



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT: Mr Vlad Chirila - ARCHPL Ltd
400 West Green Road
West Green
London
N15 3PX

APPLICANT: Mr Hasan Kepez
The Carlton
Rosemary Road
Clacton On Sea
Essex
CO15 1TE

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 19/01245/FUL

DATE REGISTERED: 19th August 2019

Proposed Development and Location of the Land:

**Variation of condition 2 of approved application 16/01829/FUL to replace approved plans with new submitted plans.
Land Site of Former Carlton Public House Rosemary Road Clacton On Sea
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 31 January 2020.

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 numbers A101, A102, A103, A104, A105, A106, A107, A108 and TP-001, and the document titled 'Statement'.

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

- 3 No development shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

Reason - The site is a prominent one in the public domain and the materials will be an integral element of the design and it is important that they are agreed prior to work commencing.

- 4 Prior to first occupation of the development the details of the number, location and design of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be secure, convenient and covered and provided prior to occupation and retained at all times.

Reason - To ensure appropriate cycle parking is provided in the interest of highway safety.

- 5 Prior to first occupation of the development, details of a sustainable transport mitigation package shall have been submitted to and agreed, in writing by, the Local Planning Authority. This package will include appropriate information on sustainable transport modes including bus and rail travel, cycling, walking, taxi travel, car sharing and community transport in the vicinity of the site. The package shall be implemented as agreed for each individual dwelling and/or premises within 14 days of the first beneficial use or occupation of that unit.

Reason - In the interests of mitigating the impact of the approved development by seeking to reduce the need to travel by private car through the promotion of sustainable transport choices.

- 6 Notwithstanding the provisions of Article 3, Schedule 2 Part 3 and 4 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 ground floor retail unit shall only be used as an A1 retail shop, or A3 cafe/restaurant and for no other purpose including any other purpose in Classes A2, A4, A5, D2, C3, or any temporary uses, of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory instrument and re-enacting that Order with or without modification).

Reason - The site falls within the Town Centre, principle shopping area and Primary shopping frontage, where the continued use for purposes falling within the A1 and A3 Use Classes are essential to maintain the vitality and viability of the centre.

- 7 Notwithstanding the provisions of Article 3, Schedule 2, Part 7 Classes 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 enlargement, improvement or other alteration to the ground floor retail unit 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 - The open area to the rear of the proposed unit is required for servicing, loading/unloading, bin storage and cycle-parking, and any extension would result in parking/loading occurring on the highway to the detriment of highway safety or the loss of the cycle parking facility.

- 8 Notwithstanding the definition of development within section 55 of the Town and Country Planning Act 1990 and the provisions of Article 3, Schedule 2, Part 1 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 windows or other openings shall be inserted in the eastern elevations of the building (other than those shown on the approved plans) except in accordance with details which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In order to ensure that the development of the adjacent land is not prejudiced, as the site falls within the Town Centre re-generation area where re-development would be encouraged; and in the interests of the amenities of the occupants and future occupants of neighbouring property.

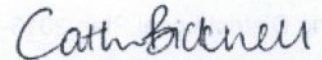
- 9 No above ground works shall commence until details of existing and proposed levels of the site, finished floor levels shown in relation to the adjacent buildings, and identifying all

areas of cut or fill, have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed scheme before the development is first occupied.

Reason - The development proposes a building with 4 floors within a street of predominantly 2 and 3 storey buildings, and it is essential in order to ensure an appropriate visual appearance, in the street scene, that the levels are agreed prior to the commencement of the development.

DATED: 9th October 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

COM6 Provision of Recreational Open Space for New Residential Development

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

ER31 Town Centre Hierarchy and Uses

ER32a Primary Shopping Area

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

QL1 Spatial Strategy

QL6 Urban Regeneration Areas

QL8 Mixed-Uses

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)

CP1 Sustainable Transport and Accessibility

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

SP1 Presumption in Favour of Sustainable Development

SP2 Spatial Strategy for North Essex

SP5 Infrastructure & Connectivity

SP6 Place Shaping Principles

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PP1 New Retail Development

PP2 Retail Hierarchy

PP5 Town Centre Uses

HP5 Open Space, Sports & Recreation Facilities

PPL4 Biodiversity and Geodiversity

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 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.

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) at least 10 days before submitting the appeal. Further details are on [GOV.UK](https://www.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.