



# TENDRING DISTRICT COUNCIL

## Planning Services

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

**AGENT:** Mr Peter Le Grys - Stanfords  
The Livestock Market  
Wyncolls Road  
Colchester  
CO4 9HU

**APPLICANT:** Mr A Davidson and Ms R  
Thornton  
C/o Agent

### TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 20/00575/OUT

**DATE REGISTERED:** 6th May 2020

Proposed Development and Location of Land:

**Outline planning application for the development of a class C2 Residential Care Home (all matters reserved).  
The Haulage Depot Clacton Road Wix Essex**

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 Application for the approval of Reserved Matters must be submitted before the expiration of three years from the date of this permission.  
  
Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.  
  
Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 3 No development shall be commenced until plans and particulars of "the Reserved Matters" referred to in the above conditions relating to the Access, Appearance, Landscaping, Layout and Scale have been submitted to and agreed in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
  
Reason - The application as submitted does not provide sufficient particulars for consideration of these details.
- 4 Prior to the commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the local planning authority. The Construction Method Statement shall provide for:
  - safe access to/from the site;
  - the parking of vehicles of site operatives and visitors;
  - the loading and unloading of plant and materials;
  - the storage of plant and materials used in constructing the development;

- wheel washing facilities;
- measures to control the emission of dust and dirt during demolition and construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- details of hours of deliveries relating to the demolition and construction of the development;
- details of hours of site clearance or construction;
- a scheme to control noise and vibration during the demolition and construction phase, including details of any piling operations.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason - In the interests of residential amenity and highway safety.

- 5 No development shall take place until the ground conditions on the site have been subject to a detailed investigation to establish their suitability for the proposed end use. A historical investigation, sampling and analysis of current soils, site assessment and action plan to remedy any contamination must be agreed by the Local Planning Authority in writing and carried out prior to the commencement of any other works in relation to any development on the site. The Local Planning authority is to be consulted at all key stages in this investigation process.

Reason - To protect workers and end users of the site.

- 6 Prior to the occupation of the development, a detailed external lighting scheme including the intensity of illumination and predicted lighting contours shall be provided. The development shall be carried out in accordance with the approved details, provided prior to the occupation of the development and retained in this approved form unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure lighting is sensitively designed and minimises light spillage in the interests of residential amenities and biodiversity.

- 7 Prior to the commencement of any above ground works, a plan indicating the positions, design, materials and type of all boundary treatments to be erected shall be submitted. The approved boundary treatment shall be implemented before the occupation of the development and retained in this approved form unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of visual amenity and the character of the area.

- 8 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 within the site.

Reason - In the interests of sustainable development and to minimise the risk of surface water flooding.

- 9 Concurrently with the reserved matters application, an Arboricultural Method Statement (AMS) in accordance with BS5837: 2012 Trees in relation to design, demolition and construction: Recommendations shall be submitted to and approved in writing by the Local Planning Authority. The AMS shall show how the trees will be physically protected for the duration of the construction phase of the development. The development shall be carried out in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

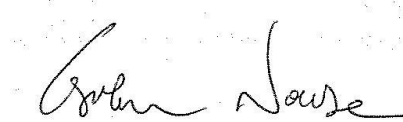
Reason - To ensure that the trees to be retained are protected in the interests of visual amenity and landscape character.

- 10 The development hereby approved shall be used solely for a Residential Care Home for the elderly and infirm and no other use within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or those permitted by the Town and County Planning (General Permitted Development (England) Order) 2015 (as amended).

Reason - To ensure that the Local Planning Authority retain control over potential alternative uses in the interests of the character of the area, residential amenities and the provisions of the Recreational Disturbance Avoidance Mitigation Strategy.

**DATED:** 8th July 2020

**SIGNED:**




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Graham Nourse  
Acting Assistant Director  
Planning Service

**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

COM5 Residential Institutional Uses

COM19 Contaminated Land

ER3 Protection of Employment Land

EN1 Landscape Character

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

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

SPL1 Managing Growth

SPL3 Sustainable Design

LP10 Care, Independent Assisted Living

CP1 Sustainable Transport and Accessibility

PP6 Employment Sites

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

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.

### Reserved Matters Application Informative

Should the level of accommodation and site layout suggested by the indicative plan and supporting statement accompanying this outline application be submitted as part of a reserved matters scheme, this may not be considered acceptable having regard to the reasons for the previously refused scheme under planning application reference 19/01831/OUT. However, the scale, layout, appearance, access and landscaping will of course be assessed in full at the time of the detailed application.

### Highways Informatives

1: There shall be no discharge of surface water onto the Highway.

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](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester

CO4 9YQ

3: 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.

4: Any reserved matters application must include the following;

- Vehicle access measuring no less than 5.5m in width.
- Appropriate vehicle visibility splays in accordance with current policy standards.
- Kerb radii measuring 6m.
- A 2-metre-wide footway either side of the site access and running along the entire site frontage and tying into the existing footway north of the proposed site access; including relocation/ replacement of electricity poles/ lighting, removal of redundant kerbing and replacement with upstand kerb and footway and any associated drainage works.
- 1x2m footway on the north side of the access road as shown in principal on drawing no. 1882-01B.
- Any other reasonable items to ensure the access is in accordance with current policy standards.

Note: Some of the items featured requires a Legal Agreement between the Applicant/ Developer and the Highway Authority using the powers in Section 278 of the Highways Act, 1980.

#### Environmental Protection Informatives

When preparing the demolition and construction statement (required by Condition 4 above), the following information should be used when preparing the statement:

Advisory Notes for the Control of Pollution during Construction & Demolition Works: The following information is intended as guidance for applicants/developers and construction firms. In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Environmental Protection recommends that the following guidelines are followed. Adherence to this advisory note will significantly reduce the likelihood of public complaint and potential enforcement action by the Environmental Protection Team.

#### Noise Control:

- 1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- 2) No vehicle connected with the works to arrive on site before 07:00 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 07.00 and 19:00 Monday to Friday, Saturday 08.00 to 13.00 with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.
- 4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

- 5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.
- 6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request for approval by Pollution and Environmental Control prior to the commencement of works.
- 7) The site manager name and contact number should be provided in writing to the pollution and environmental control team as soon as they have been appointed.

#### Emission Control:

- 1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
- 2) No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- 3) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

#### Dust Control:

- 1) Dust suppression methods to be employed during construction so as to minimise likelihood of nuisance being caused to neighbouring properties. A scheme of measures for the control and suppression of dust emissions shall be submitted.
- 2) Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Environmental Protection. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

#### Control of lighting:

- 1) No development shall take place until a scheme for the control of light pollution has been submitted to and approved in writing by the local planning authority. The scheme shall be devised by a competent person and fully comply with the Code of Practice for the Reduction of Light Pollution issued by the Institution of Lighting Engineers, the DETR document 'Lighting in the Countryside: Towards Good Practice' and all current official guidance. Such light pollution control measures as shall have been approved shall be installed prior to coming into beneficial use and thereafter be retained and maintained to the agreed specification and working order. Reason: To protect the amenity of and to minimise potential nuisance to nearby existing residents.

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) 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.