



# TENDRING DISTRICT COUNCIL

## Planning Services

Town Hall, Station Road, Clacton-on-Sea, Essex CO15 1SE

<b>AGENT:</b>	Christine Fallon - Funding Affordable Homes 20 Cheltenham Avenue Liverpool United Kingdom L17 2AR	<b>APPLICANT:</b>	Paul Munday - Funding Affordable Homes 18 Saville Row London United Kingdom W1S 3PW
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### TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 21/01487/VOC      **DATE REGISTERED:** 19th August 2021

Proposed Development and Location of the Land:

**Variation to condition 18 of permission 14/01303/FUL, so that the extra care apartments are hereby permitted to be occupied by persons of 45 years of age or older who are in need of care and assistance (as defined in the Town and Country Planning (Use Classes) Order 1987 as amended).  
Land Site of Former Martello Caravan Park Kirby Road Walton On The Naze 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 carried out in accordance with the following approved plan:

Location Plan Drawing No. 2630/00-001 A (as submitted and approved under 14/01303/FUL)

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

- 2 Other than the staff room/office and any guest room, the extra care apartments hereby permitted shall be occupied by persons of 45 years of age or older (and by their partners sharing accommodation or surviving partners and the learning disability/assisted care living unit shall be occupied by persons that are in need of care or assistance (as defined in the Town and Country Planning (Use Classes) Order 1987 as amended). The development shall not be occupied for any other purpose including any other purpose in C3 or C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that Class in any Statutory instrument revoking and re-enacting that Order with or without modification), including as a secure hospital or secure care facility, without express permission of the Local Planning Authority.

Reason - An unfettered residential (Class C3 use) or a secure hospital or care facility (Class C2a use) would have an impact on residential amenity over and above that of an extra care facility or as a learning disability/assisted care living unit by reason of the additional security means required and the levels of amenity space and parking areas would be substandard for a C3 residential use.

**DATED:** 1st February 2022

**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 July 2021

National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development

SP3 Spatial Strategy for North Essex

SP4 Meeting Housing Needs

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP1 Improving Health and Wellbeing

LP1 Housing Supply

LP2 Housing Choice

LP10 Care, Independent Assisted Living

CP1 Sustainable Transport and Accessibility

Supplementary Planning Documents

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.

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.