



**AGENT:** Ms C Richmond - Duncan  
Clark and Beckett Ltd  
12A William's Walk  
Colchester  
United Kingdom  
CO1 1TS

**APPLICANT:** Ms M White  
56 Silcott Street  
Brightlingsea  
CO7 0PH

### TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 21/01864/FUL

**DATE REGISTERED:** 5th November 2021

Proposed Development and Location of the Land:

**Proposed change of use from Use Class F1 f) - Place of worship to Use Class C3 - Residential, including alterations to the building.  
Brightlingsea New Church Queen Street Brightlingsea 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 COMPLIANCE: COMMENCEMENT TIME LIMIT**

**CONDITION:** 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 COMPLIANCE: APPROVED PLANS & DOCUMENTS**

**CONDITION:** The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents).

- 3562-PA-LOC Location Plan
- PA-05-A Site Plans Existing & Proposed
- PA-10-B Proposed Floor Plans General Arrangement
- PA-11-B Church Plans and Sections Proposed
- PA-12-B Proposed Church Long Sections
- PA-13-C Proposed Church Short Sections CC & DD

- PA-14 North Elevation Proposed
- PA-20-A Proposed Church Hall Floor Plans & Elevations
- PA-30-A Historic Fabric Diagram
- PA-32-A Diagrammatic MVHR Layout

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission.

A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

3 FURTHER APPROVAL: HERITAGE RECORD

CONDITION: No physical alterations to the building shall take place until the applicant or developer has secured the implementation of a programme of historic building recording and associated analysis work in accordance with a written scheme of investigation which have been first submitted to and approved, in writing, by the Local Planning Authority.

The applicant or developer shall submit the local planning authority an approved historic building report (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Local Planning Authority).

REASON: To allow proper investigation and recording of the building/s of potential archaeological and historic significance. This condition is required to be agreed prior to the commencement of works to the building to ensure matters of archaeological importance are preserved and secured early to ensure avoidance of damage or loss due to the development and/or its construction. If agreement was sought at any later stage there is an unacceptable risk of loss or damage to archaeological and historic assets.

NOTE/S FOR CONDITION:

This condition engages prior to any works/development taking place that affects the building/s the subject of this decision.

#### 4 FURTHER APPROVAL: CONSTRUCTION MANAGEMENT TO BE AGREED

CONDITION: Prior to the commencement of any physical alterations to the building, details of the construction methodology, layout plan and timetable shall be submitted to and approved, in writing, by the Local Planning Authority. This shall incorporate the following information:-

- a) Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.
- b) Details of the loading/unloading/storage of construction materials on site, including details of their siting and maximum storage height.
- c) Details of how construction and worker traffic and parking shall be managed. This shall include routing of all traffic and any directional signs to be installed and where.
- d) Details of any protection measures for footpaths and trees surrounding the site.
- e) Details of any means of access to the site during construction.
- f) Details of the scheduled timing/phasing of development for the overall construction period.
- g) Details of measures to control the emission of dust and dirt during construction and including details of any wheel washing to be undertaken, management and location it is intended to take place.
- h) Details of the siting of any on site compounds and portaloos.
- i) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition.
- j) Site waste management plan (that shall include reuse and recycling of materials).
- k) Scheme for sustainable construction management to ensure effective water and energy use.
- l) Scheme of review of complaints from neighbours.
- m) Registration and details of a Considerate Constructors Scheme.
- n) Details on the provision, location and management of any show home/s or reception, including opening times, parking and advertisements (including flags and directional signs for the development and details of times for removal when not required).

The said methodology as may be approved shall be implemented in its entirety and shall operate as may be approved at all times during construction.

REASON: To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm on amenity.

REASON: To minimise detriment to nearby residential and general amenity by ensuring that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety. This condition is required to be agreed prior to the commencement of any works as suitable details need to be agreed before works commence and materials start being delivered to the site.

#### 5 FURTHER APPROVAL: PHOTOVOLTAIC PANELS

CONDITION: Prior to installation of any photovoltaic panels, additional section and elevation plans at appropriate scales showing the details of any proposed new

photovoltaic panels, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved details.

REASON: To ensure the proposed works do not prejudice the architectural or historic merits of the listed building and to ensure that the choice of materials will harmonise with the character of the surrounding development.

