



# TENDRING DISTRICT COUNCIL

## Planning Services

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

**AGENT:** Mr Chris Harding - Jacobs  
2 Colmore Square  
38 Colmore Circus  
Queensway  
Birmingham  
West Midlands  
B4 6BN

**APPLICANT:** Mr Tom Stanley - Environment  
Agency  
Dragonfly House  
2 Gilders Way  
Norwich  
NR3 1UB

### TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 20/01704/FUL      **DATE REGISTERED:** 26th November 2020

Proposed Development and Location of the Land:

**The construction of two separate rock revetments to be installed on the seaward side of an existing sea wall in order to protect the toe from further erosion.**

**Seawick Sea Defences Beach Approach St Osyth 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. The proposed works shall take place between the months of September and March only.

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. In the interest of residential amenity.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Env0001264c-ch2-00-zz-c-dr-0009	Detailed plan	Received on	26 Nov 2020
Env0001264c-ch2-00-zzz-dr-c-0003	Section a		26 Nov 2020
Env0001264c-ch2-00-zzz-dr-c-0005	Sections b and c		26 Nov 2020
Env0001264c-ch2-00-zzz-dr-c-0001	Site plan		26 Nov 2020
Env0001264c-ch2-00-zzz-dr-c-0002	Site layout plan 1		26 Nov 2020
Env0001264c-ch2-00-zzz-dr-c-0004	Site layout plan 2		26 Nov 2020
Env0001264c-ch2-00-zzz-dr-c-0006	Works location plan		26 Nov 2020
Env0001264c-ch2-00-zzz-dr-c-0007	Block plan		26 Nov 2020
704171ch/001/001	Environmental features plan		26 Nov 2020
704171ch/001/001	Mitigation plan		26 Nov 2020

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

- 3 The public's rights and ease of passage over public footpath no.18 (St Osyth\_ 178) shall be maintained free and unobstructed at all times.

Reason - To ensure the continued safe passage of the public on the definitive right of way and accessibility.

- 4 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Mitigation Plan (Jacobs, March 2020), the Vegetation Surveys and Addendum (Environmental Agency, February 2020 and September 2019), the Ecological Site Survey (Jacobs, December 2018), the Habitats Regulation Assessment (Environment Agency, March 2020), the Reptile Mitigation Plan (Jacobs, March 2020), the Winter Bird Survey (Environment Agency, March 2019) and the Environmental Action Plan (Environment Agency, February 2020) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

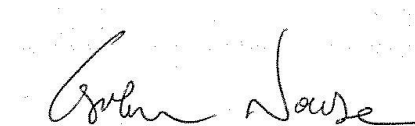
Reason - To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 5 All the mitigation and management measures and/or works shall be carried out in accordance with the details contained within the Traffic Management (Team Van Oord, September 2020), Noise Assessment (Jacobs, March 2020), Construction Phase Plan (Team Van Oord, Aug 2020) and Environmental Management Plan (Mackley, Sept 2020)

Reason - To ensure adequate residential amenity and highway safety levels are maintained.

**DATED:** 20th January 2021

**SIGNED:**




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Graham Nourse  
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

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

COM1 Access for All

COM7 Protection of Existing Recreational Open Space Including Children's Play Areas and Pitch and Non-Pitch Sports Facilities

COM32 Sea Defences

EN1 Landscape Character

EN3 Coastal Protection Belt

EN6 Biodiversity

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN11B Protection of National Sites SSSI's, National Nature Reserves, Nature Conservation Review Sites, Geological Conservation Review Sites

EN23 Development Within the Proximity of a Listed Building

TR1A Development Affecting Highways

TR3A Provision for Walking

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

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

PPL2 Coastal Protection Belt

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL9 Listed Buildings

CP1 Sustainable Transport and Accessibility

#### Informatives

1: Although a temporary footpath closure Order and temporary diversion of the existing definitive right of way (footpath no. 18, St Osyth\_178) is in place should there be a requirement to extend this beyond the 1 March 2021 the applicant will need to apply to the TTRO Team (details on Essex Highways website) for an extension to the temporary diversion of the PROW during works in good time (currently a 12-week lead-in time).

- 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: As per the previous planning application 20/00580/FUL a joint inspection of the route to be used by construction vehicles should be carried out by the applicant and the Highway Authority, once the works are completed and any damage to the highway resulting from traffic movements generated by the application site should be repaired to an acceptable standard and at no cost to the Highway Authority. The Highway Authority may also wish to secure a commuted sum for special maintenance to cover the damage caused to the existing roads used as access by vehicles servicing the application site.
4. Prior to these works taking place, Environmental Protection would require the submission of a section 61 application under the Control of pollution Act 1974 (especially for any works that are undertaken outside the standard working hours). This should be agreed with the Environmental Protection Team including any necessary steps that may be necessary to minimise the noise impact on residents in each area of the works. I would also advise that the Environmental Protection team are kept up to date with progress and timescales in order to handle any queries that may arise from those affected by the noise from the works.
5. This application should be read alongside the previous approval 20/00580/FUL that is nearing completion. The conditions relating to that planning permission also remain in force.
6. 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](mailto: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.