



**AGENT:** Mr Tim Thatcher –  
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**APPLICANT:** Colchester Development 2 Limited  
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### TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 24/01618/VOC

**DATE REGISTERED:** 30th October 2024

Proposed Development and Location of the Land:

**Application under Section 73 of the Town and Country Planning Act for Variation of Condition 9 (Boundary Planting) of application 21/01679/VOC to ensure highways compliance.**

**Land at Little Paddocks Frating Road Great Bromley 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 plans;

Approved under application LPA Ref: 21/01679/VOC

- 08-2015-11 PG Site/Block Plan north including application boundary
- 08-2015-104 PC Plots 1 and 2 elevations
- 08-2015-101PC Plot 1 and 2 floorplan
- 08-2015-108PC Plot 7 Elevations
- 08-2015-103PC Plot 7 floorplan
- 08-2015-13PB Garage Plots 1, 2 and 7
- 08-2015-301 PB Shop Floorplan
- 08-2015-302PB Shop Elevations
- 058/2019/14/P5 As submitted

24/01618/VOC

- 20.5077.01D - Proposed Landscaping Drawing 1
- 20.5077.02C - Proposed Landscaping Drawing 2
- 20.5077.03C - Proposed Landscaping Drawing 3

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

- 2 During the continuation of works and until completion of the development, the protection of mature and protected trees on and adjacent to the site, 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 - To ensure the existing trees are safeguarded during construction and retained in the interests of visual amenity.

- 3 Prior to occupation of the development, the new shop road junction / access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason - To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety.

- 4 Prior to the first occupation of the development the internal layout, bus stop relocation and footway provision shall be provided in accordance with drawing numbers:

08-2015-11 PG - Proposed block plan (north) (As approved under application LPA Ref: 20/00859/FUL)

058/2019/14/P5 - As submitted

Reason - To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

- 5 There shall be no discharge of surface water onto the highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- 6 No unbound materials shall be used in the surface treatment throughout.

Reason - To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 7 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area, loading bay 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.

Reason: 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.

- 8 The boundary planting as approved on drawing nos. 20.5077.01D, 20.5077.02C & 22.5077.03C. shall be maintained 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 Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

- 10 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 interest of visual amenity and the character of the area.

- 11 The hereby approved retail outlet shall only be open to the general public between the following opening times:

- 7:30am - 10pm (7 days a week)

Reason: In the interests of residential amenity.

- 12 Notwithstanding the provision of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 the hereby approved retail outlet shall only be used for retail purposes and not for any other purpose outlined within Class E of the abovementioned regulations.

Reason: In the interests of sustainability and to ensure the Local Planning Authority retains control over the use of the commercial unit in the interests of residential amenity.

**DATED:** 31<sup>st</sup> January 2025

**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 2024 (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  
SP3 Spatial Strategy for North Essex

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 Facility  
LP1 Housing Supply  
LP3 Housing Density and Standards  
LP4 Housing Layout  
PP1 New Retail Development  
PP2 Retail Hierarchy  
PP13 The Rural Economy  
PP14 Priority Areas for Regeneration  
PPL4 Biodiversity and Geodiversity  
CP1 Sustainable Transport and Accessibility  
CP2 Improving the Transport Network

## Supplementary Planning Documents:

Essex Design Guide  
Biodiversity Net Gain Supplementary Planning Document June 2023

## 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.

**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/guidance/procedural-guide-planning-appeals-england)
- 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/guidance/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.