



## TENDRING DISTRICT COUNCIL

### Planning Services

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

**APPLICANT:** Mr Simon Patience  
Simon Patience New Homes  
Ltd  
65 Weald Road  
Sevenoaks  
Kent  
TN13 1AH

**AGENT:**

#### TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 18/01864/FUL      **DATE REGISTERED:** 7th November 2018

Proposed Development and Location of the Land:

**Variation of Condition 4 of approved application 18/00860/FUL to amend wording of condition to: Notwithstanding the provisions of Article 3, Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) order 1995 (or any order revoking or re-enacting that order with or without modifications) the first floor north-east facing bathroom window in plots 4, 5 and 6 shall be glazed in obscure glass before the development hereby permitted is first occupied and shall thereafter be permanently retained in the approved form.**

**Forbourn Motors High Street Thorpe Le Soken 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 hereby approved development shall be constructed using the following materials;  
  
Facing Brick - Wienerberger Terca Cranbrook Red  
Render - K-Rend textured render in colour Wheaten  
Roof - SSQ Del Carmen Ultra Grade Natural Roof Slate and Wienerberger Sandtoft Humber Plain Clay Tile  
Windows/Door/Weatherboarding - White Paint Timber  
  
Reason - In the interests of visual amenity and to safeguard the character and appearance of the Conservation Area.
- 2      The hereby approved shop/office front, including the entrance door, shall be constructed in timber and glass, unless otherwise agreed in writing with the Local Planning Authority.  
  
Reason - In the interests of the character and appearance of the Conservation Area.
- 3      Notwithstanding the provisions of Article 3, Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modifications) the first floor bathroom windows in the

north-eastern facing elevations of plots 4, 5 and 6 shall be glazed in obscure glass before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason - To protect the privacy and amenities of the occupiers of adjoining properties.

- 4 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additions to the dwellings, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions or building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - To ensure the proposed properties retain sufficient private amenity space and to preserve neighbouring residential amenity from adverse overlooking.

- 5 Development shall be carried out in full accordance with the Arboricultural Impact Assessment rev 13/06/15 approved under previous permission reference 15/00879/OUT. The approved measures for protection shall be installed before any development commences and shall be retained throughout the construction period.

Reason - To ensure the adequate protection and retention of existing trees.

- 6 Notwithstanding the provisions of Article 3, Schedule 2 Part 3 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 hereby approved shop/office shown on the approved plans shall be used for A1, A2 or B1a uses only and for no other purpose including any other purpose in Classes A3, B1, B8 or C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory instrument and re-enacting that Order with or without modification).

Reason - To ensure the hereby approved shop/office stays as a town centre commercial use to compensate for loss of the existing employment use and in the interests of residential amenity and highway safety.

- 7 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 building.

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

- 8 Prior to the occupation of any of the development, the proposed private drive shall be constructed in precise accord with the details shown in Drawing Number DHA/12712/11 Rev B and shall be provided with an appropriate dropped kerb vehicular crossing of the footway to the specifications of the Highway Authority.

Reason - To ensure that all vehicles using the private drive access do so in a controlled manner, in the interests of highway safety.

- 9 Prior to the proposed access being brought into use, vehicular visibility splays of 33m by 2.4m by 33m as measured along, 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 maintained

in perpetuity free from obstruction exceeding a height of 600mm.

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.

- 10 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 12m of the highway boundary.

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

- 11 Prior to occupation of the development the vehicular turning facility for service and delivery vehicles, as shown on approved drawing no. DHA/12712/11 Rev B, shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose.

Reason - To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety.

- 12 Any part of the existing vehicular access that has become redundant as a result of this proposed development shall be suitably and permanently closed in accordance with details to have been previously approved by the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new access is brought into use.

Reason - To ensure the removal of and to preclude the creation of un-necessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety.

- 13 Prior to the occupation of the development the parking bays, as shown on approved plan DHA/12712/11 Rev B, shall be constructed, surfaced and marked out ready for use. The parking bays shall then be retained for parking associated with the approved development in perpetuity.

Reason - To ensure sufficient on-site parking provision is provided in the interests of highway safety.

- 14 The approved scheme of landscaping shown on drawing no. 18.493-P-200 and NC 18.493-P-201 (as approved under planning reference 18/01782/DISCON), shall be implemented no later than the first planting season following commencement of the development (or within such extended period or phased arrangement as the Local Planning Authority may allow) and shall thereafter be retained and maintained for a period of five years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

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

- 15 The development shall be carried out in accordance with the land contamination mitigation measures outlined within the 'Remediation Method Statement (Ref - 171605/rms dated February 2018) and 'Remediation and Validation Report (Ref - 171605/val2 dated March 2018) as approved under planning reference 18/00345/DISCON.

Reason - To ensure that any risks (to future users of the land and neighbouring land and to controlled waters, property and ecological systems) arising from any land contamination are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 16 The development hereby permitted shall be carried out in accordance with the following approved plans: DHA/12712/11 B, DHA/12712/12 A, DHA/12712/14 A, DHA/12712/16 A, DHA/12712/15 A, DHA/12712/13 A, DHA/12712/21, DHA/12712/23, DHA/12712/22, 18.493-P-200 and NC 18.493-P-201.

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

**DATED:** 2nd January 2019

**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

ER3 Protection of Employment Land

HG9 Private Amenity Space

HG14 Side Isolation

EN17 Conservation Areas

EN20 Demolition within Conservation Areas

EN23 Development Within the Proximity of a Listed Building

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP3 Housing Density and Standards

LP4 Housing Layout

PP6 Employment Sites

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

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.