



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT: Miss Jessica Ferguson -
MRPP
21 Buckingham Street
London
WC2N 6EF

APPLICANT: Britton Developments Ltd
C/O Agent

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 20/00295/FUL

DATE REGISTERED: 24th February 2020

Proposed Development and Location of the Land:

Proposed erection of retail unit (a1) and employment units (b1(a)/b1(b)/b1(c)/b8), connecting road and associated car parking and landscaping.

**Land South West of Roundabout at Brook Retail Park Little Clacton Bypass
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 be carried out in accordance with the following approved plans and documents:

Site Location Plan - 10892/100D

Site Layout - 10892/200F

Plot 1 Elevations - 10892/401A

Plot 2 Elevations - 10892/402C

Plot 3 Elevations - 10892/403C

Plot 4 Elevations - 10892/404C

Plot 5 Elevations - 10892/405C

Plot 1 Floor Plan - 10892/406A

Plot 2 Floor Plans - 10892/407

Plot 3 Floor Plans - 10892/408

Plot 4 Floor Plans - 10892/409

Plot 5 Floor Plans - 10892/410

Fencing and lighting details - 10892/500B

Zaun Bow Top Urban fencing details

Flood Risk Assessment / Foul and Surface Water Drainage Strategy, K Welham Limited,
January 2020

Storm Sewer design information dated 01/05/2020

Drainage details provided on drawing number 10892/600A and 10892/601; email sent 26 May 2020 12:16; and Premier Tech Aqua Fuel and Oil Separator details.

Ecology Statement, Aspect, February 2020

Landscape & Visual Briefing Note, Aspect, February 2020

Transport Statement, Vectos, February 2020

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

- 3 Prior to commencement of any above ground works full details of the proposed facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason - In the interests of visual amenity.

- 4 Prior to commencement of development a pre-commencement walkover survey shall be carried out by a suitably qualified ecologist to confirm the continued absence of protected or notable fauna. Full details of the walkover survey shall be submitted to the Local Planning Authority for approval prior to commencement of development. This shall include details of any necessary mitigation should protected or notable fauna be found. Development shall be carried out in full accordance with the approved details.

Reason - In the interests of biodiversity and protected species.

- 5 Notwithstanding the submitted details, no above ground works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include hardsurfacing materials, any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 - Trees in relation to design, demolition and construction "

Reason - This is a publicly visible building where an appropriate landscaping scheme is a visually essential requirement. In accordance with Paragraph 5.2 of the Ecology Statement the new hedgerows shall be species-rich (more than 5 species per 30m) and comprise a range of fruit and nut bearing species to maximise biodiversity benefits.

- 6 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details 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 5 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 adequate maintenance of the approved landscaping scheme for a period of five years in the interests of the character of the surrounding area.

- 7 Notwithstanding the provisions of the Use Classes Order 2015 (as amended or re-enacted) no goods shall be sold from the Class A1 retail unit as shown on Plan 10982-200F other than: materials for maintaining and repairing the dwelling; furniture and furnishings; tiles, carpets and other floor coverings; household textiles; major household appliances; small electrical household appliances; small tools and miscellaneous accessories; major tools and equipment; garden plants and flowers; audio visual,

photographic and information processing equipment; motor and cycle goods; and pets, pet food and pet related products and services (including the provision of ancillary pet care and treatment services).

Reason - In the interests of protecting the vitality and viability of Clacton Town Centre.

- 8 A minimum of 1no. electric car charging points/parking spaces shall be provided in the parking area of the Class A1 retail unit as shown on Plan 10982-200F with infrastructure that would not prejudice the installation of further charging points in the future.

Reason - In the interests of encouraging more sustainable modes of travel.

- 9 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no provision of fences, walls or other enclosures except those shown on drawing number 10892/500B shall be erected except in accordance with drawings showing the design and siting of such enclosures which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

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

- 10 Prior to occupation of any of the hereby approved development a workplace travel plan shall have been submitted to and approved in writing by the Local Planning Authority. Such approved travel plan shall be actively implemented for a minimum period of 5 years.

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

- 11 Prior to occupation of any of the hereby approved development the internal road and footway layout shall be provided in accordance with Drawing Number 10892-200F.

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

- 12 Prior to commencement of any above ground works, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to occupation of the development.

Reason - To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

- 13 Prior to occupation of the hereby approved development a vehicular turning facility, of a design to have been previously approved in writing by the Local Planning Authority, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason - To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

- 14 Prior to the first use of the vehicular accesses to the development, a 2.4 m x 17 m cycle visibility splay, as measured from and along the highway boundary, shall be provided on

both sides of the vehicular access. Such visibility splays shall thereafter be retained free of any obstruction at all times and must not form part of the vehicular surface of the access.

Reason - To provide adequate inter-visibility between the users of the access and cyclists in the adjoining highway in the interest of highway safety.

- 15 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason - To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

- 16 The vehicle parking areas as shown on the approved plans shall have been hard surfaced, sealed and marked out in parking bays prior to occupation of the development. The vehicle parking areas and associated turning areas shall always be retained in this form. 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 - To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.

- 17 Prior to occupation of the development details of the appearance of the cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be secure, convenient, and covered. The Cycle / Powered Two-wheeler parking as shown in locations on drawing number 10892/200F shall be provided prior to occupation and retained thereafter at all times.

Reason - To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity.

- 18 No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities
- v. hours of construction
- vi. dust and noise suppression measures

Reason - To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety; and in the interests of amenity.

- 19 The applicant or any successor in title must maintain yearly logs of the surface water drainage 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.

- 20 No goods, materials or containers shall be stored, stacked or deposited on the site outside the buildings, nor shall any commercial/manufacturing activities or processes (except for the loading and unloading of vehicles) be carried on outside the buildings, unless otherwise agreed in writing with the Local Planning Authority.

Reason - To protect the character and appearance of the area in the interests of visual amenity and the amenity of residents in the locality.

DATED: 9th July 2020

SIGNED:



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

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

ER7 Business, Industrial and Warehouse Proposals

ER31 Town Centre Hierarchy and Uses

COM1 Access for All

COM2 Community Safety

COM21 Light Pollution

COM31 Water Supply

COM31A Sewerage and Sewage Disposal

COM29 Utilities

EN1 Landscape Character

EN2 Local Green Gaps

EN4 Protection of the Best and Most Versatile Agricultural Land

EN6 Biodiversity

EN6A Protected Species

EN6B Habitat Creation

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN13 Sustainable Drainage Systems

TR1A Development Affecting Highways

TR5 Provision for Cycling

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

SP6 Place Shaping Principles

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PP1 New Retail Development

PP2 Retail Hierarchy

PP4 Local Impact Threshold

PP7 Employment Allocations

PPL1 Development and Flood Risk

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

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.

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: Workplace Travel Plan monitoring fee.

Please note this planning permission does not include advertisement consent and a separate application for advertisement consent will be required.

Highways informatives

1: Prior to occupation, the development shall be served by a system of operational street lighting of design approved from the Highway Authority for the new roundabout, which shall thereafter be maintained in good repair.

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

4: 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.

SUDS informative

Filtration trenches and petrol interceptor should be added to the site wide maintenance plan.

Anglian Water informatives

-Used Water Network

The proposed discharge point is to a privately owned sewer, we are unable to agree a connection here, however we have assessed capacity in the downstream public foul sewer and this sewer at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. (1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (3) - Protection of existing assets

A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

- Building near to a public sewer

No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. (5) **INFORMATIVE:** The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

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.](https://www.gov.uk/planning-inspectorate)

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.