



AGENT: M Foley –
Stanfords
The Livestock Market
Wyncolls Road
Colchester
Essex
CO4 9HU

APPLICANT: Mr C Gibbs
Anvil Barn
Clay Lane
St Osyth
Essex
CO16 8HH

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 24/00979/VOC

DATE REGISTERED: 10th July 2024

Proposed Development and Location of the Land:

Application under Section 73(a) of the Town and Country Planning Act for Variation of Condition 2 (Approved Plans) of application 23/01314/VOC to retain the western boundary treatment adjacent to the highway and the retention of four CCTV poles with a proposed reduction in height.

Land West of Clay Lane St Osyth 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: APPROVED PLANS AND DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the following approved drawings / documents, 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 be subsequently approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard:

23/00542/FUL:

- Visibility Splay Plan - North (layout superseded)
- Visibility Splay Plan - South (layout superseded)

23/011314/VOC:

- 1:1250 Site Plan received 20 September 2023
- Drg. No. 1 Reception Pod Floor Plan, Elevations and Sections
- Drg. No. 1 Rev A 8 x 4 Family Pod Floor Plans, Elevations and Sections
- Drg. No. 1 Rev A 8 x 4 XL Grande Glamping Pod Floor Plans, Elevations and Sections
- Construction Method Statement received 20 September 2023
- Klargester BioDisc Domestic Sewage Treatment Plant details
- Landscaping Report dated April 2023 received 20 September 2023
- Tree protection details titled 3. BS 5837:2012 Figure 2: Default specification for protective

barrier Diagram 1. No dig construction method

24/00181/DISCON:

- Covering Letter
- MRF06 Block Plan
- MRF-46554-011 XL Grande Pods Decking Drawing
- MRF-46554-012 XL Family Pods Decking Drawing
- MRF-46554-013 XL Grande Pods Fencing Drawing
- MRF-46554-014 XL Family Pods Fencing Drawing
- MRF-46554-015 XL Grande Pods Floor Plans
- MRF-46554-016 XL Family Pods Floor Plans

24/00979/VOC:

- CCTV Details Drawing no. MRF-46554-015-Rev B inc. Ronseal Rural Green Anti Corrosive Metal Paint details
- Fencing Details Drawing no. MRF-46554-016-Rev B
- Block Plan 1:500 (part superseded - close boarding fencing along highway boundary replaced with post and rail)
- Site Plan 1:1250 (part superseded - close boarding fencing along highway boundary replaced with post and rail)

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

2 COMPLIANCE: WITHIN 2 MONTHS

CONDITION: Within 2 months from the date of this permission, the replacement boundary fence to the site frontage (as shown on approved drawing no. MRF-46554-016-REV B), the reduction in height of the CCTV poles and painting of the CCTV poles to the approved green colour (as shown on approved drawing no. MRF-46554-015-REV B) shall be undertaken in their entirety in accordance with the approved plans and retained in this approved form in perpetuity.

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

3 SPECIFIC RESTRICTION ON DEVELOPMENT: NO ADDITIONS TO POLES

CONDITION: The 4 no. poles and affixed CCTV cameras hereby approved shall be retained and maintained in the approved form (3.5 metres in height and finished in Ronseal Rural Green Anti Corrosive Metal Paint) for the duration of the holiday accommodation use to which they relate. The CCTV cameras shall be used solely in connection with the holiday pod accommodation use on the site. There shall no additional cameras or additions affixed to any pole at any time.

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

4 SPECIFIC RESTRICTION ON DEVELOPMENT: HOLIDAY USE ONLY

CONDITION: The development hereby approved shall not be occupied at any time other than for holiday purposes and shall not be used as residential dwellings, including any use within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Furthermore, no person/s shall occupy any of the development approved during the month of February each year and the same person shall not occupy the development for more than 100 days in one year. Details of the name, permanent home address, vehicle registration shall be kept in a register a copy of which shall be made available to the Local Planning Authority for inspection at any time.

REASON: The site of the permission is outside any area where planning permission would normally be forthcoming for residential development without either harm or conflict with planning policies. The development is permitted only as a unit for holiday purposes in the interests of contributing to tourism and the economy of the area and this contribution is given full weight as an exception for allowing this development.

5 SPECIFIC RESTRICTION ON DEVELOPMENT: ANCILLARY RECEPTION POD

CONDITION: The reception pod (and dog washing facilities) shall be used solely ancillary to the holiday let accommodation and shall not be used as a separate business or facility unrelated to the holiday let pods hereby approved.

REASON: To ensure the use and operation remain as approved, in the interests of the character of the area.

6 COMPLIANCE: ACCESS WIDTH

CONDITION: The width of the vehicular access at its junction with the highway shall not be less than 5.5 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing.

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

7 COMPLIANCE: NO UNBOUND MATERIALS

CONDITION: No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety.

8 COMPLIANCE: SITING OF ACCESS GATES

CONDITION: Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent carriageway in the interest of highway safety.

9 COMPLIANCE: PARKING BAY DIMENSIONS

CONDITION: Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres and shall be provided prior to first occupation of any of the hereby approved holiday units.

REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

10 COMPLIANCE: CONSTRUCTION WORKS & VEHICLES

CONDITION: No vehicle connected with the works shall 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 Fridays and 08.00 and 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.

REASON: In the interests of protecting the amenity of neighbouring residents.

11 COMPLIANCE: IMPLEMENTATION OF LANDSCAPING

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: To ensure the adequate retention and maintenance of the approved landscaping scheme for a period of five years in the interests of visual amenity, the quality of the development and the character of the area.

12 COMPLIANCE: TREE PROTECTION MEASURES

CONDITION: The approved tree protection measures shall be retained throughout the duration of any building and engineering works in the vicinity of the tree/s to be protected. Any tree/s dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with a tree or trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be approved, in writing, with the Local Planning Authority up to first use or first occupation of the development, following the death of, or severe damage to the tree/s.

REASON: For the avoidance of damage to existing trees in the interests of visual amenity and the character and appearance of the area. This condition is required to be carried out prior to the commencement of any other development to ensure trees are protected early to ensure avoidance of damage or lost due to the development and/or its construction. If agreement was sought at any later stage, there is an unacceptable risk of lost and damage to trees.

DATED: 13th September 2024

SIGNED:



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 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
 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
 PP8 Tourism
 PPL3 The Rural Landscape
 PPL4 Biodiversity and Geodiversity
 PPL5 Water Conservation, Drainage and Sewerage
 PP13 The Rural Economy
 CP1 Sustainable Transport and Accessibility
 CP3 Improving the Telecommunications Network

Supplementary Planning Documents

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 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.

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

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.

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.

Legal Agreement Informative - Recreational Impact Mitigation

Application 22/01991/FUL was approved subject to a completed legal agreement securing mitigation against recreational impact in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017. The financial contribution in line with RAMS requirements has been paid in full (received on 19th April 2023 as part of 22/01991/FUL). For these reasons, this application does not require a new UU.

Sewerage Treatment Plant

The installation should be fully compliant with the Environment Agency's Binding Rules and any other relevant Government guidance and British standards, in respect of these systems. Information on this can be found at: Septic tanks and treatment plants: permits and general binding rules: The general binding rules - GOV.UK (www.gov.uk).

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/publications/procedural-guide-to-planning-appeals)
- 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/publications/planning-appeals)

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.