



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT: Ms Richmond - Duncan Clark & Beckett
12A Williams Walk
Colchester
CO1 1TS

APPLICANT: Mr Thompson - Willow Park Group
The Street
Weeley
Essex
CO16 9JE

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 18/01331/FUL

DATE REGISTERED: 31st August 2018

Proposed Development and Location of the Land:

**Proposed 100 bedroom residential care home
Land to The rear of Jaywick Lane 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 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 not be carried out except in complete accordance with the details shown on the submitted plans, drawing numbers PA-12 and PA-10A.

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 materials to be used in construction have been submitted to and approved in writing by the Local Planning Authority. Such materials as may be approved shall be those used in the development unless otherwise agreed, in writing, at a later date with the Local Planning Authority.

Reason - Insufficient information has been included with the application for consideration of these details.

- 4 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved, in writing, by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure and fencing within the site; car parking layouts/manoeuvring areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting etc).

Reason - To ensure that the development provides a satisfactory setting having regard to its location, in accordance with Policies QL9 and QL10 of the Tendring District Local Plan.

- 5 Soft landscaping works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

Reason - To ensure that the development provides a satisfactory setting having regard to its location, in accordance with Policies QL9 and QL10 of the Tendring District Local Plan.

- 6 Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason - To ensure that the development provides a satisfactory setting having regard to its location, in accordance with Policies QL9 and QL10 of the Tendring District Local Plan.

- 7 Prior to commencement of development, details of on-site cycle and powered two-wheelers provision shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle and powered two-wheelers storage facilities shall be installed and made available for use before first occupation of the care home, and thereafter be retained in the approved form.

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

- 8 No floodlighting or other means of external lighting shall be installed until details of the illumination scheme have been submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details.

Reason - In the interests of amenity to reduce the impact of night time illumination on the character of the area.

- 9 No site clearance or construction work shall take place on the site on Sundays or public holidays. On all other days no site clearance or construction work shall take place on the site outside of the following times:

- 0730 - 1800 on Mondays to Fridays
- 0800 - 1300 on Saturdays

These restrictions shall apply throughout the site clearance and construction period, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To safeguard the amenity of occupiers of neighbouring property during the site clearance and construction period of the development.

- 10 Prior to the commencement of the development, details of an on-site parking facility for demolition and construction works and vehicles, a loading and unloading area for demolition and construction materials and a turning facility suitable for the largest vehicle attracted to or generated by the sites' activities during the demolition, construction and fitting out phases, being provided entirely clear of the limits of the highway, shall be

submitted to and approved in writing, by the Local Planning Authority.

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

- 11 Prior to the commencement of the proposed development, details of a wheel and underbody cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved, in writing, by the Local Planning Authority and that facility shall be maintained during the periods of demolition/construction.

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

- 12 The premises shall only be used as a residential care home and for no other purpose including any other purpose in Class C2 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 revoking and re-enacting that Order with or without modification), without the express written permission of the Local Planning Authority, upon formal application having been made.

Reason - Alternative uses permitted under the Town and Country Planning (Use Classes) Order 1987 would have an impact on residential amenity over and above that of a residential care home facility by reason of the likely increased intensity of use in this edge of village location in close proximity to residential development, therefore the condition is in accordance with Policy COM5 (iii) of the Tendring District Local Plan 2007, which requires the Local Planning Authority to withdraw permitted development rights where there is evidence to suggest that a change of use from that granted to another use within the same Use Class would be inappropriate.

- 13 The development shall not be occupied until such time as the car parking and turning areas, has been provided in accord with the details shown in Drawing Numbered 3345 / PA-12. 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 thereafter.

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

- 14 Prior to the occupation of the proposed development, the developer shall provide 2 number General Directions Order 2016 approved "SLOW" and "ROAD NARROWS" traffic signs to both sides of the access route where it narrows between both developments at appropriate distances from the pinch point.

Reason - To alert motorists of the hazard ahead in the interests of highway safety.

- 15 Prior to the first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Travel Plan including the initial commitments; and amended and supplemented under the provisions of a yearly report approved by the Local Planning Authority. The Travel Plan to include a commitment to provide a Travel Plan co-ordinator within the development offices to give advice to the employees of the development.

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport.

- 16 The foul and surface water drainage systems shall be constructed and maintained in full

accordance with the following details/plans;

- IT1508/HD/007 Rev E
- Intermodal Letter dated - 16th September 2019
- Micro Drainage Details for Supported Living Buildings - Summary of Results for 100 year Return Period (+40%)
- IT1508/HD/008
- IT1508/HD/006 Rev A
- Document Titled - Drainage Asset Maintenance Plan

The approved foul and surface water drainage schemes shall be implemented prior to first occupation of the building.

Reason - To prevent flooding by ensuring the satisfactory storage and disposal of surface/foul water from the site and to ensure the effective operation of SUDs features over the lifetime of the development.

- 17 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.

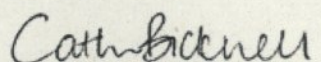
Reason - To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

- 18 Prior to any above ground works, an ecological mitigation and enhancement scheme in line with the recommendations set out within the Preliminary Ecological Appraisal undertaken by Richard Kilshaw ecological services, 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 preserve and enhance the biodiversity of the site in accordance with the recommendations and enhancements set out with the supporting reports.

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
 - 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
 - COM2 Community Safety
 - COM5 Residential Institutional Uses
 - COM21 Light Pollution
 - COM23 General Pollution
 - COM31A Sewerage and Sewage Disposal
 - EN1 Landscape Character
 - EN6 Biodiversity
 - EN6A Protected Species
 - EN6B Habitat Creation
 - EN13 Sustainable Drainage Systems
 - TR1A Development Affecting Highways
 - TR3A Provision for Walking
 - TR5 Provision for Cycling
 - TR6 Provision for Public Transport Use
 - 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
 - SP4 Providing for Employment & Retail
 - SP5 Infrastructure & Connectivity
 - SPL1 Managing Growth
 - SPL2 Settlement Development Boundaries
 - SPL3 Sustainable Design

- HP1 Improving Health and Wellbeing
- LP10 Care, Independent Assisted Living
- PPL1 Development and Flood Risk
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- CP1 Sustainable Transport and Accessibility
- CP3 Improving the Telecommunications Network

Local Planning Guidance

Essex Design Guide

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 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.

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.

Planning Obligation Informative

The applicant is reminded that this permission is linked to a planning obligation under Section 106 of the Town and Country Planning Act 1990.

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.