



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT: Tim Snow Architects
9A High Street
Brightlingsea
Colchester
Essex
CO7 0AE

APPLICANT: Mr Jones - Delta Design Systems
Ltd
Clacton Road
Tendring
Clacton On Sea
Essex
CO16 0BU

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 19/00960/FUL

DATE REGISTERED: 26th June 2019

Proposed Development and Location of the Land:

Create additional production and storage space, new and altered accesses, provision of coach lay-by and increased paved area.

Delta Design Systems Ltd Clacton Road Tendring 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 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 complete accordance with the details shown on the submitted drawings: Drawing No. 716/LOC, Drawing No. 716/LOC E, Drawing No. 716/05 B, Drawing No. 716/06 B, Drawing No. 716/08 A, Drawing No: IT1421/DD/002, DRAWING NO: SNOW 322/8-001. REV. B., SNOW 322/8-002. REV. B. and SNOW 322/8-002 received 25th September 2019.

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

- 3 All changes in ground levels, boundary treatment hard landscaping, planting, seeding or turfing shown on the approved landscaping details, as shown on DRAWING NO: SNOW 322/8-001. REV. B., SNOW 322/8-002. REV. B. and SNOW 322/8-002 received 25th September 2019, shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development 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 - In order to ensure that the landscape treatment to the site is carried out appropriately.

- 4 No loudspeakers or other sound amplification equipment shall be used on the site.

Reason - In the interests of 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. Any external lighting that is installed shall accord with the approved details.

Reason - In the interests of amenity and biodiversity.

- 6 Notwithstanding the submitted information, no works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- o Limiting discharge rates to 1.1 l/s for all storm events up to an including the 1 in 100 year rate plus 40% allowance for climate change.
- o Final modelling and calculations for all areas of the drainage system.
- o Detailed engineering drawings of each component of the drainage scheme.
- o The pond design should be in line with the updated landscape design in drawing snow 322/8-002.
- o A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- o A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- 7 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented as approved.

Reason - The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to

polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

- 8 No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason - To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 9 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason - To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

- 10 Prior to commencement of development the applicants shall submit to the Local Planning Authority in writing a local recruitment strategy to include details of how the applicants/ developer shall use their reasonable endeavours to promote and encourage the recruitment of employees and other staff in the locality of the application site for the construction of the development and for the uses of the development thereafter. The approved local recruitment strategy shall be adhered to therein after.

Reason - In order to recruit and procure services locally to help and improve employment and training opportunities for local residents.

- 11 Prior to occupation of the proposed development, the existing proposed light vehicle vehicular access shall be reconstructed and the proposed HGV vehicular access shall be constructed in complete accord with the details shown in Drawing Numbered 716/02 Revision E.

Reason - To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

- 12 Prior to the proposed HGV access being brought into use, vehicular visibility splays of 82m by 4.5m 90m, 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.

- 13 No unbound materials shall be used in the surface treatment of the proposed HGV vehicular access within 18m of the highway boundary.

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

- 14 All new parking areas and areas of hardstanding 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.

- 15 Any gates erected at the proposed HGV vehicular access shall be inward opening only and shall be recessed a minimum of 18m from the nearside edge of carriageway of the existing road.

Reason - To ensure that vehicles using the access may stand clear of the carriageway whilst those gates are being opened/closed, in the interests of highway safety.

- 16 Prior to the proposed access being brought into use, details of the construction and future maintenance of the necessary bridging or piping of the drainage ditch/watercourse shall be submitted to and approved in writing by the Local Planning Authority.

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

- 17 The development shall not be occupied until such time as the car parking area, indicated in Drawing Numbered 716/02 Revision E has been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development.

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

- 18 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel washing facilities

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

- 19 Prior to occupation of the proposed development, the vehicular turning facility for delivery vehicles of at least size 2 dimensions shown in Drawing Numbered 716/02 Revision E. shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose.

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.

- 20 Prior to the occupation of any of the proposed development, the bus layby and associated new footway adjacent the proposed HGV vehicular access shall be provided in accord with the details shown in Drawing Numbered 716/02 Revision E, including the provision of level entry kerbing, any adjustments in levels, surfacing and any accommodation works to the carriageway channel to the specifications of the Highway Authority and being provided entirely at the applicant/Developer's expense.

Reason - To make adequate provision for the additional bus passenger traffic generated as a result of the proposed development.

- 21 The Powered two wheeler and bicycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason - To promote the use of sustainable means of transport.

- 22 The development hereby approved shall be carried out in strict accordance with the findings and recommendations set out within Section 7 of the Preliminary Ecological Appraisal Report Number: 3571,EC,AR/PEA/TC,RF,KL/28.01.19/V1 Dated 28/01/2019

Reason - In the interests of biodiversity.

- 23 The development hereby approved shall be carried out in strict accordance with the ecological enhancements recommended within Section 4 of the Reptile Survey and Outline Mitigation Strategy Report Number: 4054,EC/REPTILE/GG,RF,KL/24-09-19/V1 Dated 24 September 2019.

Reason - In the interests of biodiversity and protected species.

- 24 The removal of all vegetation shall only be carried out outside of the bird nesting season (March to August inclusive) unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure the protection of birds potentially nesting on site.

- 25 The development hereby approved shall be carried out in strict accordance with the Arboricultural Survey Report Number: 3571,EC,AR/ARB/LT,RF,KL/28.01.19/V1 and Appendix 6 Tree Constraints Plan Drawing ref. 3571,EC,AR/001/Rev 0 Dated 28 January 2019.

Reason - To ensure that the trees to be retained are protected in the interests of visual amenity and landscape character.

- 26 Prior to the commencement of any demolition or construction works, an Arboricultural Method Statement to show how the trees to be retained will be physically protected for the duration of the construction phase of development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the trees to be retained are protected in the interests of visual amenity and landscape character

- 27 The development hereby approved shall be carried out in strict accordance with the Remediation Method Statement Report Number: 1031,RS/RMS/JD,PD/05.02.15/V2 05 February 2019 addressing the findings of Report ref. 802,SI/TP,PD/23-05-14/V1 dated May 2014.

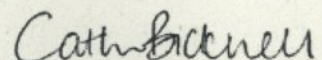
In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately

to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements, which is subject to the approval in writing of the Local Planning Authority. The remediation shall be carried out in accordance with the approved scheme prior to first occupation.

Reason - To ensure the proper investigation and where necessary, remediation of the site in the interests of the amenities of the locality and future occupants of the development.

DATED: 21st 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

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL4 Supply of Land for Employment Development

QL7 Rural Regeneration

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

ER7 Business, Industrial and Warehouse Proposals

ER10 Small Scale Employment Sites in Villages

COM1 Access for All

COM2 Community Safety

COM19 Contaminated Land

COM20 Air Pollution/ Air Quality

COM21 Light Pollution

COM22 Noise Pollution

COM23 General Pollution

EN13 Sustainable Drainage Systems

EN6 Biodiversity

EN6A Protected Species

EN1 Landscape Character

TR1A Development Affecting Highways

TR2 Travel Plans

TR3A Provision for Walking

TR5 Provision for Cycling

TR6 Provision for Public Transport Use

TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL3 Sustainable Design

HP2 Community Facilities

PP6 Employment Sites

PP7 Employment Allocations

PP14 Priority Areas for Regeneration

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

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.

Highways Informatives

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 or by post to:

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

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

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.

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.