

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 11TH JUNE, 2019 AT 6.00 PM
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors White (Chairman), Bray (Vice-Chairman), Alexander, Cawthron, Codling, Fowler, Harris, McWilliams and Placey
Also Present:	Councillors Broderick (except items 11 and 12), Chapman (except items 11 and 12), Land (except items 9 - 12), Scott (except items 11 and 12), Wiggins (except items 11 and 12) and Winfield (except items 11 and 12)
In Attendance:	Cath Bicknell (Head of Planning), Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer), Graham Nourse (Planning Manager), Ian Ford (Committee Services Manager & Deputy Monitoring Officer), Charlotte Parker (Solicitor (Property, Planning and Governance)), Alison Newland (Planning Team Leader) and Michael Pingram (Planning Officer)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence submitted or substitute members appointed on this occasion.

2. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on 9 April 2019, were approved as a correct record and signed by the Chairman.

3. DECLARATIONS OF INTEREST

Members of the Committee declared that they had been lobbied on various planning applications by letter and/or email. With one exception, Members had not read any of those communications and, in most cases, had forwarded them on to either the Planning Officers or the Council's Solicitor.

Members confirmed that they were not pre-determined on any of the planning applications now before them for decision.

4. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37

There were none on this occasion.

5. A.1 - PLANNING APPLICATION - 18/02118/FUL - CROWN BUSINESS CENTRE, OLD IPSWICH ROAD, ARDLEIGH, CO7 7QR

It was reported that this application had been referred to the Committee as it represented a departure from the Tendring District Local Plan 2007 and the Tendring

District Local Plan 2013 – 2033 and Beyond Publication Draft as the application site was located outside any Settlement Development Boundary.

Members were reminded that the principle of B1 and B8 commercial development on this site had been established by the granting of application 17/02204/FUL at the meeting of the Committee held in July 2018 which had given permission for the erection of 79 small B1 and B8 commercial units and five commercial office blocks with B1 use with associated car parking and landscaping.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Manager (GN) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of:

- (1) a further letter of objection received from Martin Robeson Planning Practice together with an Officer response;
- (2) amendments to the Officer report; and
- (3) amendments to the proposed planning conditions.

Martin Robeson, of Martin Robeson Planning Practice, acting on behalf of Lodge Park a nearby business park, spoke against the application.

Ed Kemsley, the agent acting on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Fowler, seconded by Councillor Alexander and unanimously **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following conditions and informatives –

Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: P (000) 010 Rev. A, P (000) 111 Rev. H, P (000) 112 Rev. B, P (000) 113 Rev. A, P (000) 211 Rev. A, P (000) 212 Rev. A, P (000) 213 Rev. A, P (000) 311 Rev. A, P (000) 312 Rev. A, P (000) 313 Rev. A, P (000) 314 Rev. B, P (000) 315 Rev. A, P (000) 316 Rev. A, P (000) 317 Rev. A, P (000) 318 Rev. A, P (000) 319 Rev. A and P (000) 402 Rev. B.

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

3. No above ground development shall commence on any phase until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of hard and soft landscaping works for that Phase, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which 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 a satisfactory standard of landscaping and the protection of retained trees.

4. Any trees dying, being removed or being seriously damaged as a result of the failure to comply with condition 3 shall be replaced in the next planting season (October - March inclusive) with others of similar size and species unless the Local Planning Authority agrees in writing to a variation.

Reason - To enable new and existing landscaping to be protected and retained in the interests of visual amenity.

5. The development hereby permitted shall be carried out in accordance with the Arboricultural Impact Assessment by Hallwood Associates (Ref. 10024 APIII 3.0) unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure the protection of retained trees in the interests of visual amenity and good arboricultural practice.

6. No above ground development shall commence on any phase until a Landscape Management Plan has been submitted to, and approved in writing by the Local Planning Authority for that phase. The Landscape Management Plan(s) shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved, in writing, by the local planning authority prior to the first occupation of the development. The landscape management plan shall be carried out as approved in accordance with the details and timescales in the plan.

Reason - To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

7. No above ground development shall commence on any phase until details have been submitted to the Local Planning Authority showing boundary treatment (walls fences, hedgerows) for that phase. The approved details shall be implemented as approved prior to occupation of the first unit of development and maintained in the approved form.

Reason - To ensure a satisfactory form of boundary treatment.

