



# TENDRING DISTRICT COUNCIL

## Planning Services

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

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| <b>AGENT:</b> | Rodney Sturdivant<br>Sturdivant Design Consultants<br>Ltd<br>Blackberry Cottage<br>Cranworth<br>Thetford<br>Norfolk<br>IP25 7SH | <b>APPLICANT:</b> | AJ Woods Engineering Ltd<br>SSAS<br>7 Stour Road<br>Harwich<br>Essex |
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### TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 19/01824/OUT

**DATE REGISTERED:** 2nd December 2019

Proposed Development and Location of Land:

**Residential development of up to 9 self-contained flats (all matters reserved).  
Former Anchor Hotel 7 Stour Road Harwich 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 Concurrently with the reserved matters application, a Construction Management Plan (CMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The 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 Management Plan shall be adhered to throughout the construction period for the development.

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

- 5 The reserved matters application shall be accompanied by a full site survey showing: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals and floor levels of adjoining buildings; Full details of the proposed ground levels and finished floor levels of all buildings. The development shall be carried out in accordance with the approved details.

Reason - To avoid the excessive raising or lowering of any building hereby permitted and the alterations of ground levels within the site, to ensure future occupants' safety in a flood event; prevent changes in levels which could adversely affect flood behaviour, or which could lead to a development which would appear out of character with its surrounding or result in unneighbourly development.

- 6 No development or preliminary ground-works can commence until a programme of archaeological evaluation has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the Local Planning Authority.
- i. Following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/or preservation in situ, shall be submitted to the Local Planning Authority.
  - ii. No development or preliminary groundwork can commence on those areas of the development site containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by the Local Planning Authority.
  - iii. Following completion of the archaeological fieldwork, the applicant will submit to the Local Planning Authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the local planning authority), which will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason - To enable full investigation and recording of this site of archaeological importance.

- 7 No development shall take place until details of a scheme of sustainable surface water drainage to serve the development has been submitted to and been approved in writing by the Local Planning Authority and the scheme shall be implemented in accordance with the details as approved and an accompanying programme. The submitted details shall include:

- a) details of the design storm period and intensity, the method to be employed to delay and control the surface water discharged from the site and the measures to be taken to prevent pollution of the receiving groundwater and/or surface waters;
- b) a timetable for implementation;
- c) management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker; and,
- d) any other arrangements necessary to secure the operation of the scheme throughout its existence.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- 8 Development shall not be commenced until an investigation and risk assessment, in addition to any assessment provided with the planning application, have been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be submitted to and approved in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- i. a survey of the extent, scale and nature of contamination;
- ii. an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- iii. an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 9 All soil and waste plumbing and service intakes shall be run internally and shall not be visible on the exterior.

Reason - To ensure the use of appropriate detailing of the building and to preserve and enhance views to / from the adjoining Conservation Area.

- 10 Prior to the commencement of development, confirmation shall be provided by a suitably qualified structural engineer that the structural integrity of the building has been designed to withstand the hydrostatic and hydrodynamic pressures of flood water. The written confirmation shall be submitted to and approved in writing by the Local Planning Authority. All construction activities shall be implemented in accordance with the approved details.

Reason - To ensure that building is designed to withstand flood events in order that residents can shelter safely within the building.

- 11 The development shall be constructed with a minimum finished first floor level of 5.66m AOD.

Reason - To ensure the appropriate protection to the development and /or occupants in the interests of flood safety.

- 12 Prior to the occupation of any part of the proposed development a Flood Evacuation Plan shall be submitted to and approved in writing with the Local Planning Authority. The plan shall set out how it will be made available to all future occupants of the development hereby approved.

Reason - To ensure the appropriate protection to the future occupants of the development.

- 13 The reserved matters applications shall be accompanied by details of the number, location and design of a covered parking facility for powered two wheelers and bicycles. The storage facilities shall be provided as approved prior to the first occupation of the units to which they relate and shall be retained in the approved form thereafter.

Reason - To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity and that the storage is provided in an appropriate manner within the site.

- 14 The reserved matters applications shall be accompanied by full details of the location and design of the refuse and recycling facilities and of accompanying arrangements for access/servicing. The refuse facilities shall be provided as approved prior to the first occupation of the units within the development to which those facilities relate and shall be retained in the approved form thereafter.

Reason - To ensure that the development provides suitable facilities, to prevent the unsightly storage of refuse containers and in the interests of amenity.

- 15 The reserved matters applications shall be accompanied by full details of all gates / fences / walls or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include position, design, height and materials of the enclosures. The enclosures as approved shall be provided prior to the occupation of the development hereby approved and shall be permanently maintained as such.

