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### TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 24/01004/VOC

**DATE REGISTERED:** 8th July 2024

Proposed Development and Location of the Land:

**Application under Section 73 of the Town and Country Planning Act for Variation of Conditions 2 (Approved Drawings) of application 19/01598/FUL to enable/allow for changes to be made to the boundary between plot 13 and plot 14, as well as changes to the parking arrangements on plot 13, and the erection of a detached garage.**

**Crossways Garden Centre Thorpe Road Little Clacton Clacton 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 **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). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

19/01598/FUL

0493\_A\_DD\_001  
0493\_A\_DD\_010/D  
0493\_A\_DD\_013\_A  
0493\_A\_DD\_017\_B  
0493\_A\_DD\_018\_B  
0493\_A\_DD\_019\_A  
0493\_A\_DD\_020\_A  
0493\_A\_DD\_021\_B  
0493\_A\_DD\_023\_C

24/00123/VOC

0493\_a\_dd\_014\_b Plots 3, 4, and 5 – house type a elevations – rec'd 25/01/24  
 0493\_a\_dd\_015\_c Plots 6-10 and 16-21 – house type b floor plans – rec'd 25/01/24  
 0493\_a\_dd\_016\_c Plots 6-10 and 16-21 – house type b elevations – rec'd 25/01/24  
 0493\_a\_dd\_012\_b Plots 1 and 2 – house type a elevations – rec'd 25/01/24  
 0493\_a\_dd\_011\_b Plots 1 and 2 – house type a floor plans – rec'd 25/01/24

24/01004/VOC

2204-440/02 - Site Layout Plan (eastern section of site only)  
 2204-440/03 Rev B - Floor Plans and Elevations Proposed Garage - Plot 13

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

- 2 CONDITION: The development shall be carried out in accordance with the materials and details as approved under conditional discharge approval reference 22/00754/DISCON.

REASON: To ensure that materials of an acceptable quality appropriate to the area.

- 3 CONDITION: All measures and requirements as set out in the Construction Method Statement as approved under reference 22/00754/DISCON shall be adhered to throughout the construction period for the development.

REASON: In the interests of residential amenity.

- 4 CONDITION: The development shall be carried out in accordance with the drawings and details approved under condition 5 of conditional approval reference 22/00754/DISCON.

REASON: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

- 5 CONDITION: No occupation of the development shall take place until a priority junction off Thorpe Road to provide access to the proposal site has been completed. The junction shall include but not be limited to a 6.0-metre wide carriageway, 2no. 6 metre kerbed radii and a 2.4 x 180 metre visibility splay southbound and 2.4 x 205 metre visibility splay northbound.

REASON: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible.

- 6 CONDITION: The development shall be carried out in accordance with the drawings and details approved under condition 7 of conditional approval reference 22/00754/DISCON.

REASON: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety.

- 7 CONDITION: Prior to first occupation of the development each vehicular access shall be constructed at right angles to the highway boundary and to the carriageway. The width of

the access at its junction with the highway shall not be more than 3.6 metres (equivalent of 4 low kerbs) for an individual access, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

- 8 CONDITION: The boundary planting as approved under condition 13 of conditional approval 22/00754/DISCON shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

REASON: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

- 9 CONDITION: No dwelling shall be occupied until such time as the vehicle parking area indicated on the approved plans, for that dwelling, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

CONDITION: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.

- 10 CONDITION: Prior to occupation of the development hereby approved, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, (to include six one day travel vouchers for use with the relevant local public transport operator free of charge).

REASON: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

- 11 CONDITION: The development shall be carried out in accordance with the landscaping drawings and details approved under condition 13 of conditional approval reference 22/00754/DISCON.

REASON: In the interests of visual amenity and the character of the area.

- 12 CONDITION: 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: In the interests of visual amenity and the character of the area.

- 13 CONDITION: The development shall be carried out in accordance with the boundary treatment drawings and details approved under condition 15 of conditional approval reference 22/00754/DISCON.

REASON: To protect the amenities and privacy of occupiers and in the interest of visual amenity.

- 14 CONDITION: All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Extended Phase 1, Bat Emergence and Reptile Surveys (Hillier Ecology, November 2019) already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To conserve and enhance Protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 15 CONDITION: The development shall be carried out in accordance with the information and details approved under condition 17 of conditional approval reference 22/00754/DISCON. The said Reptile Mitigation Strategy shall be implemented in accordance with these approved details and all features shall be retained in that manner thereafter.

REASON: To allow the Local Planning Authority to discharge its duties under the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 16 CONDITION: The development shall be carried out in accordance with the information and details approved under condition 18 of conditional approval reference 22/00754/DISCON and shall be retained in that manner thereafter.

REASON: To enhance Protected and Priority Species/habitats and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 17 CONDITION: The development shall be carried out in accordance with the drawings and details approved under condition 19 of conditional approval reference 22/00754/DISCON. All external lighting shall be installed in accordance with the specifications and locations set out in that scheme and maintained thereafter. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

REASON: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife &

Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 18      CONDITION: The development shall be carried out in accordance with the drawings and details approved under condition 20 of conditional approval reference 22/00754/DISCON. The surface water drainage scheme shall subsequently be implemented on site in accordance with the approved details prior to occupation.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. - To ensure the effective operation of SuDS features over the lifetime of the development. - To provide mitigation of any environmental harm which may be caused to the local water environment - Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- 19      CONDITION: The development shall be carried out in accordance with the drawings and details approved under condition 21 of conditional approval reference 22/00754/DISCON. The surface water drainage strategy shall be maintained in accordance with these approved details.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

- 20      CONDITION: The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

- 21      CONDITION: The development shall be carried out in accordance with the drawings and details approved under condition 23 of conditional approval reference 22/00754/DISCON. Prior to the occupation of the development, the foul water drainage works relating to the development must have been carried out in complete accordance with the approved scheme.

REASON: To prevent environmental and amenity problems arising from flooding.

- 22      CONDITION: Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwellings shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

REASON: In the interests of the amenities of the occupants of neighbouring property.

- 23      **CONDITION:** Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no provision of buildings, enclosures, swimming or other pool shall be erected except in accordance with drawings showing the design and siting of such building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

**REASON:** In the interests of the amenities of the occupants of neighbouring property.

- 24      **CONDITION:** The development shall be carried out in accordance with the drawings and details approved under condition 27 of conditional approval reference 22/00754/DISCON. The footpath shall provide a link to the neighbouring development approved under application 18/01800/DETAIL. The footpath shall be provided in accordance with the details as approved under conditional discharge reference 22/00754/DISCON prior to the first occupation of the development hereby permitted and shall be maintained in perpetuity.

**REASON:** To ensure adequate pedestrian links, in the interest of highway safety.

**DATED:** 12<sup>th</sup> September 2024

**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 December 2023 (NPPF)  
National Planning Practice Guidance (NPPG)

Local:

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

SP1    Presumption in Favour of Sustainable Development  
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

LP1    Housing Supply  
LP2    Housing Choice  
LP3    Housing Density and Standards  
LP4    Housing Layout  
PPL4   Biodiversity and Geodiversity

CP1    Sustainable Transport and Accessibility

### **INFORMATIVES:**

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.

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.

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.

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.

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.**
- Please ensure that you have read the latest procedural guidance for appeals prior to submitting an appeal. The latest guidance can be found at [Procedural Guide: Planning appeals – England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/604212/Procedural-Guide-Planning-appeals-England-GOV.UK.pdf)
- 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.](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/604212/Procedural-Guide-Planning-appeals-England-GOV.UK.pdf)

#### 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.