



## TENDRING DISTRICT COUNCIL

### Planning Services

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

**AGENT:** Roger Balmer Design -  
Fountain House Studio  
The Street  
East Bergholt  
Colchester  
CO7 6TB

**APPLICANT:** Mr & Mrs Edmond  
C/o Agent

#### TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 18/00096/FUL      **DATE REGISTERED:** 16th January 2018

Proposed Development and Location of the Land:

**Erection of a detached two storey dwelling & single storey cartlodge. Repairs to existing mill, along with conversion to residential annexe.  
Shirburn Mill Mill Hill Lawford Manningtree**

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 be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Drawing numbers 5616- 12, 13, 15, 22, 23, 24, 25, 26, and 27; Ecological Assessment by Eco-Planning dated 10/01/2018; Structural Assessment Report by The Morton Partnership reference EJM/CE/18065~srep rev 0; Tree Survey Schedule; Arboricultural Impact Assessment dated 02/10/18; and Drawing numbers JBA 18/281 TR01 Tree Removal Plan and JBA 18/281 TR01 Tree Protection Plan.

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

- 3 The hereby approved dwelling shall not be occupied until Shirburn Mill has been completed to a structurally sound, wind and weathertight condition as detailed within '3.0 Schedule of Works for Structurally Sound, Wind and Weathertight' in Structural Assessment Report by The Morton Partnership reference EJM/CE/18065~srep rev 0. Within six months of occupation of the hereby approved dwelling, and following inspection by the Local Planning Authority, Shirburn Mill shall be converted to a residential annexe in full accordance with 18/00097/LBC and be available for ancillary occupation to Shirburn Mill House.

Reason - The proposal represents enabling development, for a dwelling in a location that would otherwise be contrary to planning policy, and is only acceptable subject to the

preservation and conversion of the Grade II listed at risk Shirburn Mill.

- 4 Prior to the first occupation of the hereby approved dwelling, the proposed vehicular access shall be reconstructed to a width of 5.5m for at least the first 6m. within the site tapering one-sided over the next 6m. to no less than 3.7m wide and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason - To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety.

- 5 Prior to the proposed access being brought into use, vehicular visibility splays of site maximum by 2.4m by site maximum as measured from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be retained and maintained free from obstruction clear to ground thereafter.

Reason - To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety.

- 6 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

Reason - To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 7 The development shall not be occupied until such time as the car parking and turning areas, have been provided in accord with the details shown on Drawing Number 5616-15. The car parking areas 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 thereafter.

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

- 8 No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. wheel and under body washing facilities
  - v. HGV Routing plan

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

- 9 Any new or proposed boundary hedge shall be planted a minimum of 1m back from the highway boundary and 1m behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays thereafter.

Reason - To ensure that the future outward growth of the hedge does not encroach upon the highway or interfere with the passage of users of the highway and to preserve the integrity of the highway, in the interests of highway safety.

- 10 No demolition, development or conversion of any kind shall take place until the applicant has secured the implementation of a programme of historic building recording in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

Reason - The Essex Historic Environment (HER) Record shows that the building proposed for conversion is a historic watermill and a Grade II listed building. Given the rareness of these buildings a full historic buildings record (RCHME Level 2 historic building record) must be completed prior to conversion.

- 11 Prior to commencement of any above ground works in relation to the hereby approved dwelling and cartlodge samples of external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved materials.

Reason - The site lies in a sensitive location close to listed buildings and within the Dedham Vale AONB where a high standard of materials will be required.

- 12 All new driveways and parking areas shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling.

Reason - In the interests of sustainable development and to ensure that run-off water is avoided to minimise the risk of surface water flooding.

- 13 No floodlighting or other external lighting shall be installed until details of the illumination scheme have been submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details.

Reason - In the interests of amenity to reduce the impact of night time illumination on the character of the area within the Dedham Vale AONB and in the interests of preserving the surrounding habitat for bats.

- 14 No above ground works relating to the hereby approved dwelling and cartlodge shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 - Trees in relation to design, demolition and construction "

Reason - This is a publicly visible building where an appropriate landscaping scheme is a visually essential requirement.

- 15 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 ensure the adequate maintenance of the approved landscaping scheme for a period of five years in the interests of the character of the surrounding area.

- 16 Prior to commencement of any works relating to Shirburn Mill a copy of the Natural England Bat License shall be provided to the Local Planning Authority. No scaffolding shall be erected until a bat emergence survey has been completed at the appropriate time of year with details submitted to the Local Planning Authority for approval prior to erection of scaffolding. The five trees identified as having potential bat roost features in the Ecological Assessment by Eco-Planning dated 10/01/2018 shall be subject to direct aerial inspections with the use of appropriate endoscope technology immediately before their removal.

Reason - In the interests of protecting bats present within the site.

- 17 Prior to commencement of any works to the Mill Pond or adjacent terrestrial habitat a Great Crested Newt presence or absence survey shall be undertaken at the appropriate time of year and submitted to and approved in writing by the Local Planning Authority. If presence is confirmed details of a working methodology shall be submitted to and approved in writing by the Local Planning Authority to ensure no part of the pond or adjacent terrestrial habitat is damaged, no Newt is disturbed and no access to or from the mill pond is restricted. Works shall be carried out in full accordance with the approved mitigation.

Reason - In the interests of protecting Great Crested Newts and their habitat.

**DATED:** 11th December 2018

**SIGNED:**




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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

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG9 Private Amenity Space

EN1 Landscape Character

EN5 Areas of Outstanding Natural Beauty (AONB's)

EN6 Biodiversity

EN6A Protected Species

EN22 Extensions or Alterations to a Listed Building

EN23 Development Within the Proximity of a Listed Building

EN27 Enabling Development

EN29 Archaeology

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL3 Sustainable Design

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL7 Archaeology

PPL9 Listed Buildings

CP1 Sustainable Transport and Accessibility

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 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; 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](mailto:development.management@essexhighways.org) or by post to: SMO1 - Essex Highways Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ

The site lies within close proximity of a high pressure gas pipeline. Prior to commencement of any works relating to the hereby approved dwelling and cartlodge you must contact Cadent Gas.

A European Protected Species Licence (EPSL) will be required for the development of the Mill building that includes the apex bat roost area and you should contact Natural England prior to commencement of any works.

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.