



TENDRING DISTRICT COUNCIL

Planning Services

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AGENT: Mr Ben Wills - Vision Design & Planning Consultants
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APPLICANT: Mr David Barrett
Maltings Lodge
Malting Lane
Kirby Le Soken
Frinton On Sea
Essex
CO13 0EH

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 21/00348/FUL **DATE REGISTERED:** 9th March 2021

Proposed Development and Location of the Land:

**Proposed erection of two detached dwellings (variation of approved planning permission 19/00026/FUL to allow 2 identical plots and the re-siting of Plot 2).
Maltings Lodge Malting Lane Kirby Le Soken Frinton On Sea**

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 plan:

20-098-PL-01B	Proposed Block Plan
20-098-PL-02B	Proposed Floor Plan, Elevations and Roof Plans (Plots 1 and 2)
20-098-PL-03A	Street Scene and Sections

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

- 3 The development hereby approved shall be carried out in strict accordance with the Arboricultural Impact Assessment P1760-AIA01 V1 dated 19/02/2021, Arboricultural Method Statement P1760-AMS01 V1 dated 19/02/2021 and Drawing Number P1760-ASP02 Arboricultural Site Plan (Proposed) V1.

Reason - To ensure that the trees to be retained are protected in the interests of visual amenity and landscape character.

- 4 Prior to occupation of the dwellings hereby approved, the parking, garages and turning

area shown on the approved drawings shall be constructed, surfaced and maintained free from obstruction at all times for that sole purpose.

Reason - To ensure adequate parking and turning is provided and retained for the development, in the interests of highway safety.

- 5 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, C and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additions or alterations to Plot 2 or its roof, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions and/or building(s) which shall previously have been submitted to and approved, in writing, by the local planning authority.

Reason - In the interests of residential amenities.

- 6 In order to minimise potential nuisance caused by demolition/construction works:
- No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.

- No materials produced as a result of the site development or clearance shall be burned on site.

Reason - Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

- 7 All new parking areas and areas of hardstanding shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area within the site.

Reason - In the interests of sustainable development and to minimise the risk of surface water flooding.

- 8 No above ground works shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of visual amenity as insufficient information has been provided within the application.

- 9 The removal of all vegetation shall only be carried out outside of the bird nesting season (March to August inclusive).

Reason - To ensure the protection of birds potentially nesting on site.

- 10 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 all boundary treatments and 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 - To ensure that the development is appropriate within its setting.

- 11 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 area.

- 12 The single garages should have a minimum internal measurement of 7m x 3m.

Reason - For the avoidance of doubt and to encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety.

- 13 The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

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

- 14 Given the proximity of the site to a registered waste transfer site and potential historical use of nearby land, a Watching Brief shall be undertaken throughout the construction phases of the development hereby approved. In the event of unexpected ground conditions being encountered at any time during construction, all site works at the position of the suspected contamination shall stop and the Local Planning Authority and Environmental Health Department notified. The following minimum requirements for dealing with unexpected ground conditions being encountered during construction shall be adhered to throughout and evidence of each stage reported in writing to the Local Planning Authority and Environmental Health Department for approval.

1. A suitably trained geo-environmental engineer should assess the visual and olfactory observations of the ground and the extent of contamination and the Client and the Local Authority should be informed of the discovery.
2. The suspected contaminated material will be investigated and tested appropriately in accordance with assessed risks. The investigation works will be carried out in the presence of a suitably qualified geo-environmental engineer. The investigation works will involve the collection of solid samples for testing and, using visual and olfactory observations of the ground, delineate the area over which contaminated materials are present.
3. The unexpected contaminated material will either be left in situ or be stockpiled (except if suspected to be asbestos) whilst testing is carried out and suitable assessments completed to determine whether the material can be re-used on site or

requires disposal as appropriate.

4. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.
5. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.
6. Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.
7. Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared surface of clay, or on 2000-gauge Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.
8. Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.
9. A photographic record will be made of relevant observations.
10. The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions. After consultation with the Local Authority, materials should either be: -re-used in areas where test results indicate that it meets compliance targets so it can be re-used without treatment; or - treatment of material on site to meet compliance targets so it can be re-used; or -removal from site to a suitably licensed landfill or permitted treatment facility.
11. A Verification Report will be produced for the work.

