

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,  
HELD ON WEDNESDAY, 2ND SEPTEMBER, 2020 AT 6.00 PM  
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<b>Present:</b>	Councillors White (Chairman), Bray (Vice-Chairman), Alexander, Cawthron, Casey, Codling, Fowler, Harris and Placey
<b>Also Present:</b>	Councillor Barry
<b>In Attendance:</b>	Graham Nourse (Assistant Director (Planning)), Trevor Faulkner (Planning Manager), Leslie Roberts (Planning Solicitor), Alison Cox (Planning Officer), Jon Doe (Planning Officer (Agency)), Keith Durran (Democratic Services Officer), Debbie Bunce (Legal and Governance Administration Officer) and Emma Haward (Leadership Support Assistant)

**36. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were none.

**37. MINUTES OF THE LAST MEETING**

It was moved by Councillor Bray and seconded by Councillor Placey and **RESOLVED** that the minutes of the last meeting of the Committee held on Tuesday 11 August 2020 be approved as a correct record.

**38. DECLARATIONS OF INTEREST**

Councillor Harris declared a non-pecuniary interest in **Planning Application 20/00525/FUL – Land Adjacent 3 Bentley Road, Weeley, Clacton-on-Sea CO16 9DT** due to the fact that he had called in the application at the request of Weeley Parish Council. In addition, he was the Ward Member. He stated that he was not pre-determined on this application.

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

There were none on this occasion.

**40. A.1 PLANNING APPLICATION - 19/00188/FUL - LOWER FARM EAST END GREEN BRIGHTLINGSEA COLCHESTER CO7 0SX**

It was reported that this application had been referred to the Planning Committee as it represented a departure from the Local Plan. The development applied for related to the construction of 104 holiday lodges and an associated function/club house building, 36 retirement apartments for over 60yr olds, 5 private dwellings along with ancillary landscaping/engineering works, a glamping area, toilet facilities, boating jetties and children's play area.

Members were informed that the application site was situated on the north-eastern edge of Brightlingsea on land to the north of Robinson Road. The site comprised approximately 81 acres of former gravel workings which established a low-level restoration profile. The site had been left to self-seed, which had created areas of open scrub, grassland and woodland around three former silt lagoons, which had formed five open lakes. The site was located outside of the defined settlement boundary for Brightlingsea in both the saved and emerging Local Plan and within a coastal protection belt within the saved plan only.

In respect of the tourism use, Officers felt that the development of the Lower Farm Park site would offer the opportunity to deliver diversification from its current limited low-level use through its integrated connectivity into the local area. It would offer: both direct and indirect employment opportunities within the local area; attract both national and international tourism; and, promote economic growth of the immediate and local areas. The mixed-use proposals across the site had been designed to align themselves with the overarching objectives and policies of the emerging Local Plan and Tendring District Council's Tourism Strategy.

In terms of the private housing this was proposed to, in part, finance the tourism use and trigger points were proposed accordingly in order to ensure an appropriate provision of tourism lodges prior to the occupation of the residential elements of the site. In terms of the merits of the residential aspects of the scheme, the site was located on the edge of a smaller urban settlement with good access to local services/facilities and there was residential development on land directly to the south and south-west of the site. The site contained mature vegetation along its perimeters with Robinson Road. As a consequence Officers felt that there would be minimal landscape impact whilst sufficient spacing to existing residential properties were retained to safeguard amenity.

The Committee was aware that currently the Council could not demonstrate a 5 year housing supply and therefore in accordance with the provisions of the National Planning Policy Framework (NPPF) the presumption in favour of sustainable development applied. The mixed use development was considered by Officers to meet the economic, environmental and social strands of sustainability as outlined in the NPPF.

Subject to the applicant entering into a Section 106 agreement to cover the provision of an affordable housing contribution and public open space/RAMS contributions, the proposal was therefore considered to be acceptable with no material harm to visual or residential amenity, heritage assets, ecology interests or highway safety, and the application was therefore recommended by Officers for approval.

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 (TF) in respect of the application.