8. No occupation of any phase of the development shall take place until the following have been provided or completed:

- a) A minimum 2m wide footway from the proposed site access along the eastern side of Old Ipswich Road to the pedestrian access to the Crown Inn Public House, then crossing to the existing footway on the western side of Old Ipswich Road utilising the central island;
- b) A travel plan which once approved shall be complied with at all times.

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.

9. No phase of the development shall take place before an Environmental Construction Method Statement for the construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement.

Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel cleaning facilities during the excavation, site preparation and construction stages of the development. The method statement shall also include details of the loading and unloading of plant and materials, hours of construction, dust suppression strategy, routing of delivery vehicles, measures to control noise and lighting, the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.

Reason - To ensure that development is carried out in a controlled manner in the interests of highway safety, while minimising impacts on the surrounding residential properties and the natural environment.

10. No phase of the approved development shall take place until a detailed surface water drainage scheme for that phase, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority in consultation with Essex County Council's SuDS Team. The scheme shall subsequently be implemented prior to occupation.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

11. No phase of the approved development shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority for that phase. All phases of the development shall subsequently be implemented as approved.

Reason – To ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

12. No phase of the approved development shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance

activities/frequencies of that phase, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

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.

13. 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.

14. No floodlighting shall be installed in any phase of the development until details of the illumination scheme have been submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out and maintained in accordance with the approved details.

Reason - In the interests of amenity to reduce the impact of night time illumination on the character of the area

15. The development hereby permitted shall be carried out in accordance with the Environmental Noise Survey and Noise Impact Assessment produced by paceconsult (ref. PC-18-0328-RP1) unless otherwise agreed in writing by the Local Planning Authority.

Reason - To protect neighbouring development from intrusive commercial noise.

16. No phase of the development shall be occupied until a scheme showing the provision to be made for disabled person in that phase has been submitted to and approved by the Local Planning Authority. Each phase of the development shall be carried out in accordance with the approved details.

Reason - to ensure there is suitable access within the site for disabled persons.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), permitted development rights are hereby removed in respect of Schedule 2 Part 7 Class H (Industrial Buildings) relating to those buildings lying within 20m of the southern boundary of the site.

Reason - To protect the amenity of neighbouring occupiers to the south.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), permitted development rights are hereby removed in respect of Schedule 2 Part 7 Class F (Office buildings) and relating to those buildings lying within 20m of the southern boundary of the site.

Reason - To protect the amenity of neighbouring occupiers to the south.

19. Unless otherwise authorised in writing by the Local Planning Authority there shall be no external storage, stacking or deposition of goods on the site.

Reason - The external storage of goods would detract from the visual amenity of the area.

20. No phase of the development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings within the Phase shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason - To prevent environmental and amenity problems arising from foul water.

21. The development hereby permitted shall be carried out in accordance with the Extended Phase 1 Habitat Survey produced by D F Clark Bionomique Ltd (Ref. DFCEP 3059) unless otherwise agreed in writing by the Local Planning Authority.

Reason – To ensure the proposal does not adversely affect protected species.

22. No unbound materials shall be used in the surface treatment of the proposed vehicular access within 12m of the highway boundary.

Reason - To ensure that loose materials are not brought out onto the highway.

Informatives

1. Please be advised that no works to the TPO trees shall take place unless consent has been granted under the terms and conditions of the TPO, by the Local Planning Authority.
2. 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 or by post to: SMO1 - Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.
3. The Highway Authority has advised that there is and will not be any future proposal for the roads or footways of this development site to be offered for adoption into the highway network and that all rights and responsibilities will remain private in perpetuity.

6. **A.2 - PLANNING APPLICATION - 18/00367/FUL - LAND NORTH OF COCKAYNES LANE, ALRESFORD, CO7 8BT**

Members were reminded that the Committee, at its meeting held on 18 September 2018, had decided to grant planning permission subject to a legal agreement under the

provisions of Section 106 of the Town and Country Planning Act 1990 (as amended being completed within 6 months) in order to secure the following:

- Affordable Housing – 3 units to be gifted to the Council and 8 units to be transferred to a Registered Provider; to be prioritised for households with an Alresford connection first, then households from neighbouring parishes and then the whole District;
- Education – Early Years and Childcare - £131,170; Primary Education £385,081; Secondary Education £389,995 and Secondary School Transport £59,787;
- Healthcare – Financial contribution of £27,800 towards improvement of services at Colne Medical Centre, including the Alresford Branch Surgery; and
- Public Open Space and Equipped Play Areas – to be transferred to the Council and laid out before transfer, with a financial contribution towards future maintenance

It was reported that whilst progress had been made on the legal agreement it had not been completed within the given timescale and therefore an extension of time until 11 September 2019 was now being sought.

