

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,  
HELD ON WEDNESDAY 12 FEBRUARY 2020 AT 6.00 PM  
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

<b>Present:</b>	Councillors White (Chairman), Bray (Vice-Chairman), Alexander, Cawthron, Codling, Harris, McWilliams and Placey
<b>Also Present:</b>	Councillors Broderick (except Minutes 90 - 91), G V Guglielmi, V E Guglielmi, King (except Minutes 90 - 91), Miles (except Minutes 89 - 91), Turner (except Minutes 89 - 91) and Winfield (except Minutes 90 – 91)
<b>In Attendance:</b>	Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer), Graham Nourse (Planning Manager), Trevor Faulkner (Temporary Planning Team Leader), Amy Lang (Planning Officer) and Katie Sullivan (Committee Services Officer)

**82. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillor Fowler (with no substitute).

**83. MINUTES OF THE LAST MEETING**

The minutes of the last meeting of the Committee, held on Tuesday 14 January 2020, were approved as a correct record and signed by the Chairman.

**84. DECLARATIONS OF INTEREST**

Councillor Bray declared for the public record in regards to Planning Applications 19/01116/FUL and 19/00981/FUL that he was also a Frinton and Walton Town Councillor, however, he stated that he had not been involved in discussions on the applications at the Town Council and therefore he was not pre-determined.

Councillor White declared for the public record in regards to Planning Applications 18/01779/FUL and 19/00610/FUL that he was one of the local Ward Councillors and that he was also a St Osyth Parish Councillor, however, he stated that he had not been involved in discussions on the applications at the Parish Council and therefore he was not pre-determined.

**85. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

There were no questions on notice on this occasion.

**86. A.1 - PLANNING APPLICATION - 18/01779/FUL - 700 ST JOHNS ROAD & ST JOHNS NURSERY SITE, EARLS HALL DRIVE, CLACTON-ON-SEA, CO16 8BJ**

Councillor White had earlier declared for the public record in regards to Planning Application 18/01779/FUL that he was one of the local Ward Councillors and that he was also a St Osyth Parish Councillor, however, he had stated that he had not been involved in discussions on the applications at the Parish Council and that therefore he was not pre-determined.

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 had been circulated to the Committee prior to the meeting with details of an updated consultee response received from Tendring District Council's Housing Department.

Ray Crosier, a local resident, spoke against the application.

Parish Councillor Sonia Grantham, representing St Osyth Parish Council, spoke against the application.

Michael Robinson, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Bray 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 reasons:-

- Backland development out of character with the locality;
- Adverse Highway impact due to cumulative impact of development; and
- Adverse impact on amenity of existing and future residents.
- Together with the lack of a legal agreement to secure the required financial contributions as set out within paragraph 8.1 of the committee report.

**87. A.2 - PLANNING APPLICATION - 19/01116/FUL - LAND SITE OF FORMER MARTELLO CARAVAN PARK, KIRBY ROAD, WALTON-ON-THE-NAZE, CO14 8QP**

Councillor Bray had earlier declared for the public record in regards to Planning Application 19/01116/FUL that he was also a Frinton and Walton Town Councillor, however, he had stated that he had not been involved in discussions on the applications at the Town Council and that therefore he was not pre-determined.

It was reported that this application had been referred to the Planning Committee at the request of Councillor Miles, the local Ward Member.

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 Temporary Planning Team Leader (TF) in respect of the application.

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

Councillor Miles, the local Ward Member, spoke against the application.

Aaron Slevin, who was representing the applicant, spoke in support of the application.

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

- a) Within six 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):
  - Financial Contribution towards RAMS.
  - Affordable Housing Provision.
  - Viability Review Mechanism.
- b) The following conditions; and one additional condition to address foul water drainage.