Reason - To ensure that the development provides suitable means of enclosure with regards to visual amenity, given that the shape of the site and the dual frontage and given the proximity of the scheme to a Conservation Area.

- 16 No doors or windows shall open over the highway or proposed highway, maintainable at public expense.

Reason - To ensure the unimpeded passage of pedestrians and cyclists, in the interests of highway safety.

- 17 No balconies or rainwater harvesting equipment shall be located over sailing or into the highway or proposed highway, maintainable at public expense.

Reason - To ensure the unimpeded passage of pedestrians and cyclists, in the interests of highway safety.

- 18 The landscaping scheme required by Condition 3 of this permission shall incorporate a detailed specification of hard and soft landscaping works. This shall include plant/tree types

and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying, refuse storage, signs and lighting.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the Local Planning Authority.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development unless otherwise previously agreed in writing by the Local Planning Authority.

All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the buildings or upon the completion of the development whichever is the earlier.

Any trees or plants which die, are removed, or become seriously damaged or diseased within a period of 5 years from the completion of the development, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason - To enhance the appearance of the development and in the interests of amenity and privacy.

- 19 Prior to the first occupation of the proposed dwellings, the proposed vehicular access shall be constructed to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason - To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety.

- 20 No unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.

Reason - To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 21 Prior to the proposed access on the proposed development being brought into use, a 1.5m. x 1.5m. pedestrian visibility splay, relative to the highway boundary, shall be provided on both sides of that access and shall be retained and maintained free from obstruction clear to ground thereafter. These splays must not form part of the vehicular surface of the access.

Reason - To ensure adequate inter-visibility between drivers of vehicles using the proposed access and pedestrians in the adjoining highway, in the interests of highway safety.

- 22 The existing access or any part of an access (dropped kerb) rendered redundant or unnecessary by this development shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new accesses are brought into use.

Reason - To ensure the removal of and to preclude the creation of un-necessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety.

- 23 Prior to occupation of the proposed development, a vehicular turning facility for motor cars of a design which shall be approved in writing by the Local Planning Authority, shall be provided

within the site which shall be maintained free from obstruction and retained thereafter.

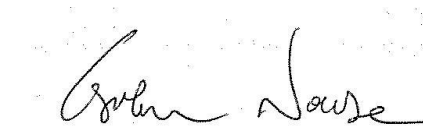
Reason - To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety.

- 24 All off street car parking shall be in precise accord with the details contained within the current Parking Standards being provided within the site which shall be maintained free from obstruction and retained thereafter.

Reason - To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

**DATED:** 5th March 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

QL1 Spatial Strategy

QL3 Minimising and Managing Flood Risk

QL6 Urban Regeneration Areas

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

QL12 Planning Obligations

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

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

EN6 Biodiversity

EN17 Conservation Areas

COM1 Access for All

COM2 Community Safety

COM6 Provision of Recreational Open Space for New Residential Development

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL14 Safeguarding of Civil Technical Site, North East Of Little Clacton/South of Thorpe-Le-Soken

PPL1 Development and Flood Risk

PPL5 Water Conservation, Drainage and Sewerage

PPL8 Conservation Areas

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

## Conservation Area Character Appraisals

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

### Legal Agreement Informative - Open Space/Play Space Contribution

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: Public Open Space financial contribution in accordance with Policy COM6 of the adopted Tendring District Local Plan (2007) and Policy HP5 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

### Legal Agreement Informative - Recreational Impact Mitigation

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: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

### Archaeology Informative

In discharging the archaeology condition above, the applicant is advised that a professional team of archaeologists should undertake the archaeological work at the applicant's expense. A brief outlining the level of archaeological investigation can be issued from the local planning authority's historic environment consultants on request.

### Highways Informatives

1. On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers and any neighbouring areas affected by it, must be left in a fully functional repaired / renovated state to a standard accepted by the appropriate statutory authority.
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.

#### Secured by Design Informative

Essex Police would like to see this developer seek to achieve a Secured by Design award in respect of this development. Essex Police, provide a free, impartial advice service to any applicant who request this service; we are able to support the applicant to achieve the requirements to gain the nationally acknowledged Secured by Design accreditation and would invite the them to contact Essex Police via [designingoutcrime@essex.police.uk](mailto:designingoutcrime@essex.police.uk).

#### Emergency Planning Informative

In discharging condition no.19 the applicant's attention is drawn to the comments of the Council's Emergency Planner, which can be viewed under this application reference number on the Council's website.

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.