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

- 1) Additional representations have been received from a local resident, raising the following comments on highways and heritage specific matters:

***“Highways Issues***

*The site access plan for the development is not up to date or correct. Robinson Road at this point has been considerably altered and diverted, just prior to the access point of the site, into the Hopkins Homes Site. I do not believe that the original site access assessment is valid as this is a significant change, this is the one that I believe was assessed by ECC highways as I can find no amended plan on the portal.*

*There is now a built out and significant realignment of the road with a new give way from the unaltered area of Robinson Road. It is not comparable with the drawing provided. This junction should have been assessed for its acceptability in Highway Terms and for adequate visibility based on the agreed Hopkins homes layout. This layout was available with the Hopkins Homes application as this was a committed development prior to this application and the road was constructed months ago. I am unsure why the old Robinson Road plans are being used and confirmation is required that this new road layout and access arrangement has been assessed for the scheme by ECC highways with up to date drawings.*

*I would also like to draw your attention again to the Tennpenny Hill/Brightlingsea Road/Clacton Road/Station Road junction which the Tendring local plan modelling report has identified as being a key junction significantly over capacity. This junction modelling only considered 100 houses (Hopkins homes site) being built in the plan period in the assessment, the number of which has now been exceeded and fully built.*

*The application at Alresford Hall has now been approved by Tendring, this development will add traffic to this significantly over capacity junction both at peak and off peak times. The Colne Community School are looking to expand the school by 300 pupils by September 2021. This will affect this junction particularly as current advice is to not use public transport if possible. This is likely to result in a rise of car trips from next week and further expansion of the school will add to the existing traffic issues. I would suggest that the Committee need to consider whether the expansion of a local school is more beneficial to the community or a holiday development.*

*It is not possible to continue to add traffic to this this junction, it is a major issue for those living in Brightlingsea. This is also not in line with assessments for the Tendring local plan which also demonstrates that more traffic cannot be*

*continued to be added to this junction. Unless considerable mitigation at this junction is funded (not currently considered for the local plan) it has been demonstrated by the local plan documents that there will be significant issues on all entry points to this junction. A particular impact will be on Brightlingsea as there is no other choice of route for residents and businesses. The lower farm application did not assess this junction and any junctions in Brightlingsea. The recent junction assessment for the Alresford Hall application confirmed the Local Plan junction assessment and indicated significant delays and queues at this junction due to it being over capacity.*

*The cumulative effect of development on this junction cannot be continued to be ignored. More development over that which was tested for the one local plan accepted site in Brightlingsea has not been considered, largely due to the junction not being able to accommodate any further traffic.*

*It should also be noted that the peak times demonstrated for the Lower Farm development are the same as the school start and end times and access to the site is via the roads at the Colne where there are currently no formal crossing points for the students (Church Road, Batemans and Samsons)."*

#### **ECC County Highways response to the above representation on highways issues**

*"In relation to the realignment of Robinson Road this obviously formed part of the Hopkins Homes development and was proposed in advance of the Lower Farm application (details attached) and the proposed junction would need to tie in with the arrangement as part of a S278 agreement and as such would be subject to a stage 2 Road Safety Audit before it could be constructed.*

*However, on review of the currently recommended road junction condition (condition 14), it is suggested that it should be amended to read as follows:*

*No development shall commence until a revised road junction design with Robinson Road has been submitted with a Stage 1 Road Safety Audit and agreed in writing with the Local Planning Authority and in conjunction with the Highway Authority. The junction shall be constructed at right angles to the highway boundary and to the existing carriageway to a carriageway width of 5.5 metres with minimum radius kerbs of 6 metres; with a flanking single footway 2m. in width returned around the radius kerb only with tactile paving to provide a pedestrian link to the existing footway on the opposite side of Robinson Road.*

*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 and in accordance with Policy DM1 and DM6.*

*In relation to the Tennpenny Hill/Brightlingsea Road/Clacton Road/Station Road junction what the objector has said is not incorrect but the junction may be at capacity at certain times but there is no long term improvement scheme*

*highlighted for the junction and the development is not likely to have a severe impact that would warrant refusal for an application of this kind.*

