



## TENDRING DISTRICT COUNCIL

### Planning Services

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

<b>AGENT:</b>	Mr Samuel Bampton - City & Country Bentfield Place Bentfield Road Stansted Essex CM24 8HL	<b>APPLICANT:</b>	Mr R.A, T.R, D.R, A.I Sargeant St Osyth Priory The Bury St Osyth Clacton On Sea Essex CO16 8NZ
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#### TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 17/00634/FUL      **DATE REGISTERED:** 28th June 2017

Proposed Development and Location of the Land:

**Variation of condition 3 of planning permission 16/00671/FUL - To allow the re-location of Lake House North and South Lodge.  
St Osyth Priory The Bury St Osyth Clacton On Sea**

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 commence prior to the 21st November 2021.

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 following approved plans:

CC-0175-ABP012 Application Boundary Plan  
CMP Figure 20 Indicative Master Plan

CC-0175-LKN1 Rev. B Site G2.3: Lake House North - Site Plan & Elevation  
CC-0175-LKN2 Rev. C Site G2.3: Lake House North -Plans & Elevation  
CC-0175-LKS1 Rev. A Site G3.2: Lake House South - Site Plan & Elevation  
CC-0175-LKS2 Rev. A Site G3.2: Lake House South - Upper & Lower Ground Floor Plans

CC-0175-LKS3 Rev. A Site G3.2: Lake House South - Elevations  
CC-0175-SL1 Rev B South Lodge - Site Plan & South Elevation  
CC-0175-SL2 Rev C South Lodge - Floor Plans, Elevations & Details  
CC-0175-NL1 Rev. C Site B: North Lodges - Site Plan & North Elevation  
CC-0175-NL2 Rev. D Site B: North Lodges - Floor Plans & Elevations  
CC-0175-NL3 Site B: North Lodges - Details and Garages  
CC-0175-NL4 North Lodges - Elevation

CC-0175-S1 Rev. C Site J: Slip Cottages - Site Plan & North Elevation  
CC-0175-S2 Rev. C Site J: Slip Cottages - Floor Plans & Elevations  
CC-0175-GG1 Rev. B Site G1: Grotto Grove - Kitchen - Site Plan, Plans & Elevations

CC-0175-GG2 Rev. B Site G1: Grotto Grove - Shell House - Site Plan, Plans & Elevations

CC-0175-PH1 Rev. B Site F: Pigeon House - Site Plan, Plans & Elevations

CC-0175-DH1 Rev. B Site H: Deer House - Site Plan, Plans & Elevations

CC-0175-AH1 Rev. B Site C: Nun's Hall - Site Plan, Plans & Elevations

730A4 09 Rev. B Lodge Piece Proposed Planting

730A2 122 Rev. C Lodge Piece Sections at time of planting (showing proposed traffic mitigation measures)

730A2/222F Estate Access and Circulation Strategy

730A4/05C Deer Bank Alignment Colchester Road

730A4/08 Rev. B Proposed Traffic Mitigation Measures: Colchester Road (Sheet 1 of 2)

730A4/10 Rev. A Proposed Traffic Mitigation Measures: Colchester Road (Sheet 2 of 2)

730A2/17 Rev. F Proposed Contours - Lodge Piece (Sheet 1 of 2)

730A2 22 Rev. F Proposed Contours - Lodge Piece (Sheet 2 of 2)

CC-175-NA Drawing No. 30 The Wellwick, North Entrance Access and Footway Proposals

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

- 3 Prior to commencement of the relevant work samples of the external facing, roofing, windows, doors, rainwater goods and hardsurfacing materials to be used in construction shall be submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

Reason - To ensure the development, as far as possible, respects, conserves and enhances the special historic and architectural character of the St. Osyth Conservation Area and the setting of St. Osyth Priory as a heritage asset.

- 4 Notwithstanding the provisions of Article 3, Schedule 2, Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure shall not be 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 visual amenity as the site lies within the St. Osyth Conservation Area and forms part of the setting of St. Osyth Priory.

- 5 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Class A, B and C of the Town and Country Planning (General Permitted Development) (England) 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 visual amenity as the site lies within the St. Osyth Conservation Area and forms part of the setting of St. Osyth Priory.