Members were further informed that since the previous consideration of the application by the Committee and in accordance with Natural England advice there was now a requirement to seek a financial contribution (referred to as a RAMS contribution) in order to mitigate against any adverse impact the proposal might have on European Designated Sites. The Officer's recommendation had been updated to reflect this need and the applicant had agreed to pay that contribution.

It was confirmed that the proposed development had not been amended and all other aspects remained the same as set out in the original Officer's report to Planning Committee dated 18th September 2018 which was attached as an appendix to the Officer's report to this meeting.

At the meeting, an oral presentation was made by the Council's Planning Team Leader (AN) in respect of the application.

The Chairman confirmed that there would be no public speaking allowed on this application.

Following discussion by the Committee, it was moved by Councillor Bray, seconded by Councillor McWilliams and unanimously **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to:

(1) within 3 (three) months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):

- Affordable Housing Provision: 3 units to be gifted to the Council and 8 units to be transferred to a Registered Provider; to be prioritised for households with an Alresford connection first, then households from neighbouring parishes and then the whole District;
- Education – Early Years and Childcare £131,170; Primary Education £385,081; Secondary Education £389,995 and Secondary School Transport £59,787;

- Healthcare – Financial contribution of £27,800 towards improvement of services at Colne Medical Centre, including the Alresford Branch Surgery;
- Public Open Space and Equipped Play Areas – to be transferred to the Council and laid out before transfer, with a financial contribution towards future maintenance; and a
- Financial Contribution of £10,273.20 (£122.30 per dwelling) towards RAMS.

(2) the conditions and informatives previously approved by the Committee, at its meeting held on 18 September 2018.

7. **A.3 - PLANNING APPLICATION - 19/00144/DETAIL - MICHAELSTOWE FARM, DOVERCOURT, CO12 4TF**

It was reported that this application was before the Committee as at the time that the outline application had been approved a request had been made by Members for the reserved matters application to be brought to the Committee for its determination.

The Committee was aware that Unilateral Undertakings had already been completed to secure a financial contribution towards RAMS of £122.30 per dwelling and a payment towards enhancements to the Ramsey War Memorial Play Area.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Team Leader (AN) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of amendments to the Officer report.

Following discussion by the Committee, it was moved by Councillor Bray, seconded by Councillor McWilliams and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following conditions and informatives –

Conditions and Reasons

1 The development hereby permitted shall be carried out in accordance with the following approved drawing no's:

15, 17, 25, 27, 29, 31, 33, 16A, 18A, 26A, 28A, 30A, 32A, 34A, 39A, 40A, 42, 14B, 44, 10C, 11C, 13D, 19A, 20B, 21B, 22C, 23A, 24B, 35C, 36C, 37B, 38C, 41B, 43A, 45A and 46A.

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

2 No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. wheel and underbody washing facilities
- e. dust suppression

Reason - To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

- 3 The approved scheme of landscaping shown on drawing no. 13D, shall be implemented no later than the first planting season following commencement of the development (or within such extended period or phased arrangement as the Local Planning Authority may allow) and shall thereafter be retained and maintained for a period of five years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

Reason - To ensure the effective implementation of the approved landscaping scheme, in the interests of visual amenity.

- 4 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class B and C of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the roof of the bungalows on plots 4 and 5 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 visual amenity and to protect existing and future resident's privacy.

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.

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

8. A.4 - PLANNING APPLICATION - 19/00120/FUL - TAMARISK, 19 THE STREET, KIRBY-LE-SOKEN, CO13 0EE

The Committee was aware that an Unilateral Undertaking had already been completed to secure a financial contribution towards RAMS of £122.30 per dwelling and a

contribution towards providing improved facilities at the nearest play area at Halstead Road.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Officer (MP) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of amendments to the Officer report.

Lucille Cowell, the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor McWilliams seconded by Councillor Harris and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following conditions and informatives –

Conditions and Reasons

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans, drawing numbers 096/1a, 096-2, 096-3, 096/4, 096-5, 096-6, 096/8, 096-9, 096/10, and the documents titled 'Site Location Plan', 'Phase 1 Habitat Survey', 'Great Crested Newt Assessment', 'Arboricultural Report' and 'Planning Statement'.