*You will be aware that back in May 2019 the Highway Authority's initial response was to recommend refusal in relation to this application as we were not satisfied with the information that had been supplied in support of the application; even though some of the matters we raised are contrary to the scoping response offered by ECC's Planning Services (17/30021/PREAPP) to the consultant; a copy of which is attached for ease of reference.*

*The areas to which we were not satisfied with related to the following areas:*

- Site description.*
- Site assessment.*
- Site Access*
- Parking Provision*
- Sustainable Modes*
- Traffic Counts*
- Traffic Growth*
- Junction Assessment*
- Trip generation*

*As a result of these points some of which had not been part of the original scoping response the client's consultant went away and undertook some further investigations into these areas. The consultant provided the following additional information on the following points:*

**Site Description:**

*The initial information had excluded details on the proposed glamping aspect of the proposals, the Highway Authority required further clarification and the following additional information was subsequently supplied:*

- A maximum of 104 holiday lodges will be developed within the Site which will be complemented by Glamping with tents, tepees, glamping pods, yurts and other attractive and novel mid to high end temporary accommodation to enhance and attract visitors.*
- A discreet glamping area will be included within Lower Farm Park and maintained throughout the summer season. Glamping areas will be established with a low-density (5 to 7) pitching arrangement to offer privacy and exclusivity. It should be noted that Glamping would be complimentary to the proposed tourism uses across the Lower Farm Park site, i.e. offering alternative tourism accommodation to the holiday lodges.*

**Site Assessment:**

*The Highway Authority were generally satisfied with the operation the proposed land uses but required further clarification of the following:*

- Use as a corporate training/flexible venue facility, detailed in the planning statement and design and access statement could generate a significant amount of additional trips. All uses on the site need to be factored into the trip generation.*

- *All listed additional uses would require trip generation which has not been provided in the Transport Statement.*

*The consultants advised that the corporate training use would only occur during the off-peak tourist season and would only be used by groups of 20 to 30 people and is envisaged to be used for team building exercises or similar. As such, it is considered that the traffic attraction calculations undertaken in the Transport Statement, which were undertaken on the basis of the peak season operation of the development, represent the worst case. For the avoidance of doubt, events and corporate training that are proposed across the Lower Farm Park site will provide out of season occupancy, with the holiday lodges offering the necessary accommodation. The consultants advised that the events and corporate training will not result in any additional vehicle movements to or from the site.*

*The Highway Authority are now satisfied regarding the site assessment.*

**Sustainable Modes:**

*The Highway Authority highlighted that local services and facilities were beyond the typical walking distances contained in the Institute of Highway and Transportation guidelines.*

*In their response the applicant acknowledges the IHT guidelines document, which was produced in 2000. However, as indicated within the Transport Statement it is fact that the results of the 2015 National Travel Survey (NTS) indicate that 76% of journeys less than one mile (1.6km) in length are undertaken on foot and it is therefore considered that this distance should be regarded as applicable in terms of defining the walk-in catchment of a development. In fact, the most recently available iteration of the NTS (2017) indicates that 81% of journeys under 1.6km are undertaken on foot.*

*We have used the 1.6km figure to confirm the walk-in catchment of development proposals in conjunction with planning applications throughout the country and to date it has rarely been contested and indeed why would it be as it is a fact derived from extensive National surveys. Furthermore, we would highlight that many of the walking distances quoted in Table 4.1 of the Transport Statement only exceed the 1.2km distance that you are advocating by between 100m and 200m. The top end of that range would only equate to in the order of 2.5 minutes walking time and therefore even if it was in addition to the clearly defined 1.6km threshold it would, in our opinion, be extremely unlikely to persuade people to choose a car trip over a walking trip.*

*As indicated above, please refer to paragraph 4.5 of the Transport Statement for details of the pedestrian links proposed in conjunction with the development.*

*Local access to the footway/public rights of way network has now been agreed with the applicant and secured through a planning condition. Additionally local services and facilities can be accessed by bike and ultimately if the private car is*

*used this is unlikely to impact adversely on the operation of the local highway network.*

***Traffic Counts/ Traffic Growth/ Junction Assessment:***

*It was agreed at the scoping stage of the project that a Transport Statement (Refer to the scoping response offered by ECC's Planning Services 17/30021/PREAPP) represented the appropriate form of submission for the proposal, therefore, there was no need for traffic counts, traffic growth or junction assessments to be undertaken.*

