



## TENDRING DISTRICT COUNCIL

### Planning Services

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

<b>AGENT:</b>	Mr Johnson - Duncan Clark and Beckett Ltd. 12A Williams Walk Colchester CO1 1TS	<b>APPLICANT:</b>	Ms Zheng - Northeast Real Estate Development Ltd. 18 Great North Road Newcastle NE2 4PS
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### TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 19/01215/OUT      **DATE REGISTERED:** 13th August 2019

Proposed Development and Location of Land:

**Variation of condition 12 of application 12/01135/OUT to amend turning facilities.**

**White Hart House Harwich Road Wix Manningtree**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **DO HEREBY GRANT**  
**OUTLINE PLANNING PERMISSION** in accordance with the application form, supporting documents  
and plans submitted, subject to the following conditions:

- 1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan drawing number 101 Revision C and Noise Exposure Assessment Report 7754-NEA-01 submitted under planning application 12/01135/OUT and Drawing No. VC-100A submitted under planning application 19/01215/OUT.  
  
Reason - For the avoidance of doubt and in the interests of proper planning.
- 2 All new driveways 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 curtilage of 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.
- 3 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 works shall take place on the site outside of the following times: 0700 - 1900 Mondays to Fridays and 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 - In the interests of residential amenity for occupants of dwellings along Harwich Road.
- 4 The site levels should be as approved under planning application reference 16/00871/DETAIL and shall be implemented as approved unless the Local Planning Authority first gives written approval to any variation.

Reason - In the interests of visual amenity and privacy.

- 5 Prior to the occupation of the hereby approved development, the westernmost access shall be the sole means of ingress to the site and the access shall be provided in precise accordance with the details shown on drawing number 101 revision C submitted under planning application reference 12/01135/OUT and with appropriately worded signs to ensure the one way operation of the sites accesses within the site in accordance with a scheme to have been previously submitted to and approved in writing by the Local Planning Authority.

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

- 6 Prior to the occupation of the hereby approved development, the easternmost access shall be the sole means of egress to the site and the access shall be provided in precise accordance with the details shown on drawing number 101 revision C submitted under planning application reference 12/01135/OUT with appropriately worded signs to ensure the one way operation of the sites accesses within the site in accordance with a scheme to have been previously submitted to and approved in writing by the Local Planning Authority.

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

- 7 Prior to the first use of the site egress, a 1.5m x 1.5m pedestrian visibility splay shall be provided on the west side of the access relative to the highway boundary. There shall be no obstruction exceeding 600mm in height at all times maintained in perpetuity.

Reason - To ensure a reasonable degree of intervisibility, in the interests of highway safety.

- 8 Prior to the hereby approved accesses being brought into use, vehicular visibility splays of 50m by 2.4m by 50m, 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 exceeding a height of 600mm.

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.

- 9 Prior to occupation of the hereby approved development, the vehicular turning facilities shown on drawing number VC - 100A submitted under planning application reference 19/01215/OUT 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.

- 10 Prior to the occupation of the hereby approved development, the parking facilities shown on drawing number VC-100A submitted under planning application reference 19/01215/OUT shall have been provided, hard surfaced, sealed and marked out in parking bays. The car parking areas 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.

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

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

- 12 The bicycle storage should be as approved under planning application reference 16/00871/DETAIL and shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose.

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

- 13 The on-site parking facility for construction workers 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 as shown under planning application reference 16/00871/DETAIL and shall be maintained during the period of construction.

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

- 14 Details of a wheel and underbody cleaning facility within the site and adjacent to the egress onto the highway shall be as shown under planning application reference 16/00871/DETAIL and shall be maintained during the period of construction.

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

- 15 Prior to the occupation of any of the dwellings the unmarked bus stop outside the White Hart Public House shall be improved by the provision of level entry kerbing, new post and flag, any adjustments in levels, surfacing and any accommodation works to the footway and carriageway channel across the entire sites frontage, in a manner to have been previously agreed in writing with the Local Planning Authority.

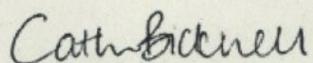
Reason - To make adequate provision for the additional bus passenger traffic generated as a result of the proposed development.

- 16 Prior to occupation the hereby approved dwellings shall be constructed in accordance with the glazing and trickle vent specification as detailed in the Noise Exposure Assessment Report 7754-NEA-01 as submitted under planning application reference 12/01135/OUT.

Reason - To achieve good internal noise levels for the hereby approved development which is located in close proximity to the A120.

DATED: 14th November 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

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN23 Development Within the Proximity of a Listed Building

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

COM6 Provision of Recreational Open Space for New Residential Development

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

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL4 Biodiversity and Geodiversity

PPL9 Listed Buildings

HP5 Open Space, Sports & Recreation Facilities

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

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 at <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](http://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.