6 FURTHER APPROVAL: ELECTRIC VEHICLE CHARGING

CONDITION: Prior to installation of any electric vehicle charging facilities, details of electric vehicle charging facilities for the new dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be installed in a working order prior to first occupation of the converted church building and retained in working order thereafter.

REASON: In order to promote more sustainable forms of transport.

7 FURTHER APPROVAL: HARD AND SOFT LANDSCAPING SCHEME

CONDITION: Prior to the commencement of any physical alterations to the building, a scheme of hard and soft landscaping shall be submitted to and approved, in writing, by the local Planning Authority. The scheme shall include any proposed changes in ground levels, 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: In the interests of visual amenity and to enhance the character and appearance of the conservation area and the setting of the listed building.

NOTE FOR CONDITION: As part of the soft landscaping scheme required the established hedgerows on the south western and south eastern boundaries of the application site shall be retained (except for achieving the development access) and individual specimen trees should be planted in the grassed areas in the front garden of each new dwelling.

8 COMPLIANCE: IMPLEMENTATION OF LANDSCAPING SCHEME

CONDITION: All changes in ground levels, soft/hard landscaping shown on the approved landscaping details shall be carried out in full 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 approved, in writing, by the local planning authority up to the first use/first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted, or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and same species unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the approved landscaping scheme has sufficient time to establish, In the interests of visual amenity and to enhance the character and appearance of the conservation area and the setting of the listed building.

9 ONGOING REQUIREMENT: HIGHWAYS RETENTION OF PARKING SPACES

CONDITION: The tandem vehicular parking space shown on the approved plans shall be retained as parking spaces for vehicles only and have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.

REASON: In the interests of highway safety and to ensure adequate parking provision within the site is provided and maintained.

10 APPROVAL REQUIRED: DETAILS OF SCREEN WALLS AND FENCES

CONDITION: Prior to the first occupation of the converted church building, details of the provision, siting, design and materials of all screen walls and fences shall be submitted to and approved, in writing, by the Local Planning Authority, which include a new brick boundary wall on the southern boundary between the site and the Royal Mail Delivery Office. The screen walls and fences as may be approved shall be erected prior to the converted church building being first occupied and thereafter be retained in the approved form.

REASON: In the interests of residential and visual amenity and to preserve and enhance the character and appearance of the conservation area and the setting of the listed building.

11 FURTHER APPROVAL: REFUSE BINS AND COLLECTION AREAS

CONDITION: Prior to the first occupation of the converted church building, details of the storage for refuse/recycling bins and any collection areas shall be submitted to and approved, in writing, by the Local Planning Authority. The approved areas shall be provided prior to first occupation and thereafter retained as approved.

REASON: In the interest of highway safety to ensure that refuse/recycling bins do not cause any obstruction or danger on the highway, and in the interests of an attractive well-designed development that is not detrimental to visual amenity, the character and appearance of the conservation area or the setting of the listed building, as insufficient information has been provided with the application.

12 FURTHER APPROVAL: CYCLE PARKING

CONDITION: Prior to the first occupation of the converted church building, details of the parking facility for bicycles shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be provided prior to occupation and retained at all times for that purpose.

REASON: To ensure appropriate cycle parking is provided in the interests of highway safety and residential amenity, and the character and appearance of the conservation area and the setting of the listed building, as insufficient information has been provided with the application.

**DATED:** 15th September 2023

**SIGNED:**




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John Pateman-Gee  
Head of Planning and Building Control

**NATIONAL & LOCAL PLAN POLICIES AND GUIDANCE RELEVANT TO THIS DECISION:**

National:

National Planning Policy Framework July 2023 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

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

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

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

HP2 Community Facilities

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL7 Archaeology

PPL8 Conservation Areas

PPL9 Listed Buildings

PPL10 Renewable Energy Generation

CP1 Sustainable Transport and Accessibility

DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents

Essex Design Guide

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

### **INFORMATIVES:**

#### 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 Applicant, 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.

#### Highways Informatives

1: 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)

2: 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.

#### Historic Building Record

A professional historic building specialist should undertake any fieldwork. A brief detailing the requirements can be produced from this office. The District Council should inform the applicant of the recommendation and its financial implications.

#### Planning Permission Required for Outbuildings

Please note, should new or replacement outbuildings be required to provide the cycle parking and bin storage, an application for planning permission will be required due to the siting of any proposed new building within the curtilage of a listed building.

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.