



## PLANNING COMMITTEE

<b>DATE:</b>	<b>Tuesday, 4 March 2025</b>
<b>TIME:</b>	<b>5.00 pm</b>
<b>VENUE:</b>	<b>Town Hall, Station Road, Clacton-on-Sea, CO15 1SE</b>

### MEMBERSHIP:

<b>Councillor Fowler (Chairman)</b>	<b>Councillor Goldman</b>
<b>Councillor White (Vice-Chairman)</b>	<b>Councillor Smith</b>
<b>Councillor Alexander</b>	<b>Councillor Sudra</b>
<b>Councillor Everett</b>	<b>Councillor Wiggins</b>

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DATE OF PUBLICATION: Tuesday, 4 March 2025

## AGENDA

**6 Report of the Director (Planning & Communities) - A.2. - 24/00937/FUL - Elmtree Garage, Colchester Road, Elmstead, CO7 7EE (Pages 5 - 8)**

Planning Officers' Update Sheet is attached.

### **Date of the Next Scheduled Meeting**

*The next scheduled meeting of the Planning Committee is to be held in the Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 5.00 pm on Wednesday, 19 March 2025.*

## **Information for Visitors**

### **FIRE EVACUATION PROCEDURE**

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the fire exits in the room and follow the exit signs out of the building.

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## TENDRING DISTRICT COUNCIL

### PLANNING COMMITTEE

#### ALTERATIONS AND ADDITIONS TO PLANNING COMMITTEE

04<sup>th</sup> March 2025

**Item No. A.1**

**24/01890/FUL - Land at High Street Car Park, Carnarvon Road, Clacton, CO15 6QF**

No updates.

**Item No. A.2**

**24/00937/FUL - Elmtree Garage, Colchester Road, Elmstead, CO7 7EE**

Environment Agency – Additional Consultee Response 24.01.2025 – Holding objection removed

We have reviewed the documents as submitted and we consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would maintain our objection to the application.

We ask to be consulted on the details submitted for approval to your Authority to discharge these conditions and on any subsequent amendments/alterations.

Environmental setting

The site is underlain by superficial Cover Sand Deposits designated as a Secondary B Aquifer. The site is located within a Groundwater Source Protection Zone (SPZ), namely SPZ 3. The site is located over a EU WFD groundwater body. Shallow groundwater may also be present at the site. The location of the site is therefore considered to be of moderate/high environmental sensitivity.

Condition 1 The development hereby permitted shall not be commenced until such time as a scheme to install the underground tanks have been submitted to, and approved in writing by, the local planning authority. The scheme shall include the full structural details of the installation, including details of excavation, the tank(s), tank surround, additional containment, associated pipework, monitoring system schedule and maintenance schedule. The scheme shall be fully implemented subsequently maintained, in accordance with the scheme, or any changes subsequently be agreed, in writing, by the local planning authority.

Reasons - To protect and prevent the pollution of controlled waters (particularly the Secondary B aquifer, Source Protection Zone 3) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF 2024; paragraphs

187,196 and 197), EU Water Framework Directive, and Environment Agency Groundwater Protection Position Statements (2018) D2 and D3.

Condition 2 Prior to commencement, no development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority: 1) A preliminary risk assessment which has identified: All previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site. 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority.

Condition 3 No occupation shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Condition 4 No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Condition 5 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved. Reasons To protect and prevent the pollution of the water environment (particularly the Secondary B aquifer, Source Protection Zone 3) from potential pollutants associated with current and previous land uses in line with National

Planning Policy Framework(NPPF 2024; paragraphs 187,196 and 197), EU Water Framework Directive, River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 – A6, J1 – J7 and N7.

Condition 6 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reasons Piling or other penetrative ground improvement methods can increase the risk to the water environment by introducing preferential pathways for the movement of contamination into the underlying aquifer and/or impacting surface water quality. For development involving piling or other penetrative ground improvement methods on a site potentially affected by contamination or where groundwater is present at a shallow depth, a suitable Foundation Works Risk Assessment based on the results of the site investigation and any remediation should be undertaken. This assessment should underpin the choice of founding technique, and any mitigation measures employed, to ensure the process does not cause, or create preferential pathways for, the movement of contamination into the underlying aquifer, or impacting surface water quality.

**Officer Response – Having considered all above consultee response, officers consider that recommended Condition 6 will be carried and added to any approval. The other recommended conditions to not meet the 6 tests and are not carried.**

Elmstead Parish Council Additional Comments – Received 25.02.25

On the public access portal the Parish Council's comment was labelled as neutral – this is incorrect. As stated at the end of paragraph 3 of our response, "Elmstead Parish Council must object to this application".

There seems to have been further misunderstandings in the officer's reported response to our concerns we'd like to clarify as we feel the summary misrepresents our position.

We'd question the assertion that a significantly expanded petrol station facility, with additional food service provision, will not cause additional traffic. Why would the site need four times as many staff if there was not a substantial increase in customers – who, given its location next to a busy A road, and primary purpose as a fuel station, will overwhelmingly be travelling by motor vehicle? Logically this must cause significantly increased traffic flow.

While we would suggest the expanded food service provision will in fact increase noise throughout the 24-hour period, our main concern has not been recognized in the report. The new site layout will absolutely move existing and new sources of noise significantly closer to neighboring residential properties and noise sensitive businesses (the adjacent pet shop). Of special concern is the impact of the multiple pressure washing bays – which the report into our objection fails to mention.

Finally, if the committee has visited the site today, we'd like to again emphasize our concerns about the complexities of 2 entrances/exits for vehicular traffic to the westbound A133 with an increase of traffic both to and from the site, and the roads rapidly increasing throughput.

**Item No. A.3**

**24/01643/FUL - Gunfleet Sailing Club, Marine Parade East, Clacton On Sea, CO15 5HU**

Changes to approved plans condition

Addition of two plans; existing and proposed north western elevation and existing and proposed south western elevation and the addition of the 'North Eastern and South Eastern' as shown below:

1. 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.

- Existing and Proposed North Eastern Elevation – Received 26.11.2024
- Existing and Proposed South Eastern Elevation – Received 26.11.2024
- Proposed Floor Plan – Received 26.11.2024
- Existing and proposed North Western elevation – Received 26 February 2026
- Existing and proposed South Western elevation – received 26 February 2026

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

**Item No. A.4**

**24/01592/FUL - Upper Promenade, Off Marine Parade West, Clacton, CO15 1JU**

No updates