



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT: Mr Samuel Bampton - City & Country Residential Limited
Bentfield Place
Bentfield Road
Stansted
CM24 8HL

APPLICANT: Mr R.A, T.R, D.R, A.I Sargeant
St Osyth Priory
The Bury
St Osyth
Clacton On Sea
Essex
CO16 8NZ

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 18/01166/FUL

DATE REGISTERED: 14th September 2018

Proposed Development and Location of the Land:

**Variation of condition 2 of approved application 17/01175/FUL to allow amendments to the elevations and layout of Phase 2.
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 18th 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-WFSP-01 -
- OC002-03-01 REV U -
- OC002-03-02 REV M -
- OC002-03-03 REV H -
- OC002-03-03 REV M -
- CC-0175-WFD-HT01 -
- CC-0175-WFD-HT02 -
- CC-0175-WFD-HT03 -
- CC-0175-WFD-HT04 -
- CC-0175-WFD-HT05 -
- CC-0175-WFD-HT06 -
- CC-0175-WFD-HT07 -
- CC-0175-WFD-HT08 -
- CC-0175-WFD-HT09 -
- CC-0175-WFD-HT10 -
- CC-0175-WFD-HT11 -
- CC-0175-WFD-HT12 -

- CC-0175-WFD-HT13
- CC-0175-WFD-CP02
- CC-0175-WFD-CP03
- CC-0175-WFD-CP04
- CC-0175-WFD-CP05
- CC-0175-WFD-CP06
- CC-0175-WFD-CP07
- CC-0175-WFD-GT01
- CC-0175-WFD-GT02
- CC-0175-WFD-GT03
- CC-0175-WFD-GT04
- CC-0175-WFD-GT05
- CC-0175-WFD-GT06
- CC-0175-WFD-GT07
- CC-0175-WFD-GT08
- CC-0175-WFD-GT09
- CC002-50-15 REV E
- CC002-50-15A REV D
- CC002-50-16 REV F
- CC002-50-16A REV F
- CC002-60-03 REV B
- CC002-60-04 REV C
- (03)200 REV B
- (03)201 REV C
- CC002-50-17 REV F
- CC002-50-17A REV H
- CC 0175 WF-L3 A
- CC-0175-WF-L-1
- CC-0175-WF-L-2
- CC-0175-WF-L-4
- CC-0175-WF-L-5

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

- 3 The materials to be used in the construction of Phase 1 only shall be in accordance with the details shown on approved drawing no. OC002-03-03 REV H.

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 The materials to be used in the construction of Phase 2 shall be in accordance with the details shown on approved drawing no. OC002-03-03 REV M.

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.

- 5 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.

- 6 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.

- 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 The wastewater strategy for phase 1 shall be implemented in accordance with the submitted 'Drainage Statement Addendum - Phase 1 ref - 139/2008/DS Revision A' dated August 2017 and additional information/plans received via GHBullard & Associates LLP dated 21st June 2018 plus drawing no. 093-2017.DWG, as approved under planning reference 17/01593/DISCON and prior to any of the phase 1 properties being occupied.

Reason - To prevent environmental and amenity problems.

- 9 Prior to commencement of phase 2 works a wastewater strategy shall be submitted to and approved in writing by the Local Planning Authority. No dwelling located within phase 2 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.

- 10 The foul water strategy for phase 1 shall be implemented in accordance with the submitted 'Drainage Statement Addendum - Phase 1 ref - 139/2008/DS Revision A' dated August 2017, as approved under planning reference 17/01593/DISCON and prior to any of the phase 1 properties being occupied.

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

- 11 Prior to commencement of phase 2 works a foul water strategy shall be submitted to and approved in writing by the Local Planning Authority. No dwelling located within phase 2 shall be occupied until the works have been carried out in accordance with the foul water strategy so approved.

Reason - To prevent environmental and amenity problems.

- 12 The surface water drainage strategy for phase 1 shall be implemented in accordance with the submitted 'Drainage Statement Addendum - Phase 1 ref - 139/2008/DS Revision A' dated August 2017 and additional information/plans received via GHBullard & Associates LLP dated 21st June 2018 plus drawing no. 093-2017.DWG, as approved

under planning reference 17/01593/DISCON and prior to any of the phase 1 properties being occupied.