*Following further consideration of the proposals at the planning application stage the Highway Authority raised concerns over the operation of local junctions including Robinson Road/Chapel Road and Bateman Road/Church Road.*

*In the first instance the consultants were asked to review the Transport Assessment (TA) work submitted by Hopkins Homes for the two phases of their development which is located opposite the Lower Farm Park site.*

*The Hopkins Homes Phase 2 TA presents traffic data and junction capacity assessments for the following 2 junctions: -*

- 1. Robinson Road / Chapel Road priority junction (Junction 1)*
- 2. Bateman Road / Church Road priority junction (Junction 2)*

*They submitted a scan of the summary results page from the PICADY (priority junction assessment software) at each of the above junctions, which demonstrate that both are predicted to operate with ample spare capacity during the weekday AM and PM peak hours in 2022 with all development traffic (including committed development traffic) added.*

*At Junction 1 the maximum predicted Reference of Flow to Capacity (RFC) during either of the peak hours in 2022 with all development traffic scenario is 0.16, whilst the corresponding figure at Junction 2 is 0.53 and is forecast to occur during the weekday AM peak hour when the Lower Farm Park development is expected to attract a very modest 18 two way movements, i.e. only 1 vehicle movement every 3 minutes.*

*To set the predicted RFC values in context we would highlight that a value of 0.85 to 0.90 is normally regarded as the desirable maximum acceptable value, and the RFCs predicted at both Junction 1 and Junction 2 fall comfortably below that level. We would also highlight that the predicted queueing at both Junctions is also very modest with the maximum predicted queue at either Junction during the weekday peak hours being 1.1 vehicles only.*

*We consider that the results of the future year junction capacity assessments presented within the Hopkins Homes Phase 2 TA confirm that weekday peak hour junction / highway capacity within the vicinity of the Lower Farm Park site should not be an issue of concern. Furthermore, given the ample spare capacity forecast at both Junctions assessed within the Hopkins Homes Phase 2 TA, it is considered that they would continue to operate acceptably during the weekday*

*peak hours following the addition of the modest weekday peak hour traffic flows associated with the Lower Farm Park development proposals, i.e. 18 two way movements during the weekday AM peak hour and 35 two way movements during the weekday PM peak hour.*

*It was considered that the above reinforces the original Scoping Response offered by ECC Highways that a Transport Statement represented the appropriate transport / highway submission for the Lower Farm Park development proposals and further detailed traffic investigations in conjunction with the proposal are not warranted.*

*With regards to the Colne Community School looking to expand the school by 300 pupils by September 2021 this application has not been determined and would be considered on its merits, plus the nature of the Lower Farm application would mean the high season would co-inside with the school holidays minimising the potential impact in this area.*

*As a result the Highway Authority are now satisfied on these points.”*

### **Heritage Issues**

*“With regards to the Historic Buildings and Conservation advice regarding my property Marsh Farm house, I note that it is stated that ‘the change in the setting in the immediate vicinity will be very apparent, making a change to the environment of the asset and the manner in which it is experienced’. It also states that paragraph 196 is relevant.*

*Paragraph 196 of the NPPF states that the harm of damage to the Heritage Asset should be weighed against the public benefits of the proposal including, where appropriate, securing the optimal viable use of that asset. Therefore, the applicant is required to provide evidence to demonstrate that there is no other viable use. Paragraph 195b of the NPPF states that appropriate marketing is required to demonstrate that there is no other viable use for the site that still provides for its conservation to some degree. I would argue that the current use of the site as a fishing lakes business is a viable use of the land. We would also be interested in buying the land to conserve it as it is and marry it back to the farm house, thus protecting the historic landscape, if this were marketed, we would have expressed an interest. I am also aware that Essex Wildlife Trust, the RSPB and a golf course owner were all interested in this site.*

*EWT and RSBP would promote both conservation of the site and tourism for both Brightlingsea and Tendring.*

