



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT:	Mr Tom Sainty Vaughan and Blyth (Construction) Ltd Estuary House Whitehall Road Colchester Essex CO2 8HA	APPLICANT:	Ardleigh Hall LLP Estuary House Whitehall Road Colchester CO2 8HA
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TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 19/00116/FUL **DATE REGISTERED:** 23rd January 2019

Proposed Development and Location of the Land:

Variation of Condition 2 (approved plans) of planning permission 18/01257/FUL to amend site layout to incorporate 2 parking spaces (plots 1 and 4), move turning head to increase parking areas (plots 2 and 3) and amend boundary wall details.

Ardleigh Hall Squash Club Dedham Road Ardleigh Essex

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: 605/1 D, 605/SK2, 4789-D B, 605/2, 605/3, 605/4, 605/5, 605/6, 605/7 A, 605/8, 605/9 and 605/10.

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

- 2 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 dwellings.

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

- 3 The materials used in construction shall be those stipulated on the 'Materials Schedule' approved under reference 18/00875/DISCON and in respect of the replacement boundary wall as indicated on approved plan 605/1 D.

Reason - The development is publicly visible and therefore sympathetic materials are a visually essential requirement.

- 4 The approved scheme of landscaping shown on drawing no. 605/1 D shall be implemented not 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.

- 5 The development shall be carried out in accordance with the Tree Protection Methods outlined on the approved Tree Protection Plan no. 4789-D Rev B (as prepared by Hayden's Arboricultural Consultants).

Reason - To ensure the existing mature trees are safeguarded during construction and retained in the interests of visual amenity.

- 6 Prior to first occupation of the approved dwellings the boundary treatments, as shown on approved drawing no. 605/1 D, shall be erected and retained thereafter as approved.

Reason - In the interests of visual and residential amenity.

- 7 Prior to the first occupation of the approved dwellings the refuse collection points, as shown on approved drawing no. 605/1 D, shall be construction and retained thereafter as approved.

Reason - In the interests of amenity.

- 8 The development shall be carried out in accordance with the details shown within the submitted 'Drainage Strategy Report' prepared by GH Bullard & Associates - dated April 2016.

Reason - To ensure that surface water drainage caused by the development is adequately dealt with.

- 9 The development shall be carried out in accordance with the protection species mitigation measures/recommendations as set out in the submitted 'Extended Phase 1 Habitat Survey & Bat Survey' (Dated 28th August 2015) and the 'Ecological Appraisal Update' as prepared by Liz Lord Ecology (Dated 15th January 2018).

Reason - To safeguard any protected species utilising the site.

- 10 Prior to the first occupation of the development, both of the proposed estate roads, at their bellmouth junction with Dedham Road/The Street shall be provided with 6.0m radius kerbs returned to an access road carriageway width of 5.5m for at least the first 10m within the site and flanking footways 2m in width returned around the radius kerbs which shall connect to the existing footways. The new road junction shall be constructed at least to binder course prior to the commencement of any other development including the delivery of materials.

Reason - To ensure that all vehicular traffic using the junction may do so in a controlled manner and to provide adequate segregated pedestrian access, in the interests of highway safety.

- 11 Prior to the proposed accesses to Dedham Road being brought into use, vehicular visibility splays of 43m by 2.4m by 43m 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 clear to ground.

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.

- 12 The existing access or any part of an access (dropped kerb) rendered redundant or unnecessary by this development shall be suitably and permanently closed to the satisfaction of 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 accesses are 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 occupation of the proposed development, the vehicular turning facilities for large vans and service and delivery vehicles, as shown on the approved drawing no. 605/1 D, shall be provided within the site and shall be maintained free from obstruction in perpetuity.

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.

- 14 No unbound materials shall be used in the surface treatment of any of the proposed vehicular accesses within 6m of the highway boundary or proposed highway or throughout.

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

- 15 Prior to the first occupation of each dwelling on the proposed development, the individual proposed vehicular access for that dwelling shall be constructed at right angles to the highway boundary and to a width of 3.7m and each shared vehicular access shall be constructed at right angles to the highway boundary and to a width of 5.5m 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 vehicles using the site access do so in a controlled manner, in the interests of highway safety.

- 16 The estate roads and footways shall be constructed in accordance with those details shown on plan no. 605/15 approved under planning reference 18/00875/DISCON.

Reason - To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

- 17 Construction work shall be carried out in accordance with the construction method statement illustrated on drawing no. 605/1/CMS and within associated document titled 'Construction Method Statement' as approved under planning reference 18/00875/DISCON.

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

- 18 Prior to the occupation of any of the proposed dwellings, the existing footway from the southern boundary of the site to the southern inner tangent of the northern vehicular access shall be extended to a minimum of 2.0m in width and a new footway continuing at

1.8m in width from the northern inner tangent of that bellmouth junction to the northern site boundary and terminating with a pram crossing shall be provided including new kerbing, surfacing, drainage, any adjustments in levels and any accommodation works to the footway and carriageway channel and making an appropriate connection in both directions to the existing footway to the specifications of the Highway Authority.

Reason - To make adequate provision for the additional pedestrian traffic generated within the highway as a result of the proposed development.

DATED: 16th May 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

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG9 Private Amenity Space

EN6 Biodiversity

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN17 Conservation Areas

EN20 Demolition within Conservation Areas

COM3 Protection of Existing Local Services and Facilities

COM7 Protection of Existing Recreational Open Space Including Children's Play Areas and Pitch and Non-Pitch Sports Facilities

COM7a Protection of Existing Playing Fields, Including School Playing Fields

COM10 Built Sports and Recreation Facilities

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

RA4 Housing Development Within Defined Villages

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP2 Community Facilities

HP3 Green Infrastructure

HP4 Safeguarded Local Greenspace

LP1 Housing Supply

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL8 Conservation Areas

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.

Noise Control

- 1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- 2) No vehicle connected with the works to arrive on site before 07:00 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984 (as amended).
- 4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- 5) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

Emission Control

- 1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
- 2) No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- 3) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

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.