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Our Ref: 24/01519/COUNOT
Decision Date: 9 December 2024

To Whom it may concern,

**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND)
ORDER 2015 AS AMENDED**

APPLICATION NO: 24/01519/COUNOT
PROPOSAL: Prior Approval Application under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for conversion of an agricultural building into one dwelling.
LOCATION: Land off Heath Road St Osyth Essex

Thank you for your notification on the above matter which was received on 14 October 2024 and made valid on 14 October 2024 and was allocated the reference **24/01519/COUNOT**.

Having assessed your proposal against Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) I can now advise you that prior approval is **granted** subject to the below conditions:

Conditions

1 COMPLIANCE: COMMENCEMENT

CONDITION: The development must not begin before the occurrence of the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required.

REASON: In order to comply Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

2 COMPLIANCE: TIME LIMIT

CONDITION: Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b) or (c), if any, must be completed within a period of 3 years starting with the prior approval date.

REASON: In order to comply Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

3 COMPLIANCE: APPROVED PLANS AND DOCUMENTS

CONDITION: The development must be carried out (b) where prior approval is not required, or where sub-paragraph (11)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (1), unless the local planning authority and the developer agree otherwise in writing, as follows:

- Location Plan - Received 14/10/24
- Drawing No. 338.23/311
- Drawing No. 338.23/321
- Drawing No. 338.23/323
- Drawing No. 338.23/331
- Drawing No. 338.23/341
- Drawing No. 338.23/301
- Drawing No. 338.23/302

REASON: In order to comply Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

- 4 CONDITION: No internal conversion works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority details of the boundary treatments and surface materials for the proposed site area (as identified in green as shown on drawing no. 338.23/301 - Site Location Plan).

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

INFORMATIVES:

Environmental Protection Informatives

Mitigation During Construction

In order to minimise potential nuisance caused by construction, Environmental Protection recommend that the following is adhered to throughout construction:

- 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.

Adherence to the above 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).

Asbestos and Contamination

If there is any asbestos present in the current building or site then adequate and suitable measures

should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site - to protect the health of residents and nearby residential premises.

Any contamination that is found during the course of conversion works that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development [or relevant phase of development] is resumed or continued.

If necessary, the minimum requirements for dealing with unexpected ground conditions being encountered during construction.

1. All site works at the position of the suspected contamination will stop and the Local Planning Authority and Environmental Health Department will be notified as a matter of urgency.
2. 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.
3. 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.
4. 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.
5. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.
6. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.
7. Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.
8. 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.
9. Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.
10. A photographic record will be made of relevant observations.
11. The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions.
12. After consultation with the Local Planning 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.
13. A Verification Report shall be submitted to and approved in writing by the Local Planning Authority before development can proceed.

Please note it is the responsibility of the developer to ensure the safe development of the site and to carry out any appropriate land contamination investigation and remediation works. The condition is to ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Foul Drainage

The application advises a Sewerage Treatment Plant will be utilised as a way of disposing of foul waste; we would request, should the application be approved, that the Applicant / Agent, ensure the installation is 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). It is strongly recommended these rules are complied with, as they will minimise any potential nuisance to nearby residential dwellings, assist in preventing a potential Public Health nuisance, and minimise the potential for adverse incidents, of which may result in formal enforcement action.

Highways Informatives

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

Habitats and Species Regulations Informative

If the development relates to the creation of new dwelling(s), under Use Classes G, H, M, MA, N, O, P, PA, Q then:

Under article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) permitted development rights are subject to regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017 (the 2017 Regulations). In particular, regulation 75 provides that it is a condition of any planning permission granted by a general development order on or after 30th November 2017, that development which is likely to have a significant effect on a European site or a European offshore marine site and is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the Local Planning Authority (LPA) under regulation 77.

It has already been determined that where there is a net increase in residential dwellings within the Zone of Influence of protected European sites this will have a significant effect on those European sites through recreational disturbance within Tendring, and this has been identified as an issue for all of the Essex coastal Habitat sites through published Habitats Regulations Assessments. Therefore, where permitted development rights under the GPDO permit development which will result in a net increase in residential dwellings, article 3(1) of the GPDO and regulations 75 to 78 of the 2017 Regulations will apply.

Prior to the commencement of the development which is the subject of this prior approval

determination an application must be made to the LPA under regulation 77 of the 2017 Regulations for the approval of the LPA before the development can be commenced. Mitigation has been agreed through The Essex Coast Recreational disturbance Avoidance & Mitigation Strategy (Essex Coast RAMS) to protect the integrity of these sites from this type of development, and a standard unilateral undertaking (UU) could secure payment to mitigate the harm arising from the development to the designated site before commencement. Please contact Tendring District Council to make an application under Regulation 77 of the 2017 Regulations and to arrange the required UU prior to commencement of the development.

The Council's rationale for the decision is set out within the officer report available via our Public Access system.

Yours faithfully

A handwritten signature in black ink, appearing to read 'J Pateman-Gee', with a long horizontal flourish extending to the right.

John Pateman-Gee
Head of Planning and Building Control
Planning Services