



## TENDRING DISTRICT COUNCIL

### Planning Services

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

**AGENT:** Mr Ronald Cross  
226A St Johns Road  
Clacton On Sea  
Essex  
CO16 8DE

**APPLICANT:** Mr G Jordan  
140 Herman Hill  
South Woodford  
London  
Essex  
E18 1QH

#### TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 18/01564/FUL

**DATE REGISTERED:** 19th September 2018

Proposed Development and Location of the Land:

**Erection of 2 dwellings.  
Land Site at 22 to 24 Wolseley Avenue Jaywick 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 begun before the expiration of three years from the date of this permission.

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 the following approved plans: Drawing No: 1B.

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

- 3 Prior to the occupation of the development the vehicular parking, as shown on the submitted plans, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

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

- 4 Notwithstanding the provisions of Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), there shall be no alternative use of the lower level/garage area of the dwellings hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the parking for the dwellings is retained and to ensure that no habitable accommodation is provided within the lower level of the properties in the interests of flood risk.

- 5 Prior to any above ground works, precise details of the manufacturer and types and colours of the external facing and roofing 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 unless otherwise agreed, in writing, at a later date with the Local Planning Authority.

Reason - In the interests of visual amenity as insufficient details have been provided with the application.

- 6 All new hardstanding 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 site.

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

- 7 The development shall be carried out in strict accordance with the Flood Risk Assessment Ref: 7353 dated July 2018.

Reason - The site lies within flood zone 3 at high risk from flooding and an evacuation plan is essential to safeguard occupiers of the development.

- 8 The hereby approved development shall only be implemented in full accordance with the agreed Flood Management Plan within the Flood Risk Assessment Ref: 7353 dated July 2018. The Flood Warning Evacuation Plan shall remain in force for the duration of the occupation period and shall remain a live document and be updated where required.

Reason - The site lies within flood zone 3 at high risk from flooding and an evacuation plan is essential to safeguard occupiers of the development.

- 9 Prior to the commencement of above ground works, details of flood resistant/resilient measures to be incorporated into the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. Such details as may be agreed shall be those used in the development unless otherwise agreed, in writing, at a later date with the Local Planning Authority.

Reason - To help prevent or minimise the amount of water entering a building in order to reduce the consequences of flooding and speed up recovery from the effects of flooding.

- 10 The development hereby permitted shall be carried out in accordance with the submitted Construction Method Statement ensuring that the off-loading and storage of all building materials associated with the development are contained within the curtilage of the site clear of the highway during construction.

Reason - To ensure that appropriate loading / unloading facilities are available to ensure that any obstruction to the highway is minimised during the construction period in the interest of highway safety.

- 11 No construction works, deliveries or vehicles movements in connection with the development shall take place outside the hours of 0730 hours and 1900 hours Monday to Friday and 0800 hours and 1300 hours Saturdays, with the exception of any piling or other percussive works which shall not take place outside the hours of 0800 hours and 1700 hours Monday to Friday. No working or deliveries of any kind are permitted on Sundays or any Public/Bank Holidays.

Reason - To protect the local amenity and reduce the likelihood of complaints of statutory nuisance and in the interests of residential amenities.

- 12 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

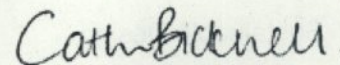
Reason - To avoid displacement of loose material onto the highway in the interests of highway safety.

- 13 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), no provision of fences, walls or other enclosures shall be erected forward of the front elevation of the dwellings hereby approved except in accordance with details that shall previously be approved by the Local Planning Authority.

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

**DATED:** 7th June 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

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL3 Minimising and Managing Flood Risk

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG7 Residential Densities

HG9 Private Amenity Space

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

- COM6 Provision of Recreational Open Space for New Residential Development
- CL15 Residential Development in Jaywick
- CL15a Jaywick Regeneration
- EN11A Protection of International Sites European Sites and RAMSAR Sites
- EN6 Biodiversity
- EN6A Protected Species
- Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
- SP1 Presumption in Favour of Sustainable Development
- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- LP1 Housing Supply
- LP3 Housing Density and Standards
- LP4 Housing Layout
- HP5 Open Space, Sports & Recreation Facilities
- PPL4 Biodiversity and Geodiversity
- PP14 Priority Areas for Regeneration
- PPL1 Development and Flood Risk
- 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 Agent, 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.

#### Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

#### Legal Agreement Informative - Open Space/Play Space Contribution

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: Public Open Space financial contribution in accordance with Policy COM6 of the adopted Tendring District Local Plan (2007) and Policy HP5 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

#### Article 4 Direction

Please note that the site lies within a defined Article 4 Direction area removing permitted development rights for all extensions and alterations to the dwellings and its roof under the provisions of Classes A and B of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

#### Condition 9 Informative

Information on preparing property for flooding can be found in the documents 'Improving the flood performance of new buildings' and 'Prepare your property for flooding' which can be found at: <https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings> and <https://www.gov.uk/government/publications/prepare-your-property-for-flooding>.

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.