



## TENDRING DISTRICT COUNCIL

### Planning Services

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

**AGENT:** Stour Valley Design  
Swan Corner  
Mill Lane  
Bradfield  
Essex CO11 2UT

**APPLICANT:** Mrs Heidi Jones  
47 Gainsborough Drive  
Lawford  
Manningtree  
Essex  
CO11 2LF

#### TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 18/01216/FUL

**DATE REGISTERED:** 27th July 2018

Proposed Development and Location of the Land:

**Change of use from A1 to A3 including upgrade of the existing extractor fan.  
2 Stour Street Manningtree Essex CO11 1DH**

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 carried out in accordance with the following approved plans, documents titled 'Odour Impact Assessment' and 'Environmental Noise Report', the untitled Site Location Plan, the untitled proposed floor layout, the submitted photographs of the site, the untitled Design and Access Statement and Heritage Statement, the untitled additional information dated 14 February 2019 and the untitled document showing the external seating layout dated 12 March 2019.

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

- 2 Use of the premises as hereby permitted shall be confined to the following hours:

Mondays, Tuesdays, Thursdays and Fridays: 7am - 3pm and 5.30pm - 10.30pm

Wednesdays: 7am - 2pm

Saturdays: 8am - 3pm and 5.30pm - 10.30pm;

Sundays and Bank Holidays: 9am - 3pm and 5.30pm - 10pm

Reason - To avoid disturbance in the interest of residential amenity.

- 3 Use of the ancillary external seating area, as shown on the untitled external layout drawing dated 12 March 2019, can only be used in conjunction with the use hereby permitted and shall only be operated between the following hours:

Mondays, Tuesdays, Thursdays and Fridays: 8am - 3pm

Wednesdays: 8am - 2pm

Saturdays: 8am - 3pm

Sundays and Bank Holidays: 9am - 3pm

Reason - To avoid disturbance in the interest of residential amenity.

- 4 Within two months of the date of this decision, details of the installation of a 600mm in-line attenuator must be submitted to the Local Planning Authority for approval. The rating level of the sound emitted from the kitchen extract system shall not exceed 45 dBL at the rear of 1 Stour Street, Manningtree. Development shall be carried out in full accordance with the approved details within two months of approval.

Reason - In the interest of residential amenity.

- 5 Within two months of the date of this decision, details of odour controls as highlighted within paragraph 4.2.1 of the document titled 'Odour Impact Assessment', shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the approved details within two months of the approval.

Reason - In the interest of residential amenity.

DATED: 15th March 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 February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

COM20 Air Pollution/ Air Quality

COM22 Noise Pollution

EN17 Conservation Areas

EN22 Extensions or Alterations to a Listed Building

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

PPL8 Conservation Areas

PPL9 Listed Buildings

SPL3 Sustainable Design

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 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.

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.