#### 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 not be carried out except in complete accordance with the details shown on the following submitted plans:
  - Amended Site Location Plan drawing no. 40974/025
  - Amended Site Layout drawing no.40974/020G
  - Amended Plots 25-28 drawing no. 40974/035
  - Amended Plot type F113-F115-F113 drawing no. 40974/032
  - Amended Plot type F114-F115-F114 drawing no. 40974/013b
  - Amended Plot type F114-F114 drawing no. 40974/011a
  - Amended Plot type F113-F112 drawing no. 40974/010b
  - Amended Plot type F112-F112 drawing no. 40974/08b
  - Amended Plots 29-32 floor plans and elevations drawing no. 40974/005b
  - Amended presentation site layout drawing no. 40974/0024a
  - Amended street scenes drawing no. 40974/023a
  - Amended materials plan drawing no. 40974/022c
  - Amended F113-F114 render drawing no. 40974/034
  - Amended F114-F113 drawing no. 40974/033
  - Amended F114-F114 render drawing no. 40974/014b
  - Amended F113-F112 render drawing no. 40974/012b
  - Amended boundary treatment plan drawing no. 40974/021c
  - Amended F114-F114 hipped drawing no. 40974/031

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

- 3 Within 6 months of the commencement of the development hereby approved, a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels shall have been submitted to and approved in writing by the Local Planning Authority.

Reason - Insufficient information is submitted with the application for consideration of these details.

- 4 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the satisfactory implementation of the approved landscaping scheme.

- 5 No development, other than groundworks and construction of dwellings up to floor level, shall take place until full written details of the refuse facilities for the development have first been submitted to and approved in writing by the Local Planning Authority and such facilities shall be made available before first occupation of the residential area to which it relates.

Reason - Insufficient information is submitted with the application for consideration of these details.

- 6 No works shall take place until a detailed surface water drainage scheme for the site, 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. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25,3 of the CIRIA SuDS Manual C753;
- Limited discharge rates to 5 l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change;
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event;
- Demonstrate that all storage features can half empty within 24 hours for the 1:100 plus 40% climate change critical storm event;
- Final modelling and calculations for all areas of the drainage system;

- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753;
- Detailed engineering drawings of each component of the drainage scheme;
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features;
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site;
- To ensure the effective operation of SuDS features over the lifetime of the development;
- To provide mitigation of any environmental harm which may be caused to the local water environment;
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- 7 No works 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 to prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason – The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

- 8 Prior to occupation 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, shall be 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.

Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 9 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.

- 10 No development or preliminary ground-works can commence until a programme of archaeological evaluation has been secured and undertaken with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the Local Planning Authority.

Following the completion of the 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, shall be submitted to the local planning authority.

Reason – The proposed development is located within an area with potential for below ground archaeological deposits. The development would result in harm to non-designated assets with archaeological interest.

- 11 No development or preliminary groundwork shall 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 proposed development is located within an area with potential for below ground archaeological deposits. The development would result in harm to non-designated assets with archaeological interest.

- 12 Following completion of any 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 local 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 proposed development is located within an area with potential for below ground archaeological deposits. The development would result in harm to non-designated assets with archaeological interest.

- 13 No development shall commence until a Phasing Plan and Programme for the application site has been submitted to and approved in writing by the Local Planning Authority. The document shall identify the physical extent of each proposed phase of development with reference to the approved layout and an indicative timescale for implementation of each phase.
- Reason - To ensure a satisfactory development programme in the interests of the occupiers of the development and in terms of local amenity and pedestrian safety.
- 14 No development, other than groundworks and construction of dwellings up to floor level, shall take place until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in the construction of that phase have been submitted to and approved, in writing, by the Local Planning Authority. Such materials so approved shall be those used in that particular phase of development.
- Reason - To ensure a satisfactory development in relation to external appearance.
- 15 No development, other than groundworks and construction of dwellings up to floor level, shall take place until full written details of a scheme for the external lighting of the development have been submitted to and approved in writing by the Local Planning Authority. The agreed lighting shall be installed within the development before the first unit is occupied, unless otherwise agreed in writing by the Local Planning Authority.
- Reason - Insufficient information is submitted with the application for consideration of these details.
- 16 No development shall take place until precise details of the provision, siting, height, design and materials of all boundary walls and fences which face onto public spaces/highways or private drives have been submitted to and approved in writing by the Local Planning Authority. The boundary walls and fences so approved shall be erected prior to the building/s to which they relate being first occupied and shall thereafter be retained in their approved form.
- Reason - To ensure a satisfactory development in terms of appearance and functionality, in the interests of amenity.
- 17 Prior to the occupation of any of the proposed development the internal road and footway layout shall be provided in principal and in accordance with drawing number: 40974/020F
- Reason - To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.
- 18 Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

- 19 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area 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.