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

- 3 Prior to the first occupation of the development, the proposed road junction at its bell mouth junction with The Street shall be constructed at right angles to the highway boundary and to the existing carriageway as shown in principle in the Proposed Block Plan, drawing no.096/1 to a carriageway width of 5.5 metres straight for at least the first 10 metres with 2 metre width footway on both sides with the proposed footway to connect to the existing footway at its junction with The Street.

Reason - To ensure that all vehicular traffic using the junction may do so in a controlled manner and to provide adequate segregated pedestrian access, in the interests of highway safety.

- 4 Prior to first occupation of the development, the access at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such

vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of obstruction above 600mm 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.

- 5 No unbound materials shall be used in the surface treatment of any proposed 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.

- 6 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.

- 7 Prior to first occupation of the development the size 3 vehicular turning facility shown in principle in the Block Plan, drawing no. 096/1a shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason - To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

- 8 Prior to first occupation of the development vehicle parking shall be provided in accordance with the EPOA Parking Standards as shown in principle in the Proposed Site Plan, drawing no.096/1a constructed ready for use. The vehicle parking area and associated turning area shall be retained in the agreed form at all times.

Reason - To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety.

- 9 No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

Reason - To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

- 10 Prior to the commencement of any above ground works, a scheme of hard and soft landscaping works for the site shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include any proposed changes in

ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which 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 enhance the visual impact of the proposed works.

- 11 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 enhance the visual impact of the proposed works.

- 12 No development or preliminary ground-works can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority. Following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/or preservation in situ through re-design of the development, shall be submitted to the local planning authority.

Reason - The Tendring Historic Environment Characterisation project and Essex HER show that the proposed development is located within an area with potential for below ground archaeological deposits.

- 13 No development or preliminary groundwork can commence on those areas of the development site containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by the local planning authority.

Reason - The Tendring Historic Environment Characterisation project and Essex HER show that the proposed development is located within an area with potential for below ground archaeological deposits.

- 14 Following completion of the archaeological fieldwork, the applicant will submit to the local planning authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the planning authority), which will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason - The Tendring Historic Environment Characterisation project and Essex HER show that the proposed development is located within an area with potential for below ground archaeological deposits.

- 15 No development shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction of the first floor extension have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development unless otherwise agreed, in writing, at a later date with the Local Planning Authority.

Reason - The application relates to land adjacent to a listed building and conservation area and therefore suitable external facing and roofing material are necessary in order to preserve and enhance the historic character and integrity of that building.

- 16 Before any work is commenced drawings to a scale of not less than 1: 20 fully detailing the new windows, rooflights, doors and their surrounds to be used and indicating; materials, cross sections for glazing bars, sills, heads etc at a scale of 1:20, method of opening and method of glazing shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be installed/carried out in complete accordance with the approved details.

Reason - The application and is adjacent to both a listed building and conservation area and therefore such details are necessary in order to preserve and enhance the historic character and integrity of the area.

- 17 No development hereby permitted shall commence until the specific requirements of paragraphs numbered 1 to 3 below have been satisfied. If unexpected contamination is found after development has commenced, no further development shall be carried out on that part of the site affected by the unexpected contamination until the requirements of paragraph 4 have been complied with in relation to such contamination.

1. Site Characterisation - An investigation and risk assessment, in addition to any assessment provided within the planning application, shall be carried out in accordance with a scheme to assess the nature and extent of any contamination of the site. The investigation and risk assessment shall be undertaken by a competent person and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments; and

(iii) an appraisal of options for remediation and a proposal with preferred option(s). This appraisal shall be conducted in accordance with the Environment Agency Model Procedures for the Management of Land Contamination (CLR 11).

2. Submission of Remediation Scheme - A detailed Remediation Scheme to ensure that the site is suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and

historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works of remediation to be undertaken, remediation objectives and criteria, timetable of works and related site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the use of the land after remediation.

3. Implementation of Approved Remediation Scheme - The Remediation Scheme required under paragraph 2 above shall be carried out in accordance with its terms prior to the commencement of any works of construction on site unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be notified in writing a minimum of two weeks prior to commencement of the remediation scheme works of the date that the remediation works will commence. Following completion of the measures identified in such approved Remediation Scheme, a verification report to demonstrate the effectiveness of the remediation carried out shall be submitted to the Local Planning Authority.
4. Reporting of Unexpected Contamination - In the event that contamination is found which was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken in accordance with the requirements of paragraph 1 above and, where remediation is necessary, a new Remediation Scheme shall be prepared in accordance with the requirements of paragraph 2 above and submitted to and approved in writing by the Local Planning Authority. Following completion of all necessary measures identified in such Remediation Scheme as may be approved, a verification report shall be submitted to and approved in writing by the Local Planning Authority in accordance with paragraph 3 above. In such circumstances, no further works of development shall be carried out to that part of the site until such time as the requirements of this paragraph have been satisfied.