Reason - To protect the health of site workers and end users given the proposal and the development sites proximity to an area of potential contamination within 250m and an unknown infill approximately 50m northwest of the proposed site.

DATED: 8th July 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:

National Planning Policy Framework 2019

National Planning Practice Guidance

Adopted Tendring District Local Plan (2007) (part superseded)

QL11 Environmental Impacts and Compatibility of Uses (superseded in part)

QL12 Planning Obligations

HG3 Residential Development within Defined Settlements

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9	Private Amenity Space
HG14	Side Isolation
EN3	Coastal Protection Belt
EN6	Biodiversity
EN6a	Protected Species
EN11A	Protection of International Sites European Sites and RAMSAR Sites
EN13	Backland Residential Development
EN17	Conservation Areas
COM6	Provision of Recreational Open Space for New Residential Development
COM19	Contaminated Land
COM31a	Sewerage and Sewerage Disposal
EN23	Development Within the Proximity of a Listed Building
TR1A	Development Affecting Highways
TR7	Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)

Relevant Section 1 Policies (adopted)

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP7	Place Shaping Principles

Relevant Section 2 Policies (emerging)

SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
HP5	Open Space, Sports and Recreational Facilities
LP4	Housing Layout

LP8	Backland Residential Development
PPL2	Coastal Protection Belt
PPL4	Biodiversity and Geodiversity
PPL5	Water Conservation, Drainage and Sewerage
PPL8	Conservation Areas
PPL9	Listed Buildings
CP1	Sustainable Transport and Accessibility

Local Planning Guidance

Essex Design Guide

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.

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.

Highways Informatives

Informative 1:

Under Building Regulations B5, access for fire tenders is required to a point not further than 45 metres from the entrance to the dwelling. Any road or private drive forming part of such a fire access must be no less than 3.7 metres wide between kerbs (this may be reduced to 3.1 metres for a gateway or similar short narrowing) and should have a minimum centre line bend radius of 6.55 metres. The access way should be capable of carrying a 12.5 tonne vehicle. A cul-de-sac which is more than 20 metres long must have a turning head of a least Size 3.

Informative 2:

Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway

Informative 3:

Any work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

Informative 4:

Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the carriageway to ensure that appropriate loading / unloading facilities are available to ensure that the carriageway is not obstructed during the construction period in the interest of highway safety.

Informative 5:

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.

Building Control Informative

Access for firefighting appliance required.

Sewer Connection Informative - Environment Agency

There is a public foul sewer operated by Anglian Water within approximately 45metres of the site boundary. It appears from the planning documents that the proposed properties will be built towards the western boundary of the Maltings Lodge site, adjacent to the existing properties along Maltings Road and close to the this sewer. Looking at the location of the existing properties and where the public foul sewer runs, there may well also be other private and potentially newly adopted/now public sewers nearby too.

As the proposal is for 2 dwellings, the Environment Agency would expect connection to a public or private foul sewer if one is available within 60 metres, which appears to be the case, unless reasonable justification is given as to why that would not be feasible.

Regard must be had to the drainage hierarchy in Building Regulations Approved Document H which can be found at:

<https://www.gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h>

There appears to be some sort of ditch or watercourse to the northern boundary of Maltings Lodge. This may actually be a similar distance from the proposed dwellings as the public foul sewer. Connection to the public foul sewer is a far more sustainable and probably more cost effective solution in the long term if possible.

Please note that Maltings Lodge has an environmental permit for a discharge of 1.2M3/d of sewage effluent from a private treatment plant, but it is an existing single dwelling and further from the foul sewer than the proposed dwellings (and the treatment plant is further from other residential properties). The Environment Agency is very unlikely to support a proliferation of small private treatment works in a built up sewered area, if avoidable.

Environmental Protection Informative

Any lighting of the development shall be located, designed and directed or screened so that it does not cause avoidable intrusion to adjacent residential properties/cause unnecessary light pollution outside the site boundary. "Avoidable intrusion" means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Engineers in order to protect the amenity of nearby residential dwellings.

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.