- 20 As per an in principal with the proposed block plan the main access road shall be provided, but not be limited to, the following aspects;
- Carriageways measuring no less than 5.5m in width
  - 2x2m Footways on both sides of the access road
  - Appropriate pedestrian crossing facilities where appropriate.
  - All internal road junctions should be provided with 25m x 2.4m x 25m vehicular visibility splays.
  - Kerb radii measuring 6m.
  - Any other reasonable items to ensure the access is in accordance with current policy standards.

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

- 21 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

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.

- 22 Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres and each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.

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

- 23 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.

- 24 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 free of charge.

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

- 25 The finished lower ground floor of all dwellings shall be set no lower than 5.30m above Ordnance Datum (AOD).

Reason - In the interest of safety and resilience in the event of flooding.

- 26 Prior to occupation of the development, the Developer shall be responsible for the provision, to the first owner of each dwelling on the site, of a Residential Travel Information Pack for sustainable transport, approved by the Local Planning Authority, in consultation with Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason - To promote travel from the site by sustainable modes including public transport as an alternative to the private motor car.

- 27 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 include details of:

- i) the use of barriers to mitigate the impact of noisy operations;
- ii) parking of vehicles of site operatives and visitors;
- ii) the loading and unloading of plant and materials;
- ii) the proposed use of machinery and plant;
- iv) method for piling works;
- v) method for storing and removing waste from the site;
- iii) storage of plant and materials used in constructing the development;
- iv) wheel and under-body washing facilities; and
- v) hours of construction and delivery

The development shall be carried out in accordance with the statement so approved.

Reason - To ensure that the development takes place in a satisfactory manner with regard to its impact on amenity and highways in the local area.

- 28 The hereby permitted development shall not be occupied until a fibre optic broadband connection installed on an open access basis and directly accessed from the nearest exchange, incorporating the use of resistant tubing, has been installed at the site, in accordance with details that shall be submitted and approved, in writing, by the Local Planning Authority. If the applicant is unable to achieve this standard of connection, and can evidence through consultation that this would not be possible, practical or economically viable an alternative superfast (i.e. will provide speeds greater than 24mbps) wireless service will be considered acceptable.

Reason - To ensure the development is able to be equipped with high speed broadband to enable opportunities for web-based communication and homeworking.

- 29 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B and 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 to the dwellings or the roofs, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions or building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason – In the interests of residential and visual amenity.

- 30 No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy as approved.

Reason – To prevent environmental and amenity problems arising from flooding.

#### 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.

##### S106 Informative

The applicant is reminded that this permission is linked to a planning obligation under Section 106 of the Town and Country Planning Act 1990.

##### Conditions Informative

Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. A fee of £34 for householder applications and £116 for all other types of application will be required for each written request.

##### Highways Informatives

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.

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](mailto:development.management@essexhighways.org) or by post to:

**SMO1 – Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ**

The area(s) directly adjacent to the carriageway(s) in which the trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway.

In paved areas, whether or not the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

The Applicant should be advised to contact the Essex County Council travel plan team at [travelplanteam@essex.gov.uk](mailto:travelplanteam@essex.gov.uk) to confirm arrangements for the provision of the Residential Travel Information Packs.

#### Drainage Informatives

Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk)

Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

Changes to existing water courses may require separate consent under the Land Drainage Act before works take place.

It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

Notification of intention to connect to the public sewer under S106 of the Water Industry Act. Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 6066087.

Protection of existing assets – A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

Building near to a public sewer – No building will be permitted within the statutory easement width of 3 meters from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 6066087,

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact Anglian Water Development Services Team on 0345 6066087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with 'Sewers for Adoption Guide for Developers', as supplemented by Anglian Water's requirements.

#### Other Informatives

Essex Police provide a free impartial service to any applicant who wishes to incorporate Crime Prevention through Environmental Design and apply for the police preferred 'Secured by Design' accreditation. The applicant is invited to contact Essex Police via [designingoutcrime@essex.pnn.police.uk](mailto:designingoutcrime@essex.pnn.police.uk)

- c) That the Head of Planning be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of six months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a Section106 planning obligation.

**88. A.3 - PLANNING APPLICATION - 19/00981/FUL - FORMER MARTELLO CARAVAN PARK, KIRBY ROAD, WALTON-ON-THE-NAZE, CO14 8QP**

Councillor Bray had earlier declared for the public record in regards to Planning Application 19/00981/FUL that he was also a Frinton and Walton Town Councillor, however, he had stated that he had not been involved in discussions on the applications at the Town Council and that therefore he was not pre-determined.