Reason - To ensure that any risks (to future users of the land and neighbouring land and to controlled waters, property and ecological systems) arising from any land contamination are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 18 The recommendations as highlighted within Section 6 of the submitted Phase 1 Habitat Survey shall be implemented prior to occupation of the dwelling and maintained in perpetuity thereafter.

Reason - In order to enhance the development of the site for local wildlife.

Informatives

All rainwater goods should be black and of cast metal, and all electrical and telephone services to the development should be run underground.

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.

9. **A.5 - PLANNING APPLICATION - 18/02072/FUL - 85 SALISBURY ROAD, HOLLAND-ON-SEA, CO15 5LS**

It was reported that this application had been referred to the Committee by Councillor Winfield, a local Ward Member, as he considered the proposed development to be contrary to planning policies HG9, HG14, TR1A and that, in addition, the roots of neighbouring mature trees were in danger of being damaged during the construction period.

The Committee was aware that Unilateral Undertakings had already been completed to secure a financial contribution towards RAMS of £122.30 for the one dwelling proposed and a payment towards enhancements to the safety surface at the Hereford Road Play Area.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Team Leader (AN) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of amendments to the Officer report.

Chris Pitak, a local resident, spoke against the application.

Councillor Winfield, a local Ward Member, spoke against the application.

James Thomas, the agent acting on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Bray seconded by Councillor Alexander and **RESOLVED** that, contrary to the Officer's recommendation of approval, the Head of Planning (or equivalent authorised officer) be authorised to refuse planning permission for the development due to the following reason:-

Contrary to Policy HG14 (i) development would not be appropriate in its setting and would create a cramped appearance.

10. **A.6 - PLANNING APPLICATION - 19/00179/FUL - FOLKARDS LANE, BRIGHTLINGSEA, CO7 0SJ**

The Committee was aware that Unilateral Undertakings had already been completed to secure a financial contribution towards RAMS of £122.30 for the one dwelling proposed

and a payment towards the provision of new play equipment at the nearest play area at Bayard's Recreation Ground, Regents Road, Brightlingsea.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Manager (GN) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of:

- (1) a further letter of objection received together with an Officer response; and
- (2) an amendment to the Officer report.

John Pearce, an agent acting on behalf of a local resident, spoke against the application.

Mark Potter, acting on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Alexander, seconded by Councillor Bray and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following conditions and informatives –

Conditions and Reasons

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans, drawing numbers 01B, 03A, 04A and 05A.

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

- 3 No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

- 4 Prior to the commencement of any above ground works, a scheme of hard and soft landscaping works for the site shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which 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 enhance the visual impact of the proposed works.

- 5 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 enhance the visual impact of the proposed works.

- 6 All surfaces within the Root Protection Areas of the trees to be retained as set out within the Arboricultural Impact Assessment and Preliminary Method Statement and Appendices Reference No. TPSarb9550119 dated 28th January 2018 shall be constructed using no dig technology.

Reason - To ensure the protection and longevity of the protected trees in the interests of visual amenity.

- 7 No above ground works shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of visual amenity as insufficient information has been submitted within the application for full consideration of these details.

- 8 No above ground level works shall take place until precise details of the provision, siting, design and materials of screen fences have been submitted to and approved in writing by the Local Planning Authority. The approved screen fences shall be erected prior to the occupation of the development and thereafter be retained in the approved form unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the development is appropriate within its setting and in the interests of highway safety.

- 9 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additions or alterations to the dwelling or its roof, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions and/or building(s) which shall previously have been submitted to and approved, in writing, by the local planning authority.

Reason - It is necessary for the local planning authority to be able to consider and control further development in order to ensure that landscape harm does not result in this edge of settlement location.

- 10 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) England Order 2015 (or any Order revoking and re-enacting that Order with or without modification), other than the boundary treatments shown on the approved drawings, no provision of fences, walls, gates or other means of enclosures, shall be erected on any part of the site forward of the front elevation of the dwellings hereby approved except in accordance with details that shall previously be approved in writing by the Local Planning Authority.

Reason - In the interests of visual amenity.

