal site access continued round the kerbed radii into the car park

b) The pedestrian link through the car park between the proposal site's western boundary and the food store building with a minimum 3 metre wide shared footpath/cyclepath

The development shall be carried out in accordance with the approved drawings and shall be completed prior to first occupation of the hereby permitted retail store.

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.

- 13 No occupation of the hereby permitted retail store shall take place until the following have been provided or completed:

- a) The highway works attached to planning permission reference 14/01085/FUL
- b) A priority junction off the highway works mentioned under item a) above as shown in principle on the planning application drawings. Junction shall include but not be limited to a minimum 43 x 2.4 x 43 metre visibility splay
- c) Upgrading to current Essex County Council specification of the two bus stops nearest the proposal site which have the highest frequency of service. Upgrade shall include but not be limited to provision of real time passenger information
- d) A pedestrian central refuge island and associated dropped kerbs and tactile paving at the eastern end of the proposed right turn lane in Kirby Road
- e) Dropped kerbs and tactile paving at the Kirby Road/'Mill Lane Link' junction

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.

- 14 Prior to occupation of any part of the development, a Staff Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Staff Travel Plan shall

include details of how the developer will reduce single occupancy car use in journeys to work; to promote sustainable means of transport for staff; provide details of an annual Staff Travel Survey. The Staff Travel Plan shall be implemented in accordance with the agreed details for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority .

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

- 15 No occupation of any part of the development hereby permitted shall occur, until such time as the service yard and car parking areas indicated on the approved plans, including any spaces for the mobility impaired have been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development.

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

- 16 No occupation of any part of the development hereby permitted shall occur, until such time as the bicycle parking facilities indicated on the approved plan have been provided. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking of bicycles related to the use of the development.

Reason - To ensure sufficient bicycle parking within the site at all times in the interests of sustainability.

- 17 The Construction Method Statement shall be as approved under 16/01131/DISCON unless otherwise agreed in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.

Reason - To control the construction phase in order to ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and to protect the amenities of the occupiers of nearby residential properties.

- 18 Following completion of the archaeological fieldwork, and in accordance with the Written Scheme of Investigation approved under 18/00415/DISCON , the developer will submit to the Local Planning Authority a final archaeological fieldwork report, which shall include information on the full site archive and arrangements for deposition.

Reason - To protect and preserve any below ground heritage assets.

DATED: 18th July 2018

SIGNED:



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

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL3 Minimising and Managing Flood Risk

QL6 Urban Regeneration Areas

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

ER18 Caravan and Chalet Parks

ER31 Town Centre Hierarchy and Uses

ER32a Primary Shopping Area

COM1 Access for All

COM2 Community Safety

COM21 Light Pollution

COM23 General Pollution

COM29 Utilities

COM31A Sewerage and Sewage Disposal

EN12 Design and Access Statements

EN13 Sustainable Drainage Systems

EN17 Conservation Areas

EN23 Development Within the Proximity of a Listed Building

TR1A Development Affecting Highways

TR10A General Aviation

TR2 Travel Plans

TR3A Provision for Walking

TR5 Provision for Cycling

TR6 Provision for Public Transport Use

TR7 Vehicle Parking at New Development

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

SD1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PP1 New Retail Development

PP2 Retail Hierarchy

PP4 Local Impact Threshold

PP5 Town Centre Uses

PP14 Priority Areas for Regeneration

PPL1 Development and Flood Risk

PPL5 Water Conservation, Drainage and Sewerage

PPL7 Archaeology

PPL8 Conservation Areas

PPL9 Listed Buildings

CP1 Sustainable Transport and Accessibility

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways Informative:

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, details to be agreed before the commencement of works. The following should be noted

- o Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works

- o All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible)
- o All highway related details should be agreed with the Highway Authority
- o The proposal should be in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009
- o Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River
- o If the applicant believes they need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding. Alternatively they can email any queries to Essex County Council via watercourse.regulation@essex.gov.uk

Planning permission does not negate the requirement for consent and full details of the proposed works will be required at least two months before the intended start date.

The applicants are advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO1 Essex Highways Colchester Highways Depot, 910 The Crescent, Colchester CO4 9QQ.

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.

The Applicant should be advised to contact the Essex County Council travel plan team at travelplanteam@essex.gov.uk to confirm arrangements for the planning and implementation of the travel plan.

The developer is reminded of the need to consider the advisory comments of the Environment Agency; Anglian Water; and the ECC Archaeological Officer contained within the background papers of the application when providing details to discharge these conditions of the planning permission.

The applicant is advised that the details required to be submitted in connection with the conditions above should include consideration of rain water harvesting; and renewable energy measures including heat recovery from fridge; freezers and plant/machinery.

The applicant is advised that in connection with the conditions above the following details should be contained within the surface water strategy:

- o The hydrological and hydrogeological context of the development
- o Infiltration testing in line with BRE 365. If infiltration is found unviable then run off rates for all storms up to the 1 in 100 year event inclusive of climate change shall be limited to a maximum of 2.1 litres per second
- o Storage on site which will cater for the 1 in 100 year critical pluvial storm inclusive of climate change in combination with a 1 in 20 year tidal event inclusive of climate change

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.
- 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.