



## TENDRING DISTRICT COUNCIL

### Planning Services

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

**APPLICANT:** Mr Oliver Burfoot  
R Burfoot Construction  
7 Brunel Road  
Gorse Lane Industrial Estate  
Clacton On Sea  
Essex  
CO15 4LU

**AGENT:**

#### TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 19/00348/FUL      **DATE REGISTERED:** 4th March 2019

Proposed Development and Location of the Land:

**Variation of condition 2 of planning permission 17/01265/FUL - to alter the size and design of the main access road.  
691-717 St Johns Road Clacton On Sea Essex CO16 8BJ**

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:

Site Layout dated 17.07.19  
Elevations for Plot 1 dated 24.07.17  
Floor plan for Plot 1 dated 24.07.17  
Elevations for Plots 2 & 6 dated 20.07.17  
Ground Floor Plan for Plots 2 & 6 dated 20.07.17  
First floor plan for Plots 2 & 6 dated 20.07.17  
Elevations for Plot 3 dated 24.07.17  
Floor plan for Plot 3 dated 24.07.17  
Elevations for Plot 4 dated 24.07.17  
Floor plan for Plot 4 dated 24.07.17  
Elevations for Plot 5 dated 20.07.17  
Ground floor plan for Plot 5 dated 20.07.17  
First floor plan for Plot 5 dated 20.07.17  
Elevations for Plots 7 & 8 dated 08.04.15  
Floor Plans for Plots 7 & 8 dated 08.04.15  
Elevations for Plots 9 & 13 dated 08.04.15  
Floor Plan for Plots 9 & 13 dated 08.04.15  
Elevations for Plots 10 & 14 dated 08.04.15  
Floor Plan for Plots 10 & 14 dated 08.04.15  
Elevations for Plot 11 dated 08.04.15  
Floor Plan for Plot 11 dated 08.04.15  
Elevations for Plot 12 dated 08.04.15  
Floor Plan for Plot 12 dated 08.04.15

Garage Floor Plan and Elevations for Plots 11 & 12 dated 09.04.15

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

- 2 The approved properties shall be constructed in accordance with the Materials Schedule (received 28th August 2018) and approved under planning reference 18/00980/DISCON.

Reason - To ensure the appearance of the properties is sympathetic with the character of the area.

- 3 The approved scheme of landscaping shown on drawing titled Landscaping Layout (received 11th July 2018) and approved under planning reference 18/00980/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.

- 4 The screen walls and fences details shown on the drawing titled Design, Materials, Provision and Siting of Fences (received 28th August 2018) and approved under planning reference 18/00980/DISCON, shall be erected prior to the dwellings hereby permitted being first occupied.

Reason - In the interests of visual and residential amenity.

- 5 No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Local Planning Authority prior to first occupation/use of the site. Any external lighting that is installed shall accord with the details so approved.

Reason - To satisfactorily protect the character and appearance of the area and the residential amenities of nearby occupiers.

- 6 The construction phase of the development shall be carried out in accordance with the document titled 'Method Statement' and associated drawing titled 'Construction Method Plan' (received 18th June 2018) and approved under planning reference 18/00980/DISCON.

Reason - To ensure that development is carried out in a controlled manner while minimising impacts on the surrounding residential properties and also in the interests of highway safety.

- 7 Waste materials associated with the development of the site, including the clearance of the site, shall be disposed of in an appropriate manner and no material shall be burnt on site.

Reason - To ensure a satisfactory standard of residential environment.

- 8 Prior to the first occupation of the development, the proposed estate road, at its bellmouth junction with St Johns Road shall be provided with 10.5m. radius kerbs returned to an access road carriageway width of 6.0m and flanking footways 2m. in width returned around the radius kerbs which shall extend across the sites frontage to St Johns

Road connecting to any 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.

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

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

- 10 The existing access or any part of an access rendered redundant or unnecessary by this development shall be suitably and permanently closed in accordance with the details shown on the drawing titled 'Site Layout - Closing Redundant Access (received 18th June 2018) and approved under planning reference 18/00980/DISCON, 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.

- 11 The parking spaces/vehicular hardstandings shall be constructed to minimum dimensions of 5.5m x 2.9m.

Reason - To encourage the use of off-street parking, in the interests of highway safety.

- 12 Prior to the first occupation of the development, the vehicular turning areas shown on the approved drawing titled site layout (dated - 17th July 2019), 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.

- 13 Prior to the first use of the approved access, the bridging and piping of the drainage ditch shall be carried out in accordance with those details shown on the drawing titled Ditch Crossover Construction Details (received 18th June 2018) and approved under planning reference 18/00980/DISCON. The development shall be carried out and maintained in accordance with the approved details.

Reason - To prevent or reduce the risk of flooding of the adjoining highway, in the interests of highway safety.

- 14 Within 3 months of the date of this permission details for the implementation, maintenance and management of the sustainable drainage strategy shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a programme for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any

other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

iii) arrangements to enable SuDS within private properties to be accessed and maintained including information and advice on responsibilities to be supplied to future owners.

Reason - To ensure satisfactory provision of foul and surface water drainage in order to prevent the development from causing increased flood risk off site over the lifetime of the development.

- 15 Within 3 months from the date of this permission a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works shall have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

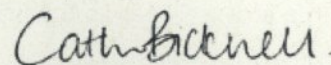
Reason - The National Planning Policy Framework paragraph 103 states that Local Planning Authorities should ensure flood risk is not increased elsewhere by development.

- 16 The carriageway of the proposed estate road shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling, prior to occupation has a properly consolidated and surfaced carriageway and footway between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any up-stands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and paths in front of each dwelling shall be completed with the final surfacing within twelve months from the first occupation of such dwelling.

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

**DATED:** 25th July 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
  - 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
  - HG4 Affordable Housing in New Developments
  - HG6 Dwelling Size and Type
  - HG7 Residential Densities
  - HG9 Private Amenity Space
  - COM6 Provision of Recreational Open Space for New Residential Development
  - EN1 Landscape Character
  - TR1A Development Affecting Highways
  - 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
  - SPL1 Managing Growth
  - SPL2 Settlement Development Boundaries
  - SPL3 Sustainable Design
  - HP5 Open Space, Sports & Recreation Facilities
  - LP1 Housing Supply
  - LP2 Housing Choice
  - LP3 Housing Density and Standards
  - LP4 Housing Layout
  - PPL1 Development and Flood Risk
  - 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 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.

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

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.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on GOV.UK.

#### 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.