*I would also like to reiterate again that there is no significant buffer or proposed planting between our property and the development site. As it has been demonstrated that ‘the change in the setting in the immediate vicinity will be very apparent, making a change to the environment of the asset and the manner in which it is experienced’ this should be provided as the cabins are just metres from our boundary. These cabins have not moved position in the plans to allow*



*for this after it was pointed out that the buffer they were providing was actually our property. All that has happened is the buffer has been removed. The previously refused holiday park application did demonstrate a significant buffer at the north of the site. This is imperative to protect the setting of our house and planting is required to visually shield and reduce noise and light pollution. I request that this is urgently considered as all other correspondence regarding this has not resulted in any amendments.”*

**2) An Additional Third-Party letter:**

*“As I am not permitted to speak in person I would request that the following questions and statement is submitted to the committee meeting to discuss the above proposed development. This is in addition to my previous emailed statements and questions.*

*The development is promoting cycling and walking within the local area. What steps are proposed to prevent cycling along the designated foot only footpath along stoney lane? What contribution is going to be made for the upkeep of this footpath and the section passing through marsh farm house property, as at the moment I am paying for the upkeep of both and additional foot traffic will make a considerable difference to my upkeep costs.*

*What security measures will be in place to prevent visitors accessing my property?*

*What steps will be taken to ensure contaminants are not released (air Bourne or otherwise) during ground penetrating works on a designated land fill site. These works will include cable laying for huts and street lighting, pipe laying and road creation. Has an assessment of the thickness of the cap on the land fill been carried out?*

*What is the new buffer zone between the development and our property and how will it be screened? This has not been clearly defined on the latest drawings.*

*What is proposed to limit sound pollution from the site? The natural amphitheatre (as stated within the advertising for the site) created by the quarry works will focus all sound across to my home.*

*Will a new highways assessment be carried out on the access as the new road layout means that the entrance now sits on top of a T junction and there is no visibility to see oncoming traffic..*

*In conclusion:*

*The Lower Farm application, as based on my previous comments submitted, can be summarised as comprising of an inappropriate form, of development in respect of the principle of development (not allocated in the local plan and outside the development boundary), which would result in a significant detrimental effect on the character and appearance of the surrounding area, the*

*setting of a historic building, harm caused to the amenity of occupants of neighbouring dwellings, harm caused to ecology and protected surrounding areas and would significantly reduce highway safety and effect the traffic flow on the surrounding road network particularly as traffic will pass the Colne Community School and pass through residential roads and have no direct access to the primary road network.”*

### **3) Additional third party representations**

*“I emailed Natural England about the existing right of way information in the Appropriate Assessment being misleading.*

*In their reply Julie Lunt from Natural England advised that I should raise my concerns with the Local Planning Authority.*

*I received no reply from case officer Mathew Lang in respect of his quote In the AA regarding access to Flag Creek.*

*For your ease, here are the quotes again:*

*“no easy pedestrian link to the designated site” Table 4.1 page 8*

*“no easy pedestrian link to the Colne Estuary SPA & RAMSAR and Essex Estuaries SAC. This further limits the recreational impact from the development alone.” 4.18 page 8*

*“The site currently has poor access to Flag Creek” Local Planning Authority Case Officer Comments page 14 of the HRA.*

*The existing right of way runs along the boundary of the proposed development, past the grade ii listed Marsh Farm and straight down to the creek. I would consider it a normal length walk from the proposed holiday development.*

*I discussed the issue with Mark Nowers, RSPB conservation officer for the Greater Thames Priority Landscape and he gave me this quote:*

*“We should all be deeply concerned about the state of our beach-nesting birds. Pressure from people is a present and increasing threat. The Colne Estuary is designated for its breeding Little Terns, but this year there were none. The designations across the Essex coast show that there should be at least 73 pairs of Little Terns from the Colne down to Foulness.””*

Steven Smith, a local resident, spoke in support of the application.

Susie Jenkins, a local resident, spoke against the application.

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

Following discussion by the Committee, it was moved by Councillor Bray, seconded by Councillor Alexander and **RESOLVED** that the Acting Assistant Director (Planning) (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following:

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. No above ground works 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 all elements of the development 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.

Reason - The development is publicly visible and therefore sympathetic materials are a visually essential requirement.