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

- 13 Prior to commencement of phase 2, 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 phase 2. Surface water shall be discharged from the site at a rate no greater than 4.87l/s as identified within the submitted Flood Risk Assessment.

Reason - To prevent environmental and amenity problems arising from flooding and to ensure a satisfactory method of surface water drainage.

- 14 The landscape and habitat management plan measures for phase 1 only 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.

- 15 The approved scheme of landscaping for phase 1 as shown on drawing no's. CC 0175 WF-L3 A, CC-0175-WF-L-1, CC-0175-WF-L-2, CC-0175-WF-L-4 and CC-0175-WF-L-5 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.

- 16 Prior to commencement of phase 2 works a scheme of hard and soft landscaping works, 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 and in the interests of amenity.

- 17 The development shall be carried out in complete accordance with the details specified in Sections 7 and 8 of the submitted 'Construction and Environment Plan Management Plan - City and Country' - dated 31st August 2017 and plan no's. CC175/WF-L-1, 2, 3A,

4 and 5, 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 minimise the impact on birds and wildlife.

- 18 Prior to the commencement of construction works a Wheel Washing Facility shall be installed as detailed 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 wheel washing facility shall remain in place throughout the duration of the construction works.

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

- 19 The proposed development shall be carried out in accordance with the following highway works plans; 208104/27 & 100-A01 (aside from the relocation of the bus stop plan) and approved layout plan OC002-03-01 REV U. All parking areas, cycle/footways and turning areas shall be constructed prior to the first occupation of any of the properties associated with phases 1 and 2.

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.

- 20 Prior to first occupation of the hereby approved development details of a Transport Information and Marketing Scheme (green travel pack) for sustainable transport shall have been previously submitted to and approved in writing by the Local Planning Authority. The Transport Information and Marketing Scheme shall be implemented as approved.

Reason - In the interests of promoting sustainable development and transport.

- 21 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.

- 22 The external lighting strategy for phase 1 shall be carried out in accordance with drawing no. 107/11 (02)100, as approved under 17/01593/DISCON.

Reason - In the interests of visual amenity and wildlife interests.

- 23 Prior to commencement of phase 2 works that 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.

- 24 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.

- 25 No construction work shall take place onsite outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 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.

- 26 Within 24 months from the date when any of the buildings permitted are first used for the purpose of residential dwellings, the land shown on the approved plan OC002-03-01 Rev U as open space shall be laid out in accordance with that plan as amenity land and thereafter retained for public use.

Reason - The amenity land is an essential element of the development and must be provided and retained for the future.

- 27 Prior to commencement of phase 2 works only, a landscape/habitat management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than, privately owned, domestic gardens, shall be submitted to and approved, in writing, by the Local Planning Authority. The landscape/habitat management plan shall be carried out as approved in accordance with the details and timescales in the plan. The scheme shall include the following elements:

- a) Detail extent and type of new planting (NB planting to be of native species of local provenance);
- b) Details of any SUDS e.g. attenuation ponds, wetlands;
- c) Details of the on-site recreational area, including its size and any proposed footpaths and cycleways;
- d) Details of maintenance regimes; and
- e) Details of any new habitat created on site.

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.

- 28 Prior to commencement of phase 2 works only 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 previously submitted Environmental Statement;
- c) Drawings showing details of design and type of external lighting to minimise the impact on bats and birds.

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.

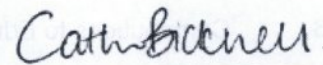
- 29 No development or preliminary ground works associated with phase 2 only shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

Following completion of the archaeological fieldwork, the applicant will submit to the Local Planning Authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the planning authority), which will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

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

DATED: 18th April 2019

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 February 2019

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
- HG14 Side Isolation
- 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
- EN6B Habitat Creation
- EN11A Protection of International Sites European Sites and RAMSAR Sites
- EN12 Design and Access Statements
- 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
 - 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
 - PPL10 Renewable Energy Generation
 - CP1 Sustainable Transport and Accessibility
 - CP3 Improving the Telecommunications Network

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 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.