



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT: Mr Jonathan Bell - J Bell
Design and Conservation
Suite 9 Holly House Business
Centre
220-224 New London Road
Chelmsford
CM2 9AE

APPLICANT: Mr Robert Trott
43 Rainham Way
Frinton On Sea
Essex
CO13 9NR

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 20/01370/FUL

DATE REGISTERED: 30th September 2020

Proposed Development and Location of the Land:

**Proposed glazed link, home office and w/c.
43 Rainham Way Frinton On Sea Essex CO13 9NR**

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; Drawing No.
 - o 2020-402-011
 - o 2020-402-001

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

- 3 Prior to commencement of development further site specific safety requirements, engineering technical approval and detailed conditions shall be sought from Network Rails Route Asset Protection Engineer. The agreed details shall be submitted to and approved in writing by the Local Planning Authority before commencement of development and the development shall be carried out in accordance with the approved details.

DATED: 21st January 2021

SIGNED:

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

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

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

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

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.

Network Rail

It is recommended that the developer contacts Network Rail's Asset Protection and Optimisation (ASPRO) team via AssetProtectionAnglia@networkrail.co.uk before works commence on site.

- The developer/ contractor shall not construct any structures within 4 metres of the railway boundary fence, wall or existing railway infrastructure, depending on which is closer. If this clearance cannot be achieved, please consult Network Rail's Senior Asset Protection Engineer (SAPE) to agree a way forward.
- During the proposed works, there shall be no interference or obstruction of Network Rail facilities.
- Prior to construction or alterations to the site by the developer / contractor, further site specific safety requirements, engineering technical approval and detailed conditions will need to be sought from Network Rails Route Asset Protection Engineer, please contact AssetProtectionAnglia@networkrail.co.uk.

- The developer must contact the Anglia ASPRO team and agree to an Asset Protection Agreement (APA), signed by the developer prior to any works commencing on site.
- Drainage from the area of development must be directed away from Network Rail asset.
- Any cranes, scaffolding, or other plant used within the site are to be positioned and work such that in the event of failure, they will not move or fall within 4 metres of any Network Rail infrastructure or boundary fence, whichever is closer. Cranes are not to over sail Network Rail property.
- The developer should not import the risk of settlement on Network Rail assets. This is to be demonstrated to the Anglia ASPRO team before the construction via a design submission.
- The railway adjacent to the proposed extension is 25kV electrified. Design and construction methodologies should consider the danger of working within the zone of influence of 25kV Overhead Line during the pre and post construction periods.
- We do not encourage open windows on the railway elevation, this can lead to future residents being exposed to a rail track. This can lead to many situations occurring i.e. throwing objects on to our track and at train carriages including driver cabins.

Due to the proximity of the proposed to the railway, the following zones of influence must be considered:

- Electromagnetic interference - within 5.2m. Distance within which the effect on human health should be considered.
- Dewirement zone - within 5.2m. Distance within which the overhead cable could reach in the event of a failure.
- Electromagnetic compatibility - within 7m. Distance within which the effect of the building on the cable function needs to be considered in the design.

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.