



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT:	Mr Adam Beamish - Beamish Planing Consultancy Rosemary Cottage Back Lane Searby DN38 6BH	APPLICANT:	Mr Huw James - KEFCO Sales Ltd Kefco House Rochford Business Park Cherry Orchard Way Rochford SS14 1GP
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TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 19/01520/FUL

DATE REGISTERED: 11th October 2019

Proposed Development and Location of the Land:

Variation to conditions 2 (approved plans), 3 (approved landscape details) and 20 (acoustic fencing) to approve minor material amendments to the previously approved scheme in application 17/02136/FUL (allowed at appeal APP/P1560/W/18/3203537)

The Cottage Site Ipswich Road Colchester 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 commence prior to the 14th March 2022.

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: 0000/2011/B121 revision S, 0000/2011/B121 revision L (Site Plan with Sections), 0000/2011/B212 revision E, 0000/2016/B213 revision A, 0000/2011/B100 revision E, 0000/2011/B125 revision C, 0000/2011/B124 revision K, 2049 01 Rev: A, 2049 02, 80815/M/100 Rev D and 80815/M/101 Rev D.

Reason - In the interests of proper planning.
- 3 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details (Drawing No's: 2049 01 Rev: A, 2049 02 and 0000/2011/B125 revision C) 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 10 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 - To ensure the effective implementation of the landscaping scheme in the

interests of visual amenity.

- 4 The tree protection measures outlined on the 'Construction & Environmental Management Plan' (Revision A) approved under planning reference 19/01567/DISCON shall be adhered to at all times during the construction phase.
- Reason - To protect mature Oak Trees present on the site in the interests of visual amenity.
- 5 The development shall be constructed in full accordance with the details outlined within the Construction & Environmental Management Plan (Revision A - dated October 2019) as approved under planning reference 19/01567/DISCON.
- Reason - In the interests of highway safety and residential amenity.
- 6 Site clearance and works proposed to any trees or shrubs shall be conducted outside the main bird breeding season (which is March until September) or following a nesting bird check by a qualified ecologist.
- Reason - In the interests of biodiversity.
- 7 The use hereby permitted shall only take place between the hours of 0600 to 2300 daily.
- Reason - In the interests of residential amenity.
- 8 Deliveries shall be taken at or despatched from the site only during the hours of 0800 to 1900 daily.
- Reason - In the interests of residential amenity.
- 9 Prior to the first use of the development, the area within the site identified as a loading/servicing bay shall be provided clear of the highway and retained at all times for that sole purpose as approved in writing by the Local Planning Authority.
- Reason - In the interests of highway safety.
- 10 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays with a clear minimum distance of 6m between rows of spaces. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.
- Reason - In the interests of highway safety.
- 11 Each vehicular parking space shall have minimum dimensions of 2.5 metres x 5.0 metres.
- Reason - In the interests of highway safety.
- 12 Prior to the first occupation of the development, the proposed access routes within the site shall be constructed to a width of 6 metres and maintained as such thereafter.
- Reason - In the interests of highway safety.
- 13 No unbound material shall be used in the surface treatment of the vehicular access

within 20 metres of the highway boundary.

Reason - In the interests of highway safety.

- 14 Prior to occupation of the development the vehicular turning facilities, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason - In the interests of highway safety.

- 15 Prior to the commencement of the use, the CCTV (Close Circuit System) for external areas of the site shall be installed in accordance with the drawing titled 'KFC Ipswich Road, Colchester external CCTV arrangement' (dated 23/08/2019) and the details shown within the HIK Vision DS-2CD2345FWD-I 4 MP IR Fixed Turret Network Camera document, as approved under planning reference 19/01568/DISCON. The CCTV shall be retained as approved thereafter in full working order.

Reason - In the interests of residential amenity.

- 16 The proposed lighting scheme shall be installed in full accordance with the details approved under planning reference 19/01567/DISCON, these being;

- Dimensions of Proposed Lighting Spill Shields drawing
- Tubular Lighting Plans (BEI Lighting)
- External Lighting Document (dated 08.12.17)
- Specification Details for Wall Mounted LED Luminaire (Ref - KFC-W)
- Specification Details for Post Top LED Luminaire (Ref - KFC-13B)

The lighting scheme shall be retained as approved thereafter.

Reason - In the interests of biodiversity and residential amenity.

- 17 The development shall be carried out in compliance with drainage strategy 1569-3/GS/AJR dated 20th October 2017.

Reason - In the interests of amenity.

- 18 The development shall be carried out in accordance with the extraction equipment and noise attenuation as per approved drawings 80815/M/100 D and 80815/M/101 D and maintained in accordance with manufacturer's specifications Project Reference: 80524 dated 9th February 2017.

Reason - In the interests of residential amenity.

- 19 The food ordering system's volume level and noise level limit shall be set as outlined in Section 5 of the submitted 'Noise Assessment' (as prepared by Sharps Redmore dated 8th December 2017) and approved under planning reference 19/01568/DISCON. The noise levels shall be retained as approved thereafter.

Reason - In the interests of residential amenity.

- 20 Prior to the first use of the development, the acoustic fencing as shown on approved drawing 0000/2011/B124 revision K shall be erected and retained as such thereafter.

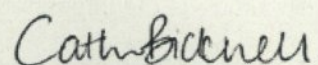
Reason - In the interests of residential amenity.

- 21 Prior to the first use of the development hereby approved, a vehicle entrance barrier shall be installed in full accordance with the details shown on drawing no. 0000/2011/8216 A as approved under planning reference 19/01568/DISCON. The vehicle entrance barrier shall be retained as approved thereafter.

Reason - In the interests of residential amenity.

DATED: 6th December 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
- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- ER2 Principal Business and Industrial Areas
- ER7 Business, Industrial and Warehouse Proposals
- ER16 Tourism and Leisure Uses
- ER32a Primary Shopping Area
- COM1 Access for All
- COM2 Community Safety
- COM20 Air Pollution/ Air Quality
- COM21 Light Pollution
- COM22 Noise Pollution
- COM23 General Pollution
- EN6A Protected Species

EN18B Advertisement Control

TR1A Development Affecting Highways

TR1 Transport Assessment

TR3A Provision for Walking

TR5 Provision for Cycling

TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PP1 New Retail Development

PP2 Retail Hierarchy

PP5 Town Centre Uses

PP6 Employment Sites

PPL1 Development and Flood Risk

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

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.

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.