3. No above ground works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, 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 - In the interest of visual amenity and the character of the area.

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

5. Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate and

pumping station details, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

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

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.
- Limiting discharge rates to 7.7l/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 features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 100 year event plus climate change.
- 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 within 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.

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.
- 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 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.

8. No works 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, 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.

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. The development hereby permitted shall not be commenced until the pipes within the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition.

Reason - To ensure that drainage system implemented at the site will adequately function and dispose of surface water from the site.

11. No development shall commence, including any groundworks, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Construction Method Statement shall provide for:

- safe access to/from the site;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from construction works;
- details of hours of deliveries relating to the construction of the site;
- details of hours of site clearance or construction;
- a scheme to control noise and vibration during the construction phase, including details of any piling operations

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason - To ensure that on-street parking of construction vehicles and materials storage in the adjoining streets does not occur, in the interests of highway safety and to control delivery/working hours in the interests of residential amenity.

12. Prior to occupation of the development, the road junction/access at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 90 metres in a south east direction and 2.4 metres by 120 metres in a north west direction, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction/access is first used by vehicular traffic and retained free of 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.

13. No unbound material shall be used in the surface treatment of the vehicular access within a minimum of 6 metres of the highway boundary.

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

14. Prior to occupation of the development, the proposed road junction at its bell mouth junction with Robinson Road shall be constructed at right angles to the highway boundary and to the existing carriageway to a carriageway width of 5.5 metres with minimum radius kerbs of 6 metres based on and in principal with drawing no. IT1671/SK/01 Rev A; with a flanking single footway 2m in width returned around the radius kerb only with tactile paving to provide a pedestrian link to the existing footway on the opposite side of Robinson Road.

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.

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 back edge of the carriageway.

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 carriageway in the interest of highway safety.

16. 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.

17. The proposed development shall not be occupied until such time as the relevant vehicle parking areas indicated on the approved plans, including any parking spaces for the mobility impaired, have been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas and associated turning area shall always be retained in this form. 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.

18. The Cycle and Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facilities shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason - To ensure appropriate cycle and powered two-wheeler parking is provided in the interest of highway safety and amenity.

19. No occupation shall take place until such time as the public footpaths 161\_8 & 161\_27 (just beyond Marsh Farm) have been the subject of infrastructural improvements required for the upgrade of the natural surface by providing planings with timber edging; the extent to be agreed with the Highway Authority and has been provided entirely at the Developer's expense.

Reason - To make adequate provision within the highway for public footpath 8 and 27 (part) These areas currently have a natural surface so would benefit from an upgrade (a layer of planings with timber edging) due to the additional pedestrian traffic generated as a result of the proposed development.

20. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (Green Ecology, Nov 2017 updated Aug 2018) and Ecology Clarifications letter (Honace, 25 June 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason - To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

21. A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason - To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

22. A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Assessment (Green Ecology, Nov 2017 updated Aug 2018) and Ecology Clarifications letter (Honace, 25 June 2019), shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development.

The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason - To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

23. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development.

The content of the LEMP shall include the following:



- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason - To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

24. The hereby approved tourist lodges shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The owners/operators of the site shall maintain an up to date register of the names of all owners/occupiers of holiday homes on site and of their main home addresses. The register shall be made available at all reasonable times for inspection by the local planning authority.

Reason - To safeguard the tourist use of the site and to prevent permanent residential use in this unsuitable location.

25. The development hereby approved shall comprise of a maximum of 104 holiday lodges and no touring caravans.

Reason - To ensure the number of units is compatible with the size and layout of the site.

26. Prior to its first construction full details of the play area shall be provided including scaled drawings of the various pieces of play equipment, surfacing and boundary treatments. The play area shall be constructed in accordance with the approved details and retain as such thereafter.

Reason – In the interests of visual amenity.

27. Prior to the first occupation of the private housing and tourist accommodation a detailed electric vehicle charging point scheme shall be submitted to and approved, in writing, by the Local Planning Authority. The approved scheme shall be installed as approved prior to occupation and retained thereafter.

Reason – In the interests of sustainable transport.