- 6 Prior to commencement of the relevant work to or in the vicinity of Nun's Hall the applicant or developer shall secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority.

Reason - To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance.

- 7 Water, energy and resource efficiency measures shall be implemented in accordance with those outlined within Section 6 of the submitted 'Construction and Environment Plan Management Plan' as prepared by City and Country and approved under planning reference 17/01593/DISCON.

Reason - To enhance the sustainability of the development through better use of water, energy and materials.

- 8 Prior to commencement of the relevant work a wastewater strategy shall be submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the wastewater strategy so approved.

Reason - To prevent environmental and amenity problems.

- 9 Prior to commencement of the relevant work a foul water strategy shall have been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason - To prevent environmental and amenity problems arising from flooding.

- 10 Prior to commencement of the relevant work, a scheme for the provision and implementation of surface water drainage, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted and agreed, in writing, with the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans and prior to the occupancy of any part of the proposed development.

Reason - To prevent environmental and amenity problems arising from flooding.

- 11 The landscape and habitat management plan measures shall be carried out in full accordance with those outlined within Section 7 of the submitted 'Construction and Environmental Management Plan' (as prepared by City and Country and dated 31st August 2017) as approved under planning reference 17/01593/DISCON.

Reason - To ensure best practice measures are used on the site and during the construction phase of the development to secure necessary landscaping and minimise the impact on birds and wildlife.

- 12 The approved scheme of landscaping for each dwelling (aside from the Lake House North and South Lodge) as shown on drawing no's. 730A2/17 G, 730A2/22 E, 730A2/122 B, 730A2/222 F, 730A4/05 B, 730A4/09 A, 730A2/40 F, 730A2/42 G, 730A2/44 E, 730A2/46 F, 730A2/10 G and 730A2/43 H shall be implemented in accordance with the details and timescales set out within the 'Construction and Environmental Management Plan' (as prepared by City and Country and dated 31st August 2017) as approved under planning reference 17/01593/DISCON.

Reason - To ensure the effective implementation of the approved landscaping scheme, in the interests of visual amenity.

- 13 Prior to commencement of the relevant work a scheme of hard and soft landscaping works for the Lake House North and South Lodge developments, 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', shall be submitted to and approved, in writing, by the Local Planning Authority. 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 relevant works 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 development is sympathetic to the character of the area, the conservation area setting and the setting of St Osyth Priory and the registered listed parkland.

- 14 The occupation of no more than ten of the dwellings hereby permitted as part of the development shall take place until specific works related to the reinstatement of the Deer Bank, as listed at item 8 on Drawing No: CMP Figure 19 from Annex 1 Conservation Area Management Plan (2011) by Liz Lake and the filling of Lodge Piece, as shown on drawings 730A2/17F and 730A2/22E (Lodge Piece Contours); as subsequently agreed, in writing, with the Local Planning Authority as part of a landscape management plan, have been completed.

Reason - To mitigate adverse impacts of the parkland developments on the character and significance of the registered park and garden.

- 15 Prior to commencement of the relevant work a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority. The scheme shall include the following elements:
- a) A detailed schedule setting out how works will be phased to avoid construction at particularly sensitive times e.g. during freezing periods when wintering birds are most vulnerable to disturbance;
  - b) Plans showing which sensitive areas of the site will have restricted access as stated in paragraph 7.302 of the Environmental Statement;
  - c) Drawings showing details of design and type of external lighting to minimise the impact on bats and birds;
  - d) Measures to ensure nesting birds, bats and reptiles are not harmed during the construction phases as stated in paragraph 7.325 of the Environmental Statement;
  - e) Measures to ensure disturbance to breeding birds is minimised;
  - f) Details of the measures taken to minimise the risk of pollution on the site; and
  - g) Arrangements for habitat monitoring.

Reason - To ensure best practice measures are used on the site and during the construction phase of the development to minimise the impact on birds and wildlife.

