



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT:	Mr Brian Elstone - Brian Elstone Surveying Services Ltd 1 Herne Court Station Road Rustington BN16 3BQ	APPLICANT:	Mr S Nanthakumar - Tankerford Ltd Eashing BP Service Station Lower Eashing Godalming GU7 2QC
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TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 20/00742/FUL

DATE REGISTERED: 24th July 2020

Proposed Development and Location of the Land:

Proposed extension to the shop and cold storage, replacement of existing petrol and HGV fuel pumps, shop to have café services for parked vehicles, and new canopy.

Ardleigh Service Station Colchester Eastern Bypass Ardleigh Colchester

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: 1350-001, 1350-002, 1350-002 A, 1350-004 A, 1350-005, 1350-006 A, 1350-007, 1350-008, 1350-009 B, 1350-010 A, 1350-011 A, 1350-012 B, 1350-013, 1350-014, 1350-015, Wayne Helix Fueling Systems brochure, Environmental Report by Subadra, Design and Access Statement revised and issued 19/08/2020.

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

- 3 Prior to the installation of any new fuel filling pump unit a risk assessment and emergency plan shall be submitted to and approved in writing by the local planning authority. Details of the risk assessment and emergency plan shall include a process and procedure to address any petroleum or petroleum vapour leak. The installation of the fuel filling units shall be in accordance with the details as approved in writing by the Local Planning Authority.

Reason - In the interests of public safety and avoidance of pollution in accordance with Policy COM23 of the adopted Local Plan.

- 4 All waste arising from the ground clearance and the construction process shall be

recycled or removed from the site.

Reason - In the interest of visual amenity in accordance with Policies QL9 and EN1 of the adopted Local Plan.

- 5 No material produced as a result of ground clearance or the construction process shall be burned on site.

Reason - In the interest of avoidance of pollution in accordance with Policy COM23 of the adopted Local Plan.

- 6 All bulk carrying vehicles accessing and egressing the site for the purpose of implementing the development hereby permitted shall be suitably sheeted to prevent nuisance from dust in transit. All reasonable steps, including damping down, shall be taken to minimise dust and litter emissions from the site whilst works of construction and any demolition are in progress.

Reason - In the interest of avoidance of pollution in accordance with Policy COM23 of the adopted Local Plan.

DATED: 18th September 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

QL9 Design of New Development

ER27 Tourist Facilities in the A120 Corridor

EN1 Landscape Character

TR1A Development Affecting Highways

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

SPL3 Sustainable Design

PPL3 The Rural Landscape

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

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.

Environmental Informative

With regard to an Environmental Permit with Tendring District Council Environmental Team, it is advised to check the conditions of the permit (11/00153/EP) to ensure that they are still relevant to the new installation.

Condition 10 of the permit states:

10. If the operator proposes to make a change in operation of the installation, he must, at least 14 days before making the change, notify the regulator in writing. The notification must contain a description of the proposed change in operation. It is not necessary to make such a notification if an application to vary this permit has been made and the application contains a description of the proposed change. In this condition 'change in operation' means a change in the nature or functioning, or an extension, of the installation, which may have consequences for the environment.

Notification should be put in writing to:

Environmental Protection Team
88-90 Pier Avenue
Clacton on Sea
Essex
CO15 1TN
Environmental.service@tendringdc.gov.uk
01255 686767

Highways informative

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.