- 11 The removal of any vegetation for site access/site clearance shall only be carried out outside of the bird nesting season (March to August inclusive).

Reason - To ensure the protection of birds potentially nesting on site.

- 12 Prior to occupation of the proposed dwelling, the private drive shall be constructed to a maximum width of 4.5 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate dropped kerb crossing of the existing access.

Reason - To ensure that vehicles can enter and leave the highway in a controlled manner and clear of the limits of the highway, in the interests of highway safety.

- 13 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the carriageway.

Reason - To avoid displacement of loose material onto the highway in the interests of highway safety.

- 14 Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport.

- 15 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the highway.

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 footway/cycleway/carriageway in the interest of highway safety.

- 16 The development shall be carried out in strict accordance with Arboricultural Impact Assessment and Preliminary Method Statement and Appendices Reference No. TPSarb9550119 dated 28th January 2018.

Reason - To ensure the protection and longevity of the protected trees in the interests of visual amenity.

- 17 All new parking areas and areas of hardstanding shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area within the site area.

Reason - In the interests of sustainable development and to minimise the risk of surface water flooding.

Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Legal Agreement Informative - Open Space/Play Space Contribution

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: Public Open Space financial contribution in accordance with Policy COM6 of the adopted Tendring District Local Plan (2007) and Policy HP5 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Highways Informatives

1. The private road is less than 3 metres in width without any passing places and no scope to provide any passing places. Should the application be approved the developer/future home owner should be obligated to contribute to any future maintenance or ongoing costs for the repair and upkeep of the private road.
2. Under Building Regulations B5, access for fire tenders is required to a point not further than 45 metres from the entrance to the dwelling. Any road or private drive forming part of such a fire access must be no less than 3.7 metres wide between kerbs (this may be reduced to 3.1 metres for a gateway or similar short narrowing) and should have a minimum centre line bend radius of 6.55 metres. The access way should be capable of carrying a 12.5 tonne vehicle. A cul-de-sac which is more than 20 metres long must have a turning head of a least Size 3.
3. 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.
4. Any work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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 or by post to:

SMO1 ' Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester.
CO4 9YQ.

11. A.7 - PLANNING APPLICATION - 19/00638/FUL - 16 THE SPENNELS, THORPE-LE-SOKEN

It was reported that this application had been referred to the Committee as the applicant was an Officer of the Council.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Officer (MP) in respect of the application.

Following discussion by the Committee, it was moved by Councillor Bray, seconded by Councillor Alexander and unanimously **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following conditions and informative –

Conditions and Reasons

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plan: MW/02/19 received 5th May 2019.

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

Informative

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

12. A.8 - PLANNING APPLICATION - 19/00320/FUL - THE GROVE FLATS, GROVE AVENUE, WALTON-ON-THE-NAZE, CO14 8QY

It was reported that this application had been referred to the Committee as the applicant was the Council.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Officer (MP) in respect of the application.

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Fowler and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following conditions and informatives –

Conditions and Reasons

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans, titled 'Location Plan', 'Site Plan' and 'Proposed MUGA Elevation Plan' of planning permission 17/01790/FUL, and drawing numbers GAEWP2-IW-XX-XX-DR-B-SK4 Revision P3 and GAEWP2-IW-XX-XX-DR-B-SK4A Revision P3 of planning permission 19/00320/FUL.

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

- 2 No floodlighting or other means of external lighting shall be installed at the site except in accordance with details (to include position, height, aiming points, lighting

levels and a polar luminous diagram) which shall have previously been submitted to and agreed in writing by the Local Planning Authority. The lighting shall be retained in accordance with the approved details.

Reason - To secure an orderly and well-designed development sympathetic to the character of the area and in the interests of residential amenity.

- 3 Prior to the first use of any external lighting or floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety.

- 4 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 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.

- 5 The Multi-Use Games Area hereby permitted shall not be used for any pre-arranged competitive matches.

Reason - For the avoidance of doubt and due to the fact that no parking facilities are available in this location for vehicles associated with visiting teams.

- 6 Noise Control -

- 1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- 2) 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 Monday to Friday. 0800-1300 on Saturdays with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.
- 4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

Reason - In the interests of protecting existing residential amenities.

7 The floodlights shall at no time be operating between the hours of 21:00 and 08:00.

Reason - In the interests of the protection of existing neighbouring amenities.

Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Informative 1: 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.

Informative 2: 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 meeting was declared closed at 8.11 pm

Chairman