Members were aware that the application before them was for a proposed re-grading of earthworks and associated landscaping and fencing to the permitted open space consented under planning application 15/01714/FUL.

It was reported that this application had been referred to the Planning Committee at the request of Councillor Turner.

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 Temporary Planning Team Leader (TF) in respect of the application.

An update sheet had been circulated to the Committee prior to the meeting with details of three additional letters of objection.

Anna Brooke, a local resident, spoke against the application.

Councillor Turner, who had called in the application, spoke against it.

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Placey and unanimously **RESOLVED** that consideration of this application be deferred in order to enable Planning Officers to ascertain the correct plans and the applicant's intentions.

**89. A.4 - PLANNING APPLICATION - 19/01427/FUL - FORMER PUBLIC CONVENIENCES, FRINTON ROAD, HOLLAND-ON-SEA, CO15 5DE**

It was reported that this application had been referred to the Planning Committee as the land was in the ownership of Tendring District 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 Temporary Planning Team Leader (TF) in respect of the application.

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

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

Following discussion by the Committee, it was moved by Councillor Bray, seconded by Councillor Cawthron 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:

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:- un-numbered floor plans/elevation received 14th October 2019 and 20<sup>th</sup> December 2019.

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

- 3 The use hereby approved shall only take place between the hours of 09:00 and 18:00 Monday to Saturday and 09:00 to 16:00 on Sundays and Bank Holidays.

Reason: In the interest of local amenity.

- 4 No soil ventilation pipes, air extraction pipes, extractor/mechanical units boiler flues or ducting shall be installed without the proposed details having first been submitted to and approved in writing by the local planning authority.

Reason: In the interest of local amenity.

- 5 Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason - To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety.

#### 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.

#### **90. A.5 - PLANNING APPLICATION - 19/00610/FUL - LAND AT OAKMEAD ROAD, ST OSYTH, CO16 8NW**

Councillor White had earlier declared for the public record in regards to Planning Application 19/00610/FUL that he was one of the local Ward Councillors and that he was also a St Osyth Parish Councillor, however, he had stated that he had not been involved in discussions on the applications at the Parish Council and that therefore he was not pre-determined.

It was reported that this application had followed on from outline application 16/01611/OUT which had been approved by the Committee at its meeting held on 29 March 2017. At that time, Members had requested that any detailed application be brought to the Committee for determination. The application had originally been submitted as a reserved matters application but due to the reduction in the number of dwellings from the five approved at outline to the four now proposed, the application had

had to be dealt with as a full planning application. Although the application type was different, the application was before Members in order to satisfy their previous request that the Committee considered the detailed design of the development.

Members recalled that outline application 16/01611/OUT had been approved by Members subject to 15 conditions, including the requirement for the submission of some particulars concurrently with the reserved matters application. Those being; an ecological management scheme and mitigation plan (condition 12), a surface water drainage strategy (condition 14) and a foul water drainage strategy (condition 15). Conditions 14 and 15 had been added by Members in addition to those recommended by officers. Members were informed that as the application had been originally submitted as a reserved matters application, all the information to accord with the conditions imposed on the outline permission accompanied the application before them.

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 (AL) 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:

#### Conditions

- 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 No. 835/10 E, Drawing 835/11 B, Drawing No. 835/12 A, Drawing No. 835/13 A and Drawing No. 01-19.19.001 - B, Drawing No. 01-19.19.002 - B, Drawing No. 01-19.19.003 – B received 2<sup>nd</sup> December 2019.

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

- 3 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping Drawing No. 835/13 A shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the adequate maintenance of the approved landscaping scheme for a period of five years in the interests of the character of the surrounding area.

- 4 No above ground works shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings 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.

Reason - The site is publicly visible and therefore quality materials are an essential requirement and insufficient information has been submitted within the application for full consideration of these details.

- 5 The approved screen walls and fences shown on approved Drawing No. 835/13 A shall be erected prior to the dwellings to which they relate being first occupied and thereafter be retained in the approved form unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure a satisfactory development of the site in the interests of visual and residential amenity.