- 16 During construction works a wheel and underbody cleaning facility shall be installed in accordance with details as outlined in Section 9 of the submitted 'Construction and Environment Plan Management Plan - City and Country' - dated 31st August 2017 and

plan no. CC-0175-CMP-501. The facility shall be maintained during the periods of demolition and construction.

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

- 17 Prior to commencement of the relevant work details of the gates at the proposed bell mouth access off Colchester Road to serve the Slip Cottages shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of the development.

Reason - To protect highway efficiency of movement and safety.

- 18 The Local Recruitment Strategy as outlined in Section 10 of the submitted 'Construction and Environment Plan Management Plan - City and Country' - dated 31st August 2017 and approved under planning reference 17/01593/DISCON shall be adhered to.

Reason - To promote and encourage the recruitment of employees and other staff in the locality of the application site.

- 19 Prior to commencement of the relevant work which impacts on bat commuting and foraging routes, details of external lighting shall be submitted and approved in writing by the Local Planning Authority. External lighting shall be implemented and retained in accordance with the approved scheme.

Reason - To ensure lighting is sensitively designed, minimises light spillage and avoids illuminating bat commuting and foraging routes and to ensure the use of low level, directional lighting to minimise light pollution.

- 20 The development shall be constructed in accordance with approved plan no. CC-0175-CMP-501 and Section 11 of the submitted 'Construction and Environment Plan Management Plan - City and Country' - dated 31st August 2017 as approved under planning reference 17/01593/DISCON. The details stipulated on the approved plan and document shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason - In the interests of highway safety and residential amenity.

- 21 No construction work shall take place onsite outside the hours of 07:30 to 18:00 Monday to Friday and 07:30 to 13:30 on Saturday and no time whatsoever on Sundays or Public Holidays, unless otherwise agreed with the Local Planning Authority. This includes deliveries to the site or work undertaken by contractors or sub-contractors.

Reason - In the interests of residential amenity.

- 22 Notwithstanding what is shown on drawing number 730A2/50E with respect to 'Site J - Slip Cottages', details of revised access, layout, parking and landscaping arrangements for this development shall be submitted to and approved, in writing, with the Local Planning Authority prior to commencement of the relevant work. The scheme shall be constructed and completed in accordance with the approved plans and prior to the occupancy of any of the dwellings proposed within this part of the development.

Reason - To ensure the development reflects the withdrawal of application 11/00334/FUL which proposed the construction of a visitor centre/function room suite to the south of the proposed Slip Cottages with parking and access arrangements to the north and west.

**DATED:** 19th 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

QL2 Promoting Transport Choice

QL7 Rural Regeneration

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

HG3A Mixed Communities

HG4 Affordable Housing in New Developments

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

COM2 Community Safety

COM6 Provision of Recreational Open Space for New Residential Development

COM21 Light Pollution

COM23 General Pollution

- COM26 Contributions to Education Provision
  - COM29 Utilities
  - COM31A Sewerage and Sewage Disposal
  - EN1 Landscape Character
  - EN3 Coastal Protection Belt
  - EN6 Biodiversity
  - EN6A Protected Species
  - EN11A Protection of International Sites European Sites and RAMSAR Sites
  - EN13 Sustainable Drainage Systems
  - EN17 Conservation Areas
  - EN23 Development Within the Proximity of a Listed Building
  - EN27 Enabling Development
  - EN27A St Osyth Priory
  - EN29 Archaeology
  - EN30 Historic Towns
  - TR1A Development Affecting Highways
  - 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)
- SP1 Presumption in Favour of Sustainable Development
  - SP4 Providing for Employment & Retail
  - SP5 Infrastructure & Connectivity
  - SPL1 Managing Growth
  - SPL2 Settlement Development Boundaries
  - SPL3 Sustainable Design
  - HP4 Safeguarded Local Greenspace

- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- LP5 Affordable and Council Housing
- LP7 Self-Build and Custom-Built Homes
- PP12 Improving Education and Skills
- PP13 The Rural Economy
- PPL2 Coastal Protection Belt
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- PPL7 Archaeology
- PPL8 Conservation Areas
- PPL9 Listed Buildings
- CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

Enabling Development and the Conservation of Significant Places

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.

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.