



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT:	Mr Tim Buxbaum - Tim Buxbaum Architect Brook Cottage The Avenue Lower Ufford Woodbridge IP13 6DT	APPLICANT:	Mr Nick May 26 Kings Head Street Harwich Essex CO12 3EE
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TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 19/01240/FUL **DATE REGISTERED:** 19th August 2019

Proposed Development and Location of the Land:

**Internal alterations and modest external changes, and change of use of existing dwelling to small restaurant with rooms in conjunction with existing adjacent 'Alma' public house.
26 Kings Head Street Harwich Essex CO12 3EE**

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 accordance with the following approved plans and documents;

- Drawing No. 747/18/1A - Ground Floor Plan Proposed
- Drawing No. 747/18/2B - First Floor Plan Proposed
- Drawing No. 747/18/3B - Second Floor Plan Proposed
- Drawing No. 747/18/4 - Sections and Elevations
- Drawing No. 747/18/SY1A - Proposed Material Removal - Ground Floor - Scanned 19 August 2019
- Drawing No. 747/18/SY2A - Proposed Material Removal - First Floor - Scanned 19 August 2019
- Drawing No. 747/18/SY3A - Proposed Material Removal - Second Floor - Scanned 19 August 2019.
- Conservation Engineers Report scanned 24 September 2019.
- Archaeological Interpretative Survey of 24, 25 (The Alma), 26 Kings Head St, Harwich by David Martin FSA IHBC and Barbara Martin dated 2019
- Supplementary information to support the Design & Access Statement V4 dated 20th January 2020
- Flood Risk Assessment and Evacuation Plan scanned 11 October 2019

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

- 3 The use hereby permitted shall not operate outside the following times;

Monday to Thursday 10am - 12.30am;
Friday and Saturday 10am - 1.30am;
Sunday 12pm - 11.30pm.

Reason - To ensure the use of the site is appropriate to the locality and to safeguard the amenities of local residents.

- 4 The hereby approved development shall only be implemented in full accordance with the agreed Flood Risk & Evacuation Plan (scanned 11 October 2019). The Flood Warning Evacuation Plan shall remain in force for the duration of the occupation period and shall remain a live document and be updated where required.

Reason - The site is at risk from flooding and a detailed evacuation plan is essential to safeguard future occupiers of the development.

- 5 No development, demolition or conversion can commence until a Level 3 programme of historic building recording has been secured by the submission of a written scheme of investigation which has been approved by the planning authority.

Reason - To preserve the record of a listed building due to the works involved in the development.

- 6 Following completion of the historic building recording the applicant will submit to the local planning authority a report (to be submitted within six months of the completion of recording, unless otherwise agreed in advance with the Planning Authority).

Reason - To preserve the record of a listed building due to the works involved in the development.

DATED: 7th February 2020

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

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
- EN17 Conservation Areas
- EN22 Extensions or Alterations to a Listed Building
- ER7 Business, Industrial and Warehouse Proposals

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

- SPL3 Sustainable Design
- PPL1 Development and Flood Risk
- PPL8 Conservation Areas
- PPL9 Listed Buildings

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.

Highways

Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, shall be clear from the highway. No vehicles undertaking deliveries shall remain parked within the highway for longer than necessary and kept to a minimum for the duration of the refurbishment.

Informative 2: 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

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.