- 6 Prior to the occupation of the development, the communal bin/refuse collection point shown on approved Drawing No. 835/10 E shall be provided and thereafter retained in the approved form.

Reason - To minimise the time spent by refuse collection vehicles parked within the highway so as to avoid congestion and inconvenience to users of the highway.

- 7 The removal of any vegetation 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.

- 8 All new hardstanding and parking areas 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 or surface within the site.

Reason - In the interests of sustainable development and to ensure that run-off water is avoided to minimise the risk of surface water flooding.

- 9 The approved Construction Method Statement reference 835 Method Statement 11/19 received on 2nd December 2019 shall be adhered to throughout the construction period.

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

- 10 The development shall be carried out in strict accordance with Recommendation and Conclusions of Geosphere Environmental Ltd (2016) Preliminary Ecological

Appraisal report ref. 2198,EC/PEA/LS,KL/11-01-16/V1 Dated 11th January 2017, amended Ecological Management Scheme 3651,EC/LTR001/LT,RF,KL/06-11-19/V3 Dated 6<sup>th</sup> November 2019 and Ecological Management Scheme Drawing ref. 3651,EC/001/Rev 2 Dated 5<sup>th</sup> November 2019.

Reason - To preserve and enhance the biodiversity of the site.

- 11 No means of external lighting shall be installed until details of an illumination scheme have been submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details.

Reason - In the interests of biodiversity and prevent the undesirable, disruptive and disturbing effects of light pollution.

- 12 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), other than those shown on approved Drawing No. 835/13 A, no provision of fences, walls or other enclosures, shall be erected on the perimeter of the site or forward of the dwellings hereby approved except in accordance with drawings showing the design and siting of such enclosures which shall previously have been submitted to and approved, in writing, by the Local Planning Authority by way of a planning application.

Reason - In the interests of visual amenity and to preserve the semi-rural character of the surrounding area.

- 13 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, C and 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 any of the dwellings or their roofs, 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 and to ensure that no harm to neighbouring amenities will occur.

- 14 Prior to the occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 17 metres in both directions as measured from and along the nearside edge of the carriageway in accordance with approved Drawing No. 835/10 E. Such vehicular visibility splays shall be retained free of any obstruction at all times in perpetuity.

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

- 15 Prior to first occupation of the development the vehicular turning facility shown on the approved Drawing No. 835/10 E 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.

- 16 Prior to the first occupation of the development, the existing access gates shall be repositioned in accordance with approved Drawing No. 835/10 E retaining a minimum set back from the back edge of the footway of 6 metres and shall be inward opening only. The gates shall be retained in this approved form unless otherwise agreed in writing by the Local Planning Authority.

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.

- 17 Prior to first occupation of the development, the vehicle parking shown on approved Drawing no. 835/10 E shall be constructed, surfaced and made available in accordance with the EPOA Parking Standards and maintained free from obstruction within the site at all times for that sole purpose.

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 for each dwelling.

- 18 Any new boundary planting shall be planted 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.

### 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 Agent, 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 - 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.

#### 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.

#### Highways Informatives

Informative 1: Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

Informative 2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 3: 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](mailto:development.management@essexhighways.org) or by post to:

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

Informative 4: Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway to ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety.

**91. A.6 - PLANNING APPLICATION - 19/01667/FUL - LAND TO THE WEST OF 45 HARWICH ROAD, LAWFORD, MANNINGTREE, CO11 2LS**

It was reported that this application had been referred to the Planning Committee at the request of Councillors G V Guglielmi, V E Guglielmi and Coley, the local Ward Members.

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 (AL) in respect of the application.

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

- (1) an amendment to Paragraph 6.21 in the Officer's report;
- (2) further comment and suggested conditions received from Essex County Council Highway Authority in response to the amended site area plan;
- (3) objections received from Lawford Parish Council; and
- (4) two additional representations received from local residents in support of the development.

Bill Marshall, a resident of the District, spoke in support of the application.

Anne Day, a local resident, spoke against the application.

Councillor V E Guglielmi, a local Ward Member, spoke against the application.

Philip Morphy, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Harris, seconded by Councillor Bray 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 reasons:

- Overdevelopment of the site; and
- Out of character.
- Together with the lack of a legal agreement to secure the required financial contributions as set out within paragraph 8.1 of the committee report if not received within 6 months.

The meeting was declared closed at 9.50 pm

**Chairman**