28. No development shall commence until the applicant/developer has submitted to the Local Planning Authority, in writing, a Local Recruitment Strategy to include details of how the applicant/ developer shall use their reasonable endeavours to promote and encourage the recruitment of employees and other staff in the locality of the application site, for the construction of the development. The approved Local Recruitment Strategy shall be adhered to therein after.

Reason - To promote and encourage the recruitment of employees and other staff in the locality of the application site.

29. Prior to the first occupation of the tourist accommodation a public access strategy that outlines details to enable local public access onto the site and use of the park facilities, shall be submitted to and approved, in writing, by the Local Planning Authority. The approved strategy shall be adhered to at all times thereafter.

Reason – To facilitate local public access into the site in the interests of promoting health and amenity benefits to local residents.

30. There shall be no use of motorboats or engine powered watercraft on the water features across the site at any time.

Reason – In the interests of amenity and ecological reasons.

31. The development hereby permitted shall be carried out in accordance with the following approved plans/documents

- IT1671/SK/01 Rev A
- 0/A000/LP/003 Rev A
- 0/A000/LP/010 Rev A
- 0/A000/PR/001
- 0/A000/LP/005
- 0/A000/LP/007
- 0/A000/LP/008
- 0/A000/LP/009
- 0/A100/PR/001 Rev B
- 0/A100/PR/004
- 0/A200/PR/001 Dwelling Elevations
- 0/A200/PR/001 Retirement Mews Elevations
- 0/A200/PR/002 The Barrow Elevations

- 0/A600/PR/002 Retirement Mews Section Plan
- 0/A600/PR/002 The Barrow Section Plan
- P130-02 Lower Farm Lighting Scheme
- TYP1 – 0/A200/PR/001
- TYP1 – 0/A600/PR/001
- TYP1 – 0/A600/PR/002
- TYP2 – 0/A200/PR/001
- TYP2 – 0/A600/PR/001
- TYP2 – 0/A600/PR/002
- TYP2 – 0/A600/PR/003
- TYP2 – 0/A600/PR/004
- TYP3 – 0/A200/PR/001
- TYP3 – 0/A600/PR/001
- TYP3 – 0/A600/PR/002
- TYP4 – 0/A200/PR/001
- TYP4 – 0/A600/PR/001
- TYP4 – 0/A600/PR/002
- TYP5 – 0/A200/PR/001 Rev A
- TYP5 – 0/A600/PR/002
- TYP5 – 0/A600/PR/003

Reason – For the avoidance of doubt.

-The Committee requested that upon any changes being made to conditions following approval, the application should to be brought back to Committee for its further consideration.

**41. A.2 PLANNING APPLICATION - 20/00525/FUL - LAND ADJACENT 3 BENTLEY ROAD WEELEY CLACTON ON SEA CO16 9DT**

Councillor Harris had earlier declared a non-pecuniary interest in **Planning Application 20/00525/FUL – Land Adjacent 3 Bentley Road, Weeley, Clacton-on-Sea CO16 9DT** due to the fact that he had called in the application at the request of Weeley Parish Council, and that, in addition, he was the Ward Member. He had stated however that he was not pre-determined on this application.

It was reported that the application had been referred to the Planning Committee at the request of Councillor Harris due to the Parish Council's concerns that the proposal represented backland development; overdevelopment of what was a very narrow site; did not meet policy regarding size criteria; provided inadequate parking for the proposed dwelling and 3 Bentley Road; would have a dangerous access to the road with poor visibility and limited room to manoeuvre; and therefore it did not have the support of Weeley Parish Council.

Members were made aware that the application site was formed from part of the rear garden of 3 Bentley Road, Weeley Heath. 3 Bentley Road was at a corner

of the junction of Bentley Road with Mill Lane. The site would have a frontage to Mill Lane.

The site was located within a Development Boundary for Weeley Heath as defined within both the adopted Tendring District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017. The principle of residential development in this location was therefore considered to be acceptable by Officers subject to detailed design and impact considerations.

The application sought full planning permission for the erection of a three-bedroom detached bungalow with integral single garage and vehicular access onto Mill Lane for parking provision for the proposed bungalow and for two parking spaces for the existing property from which the site would be formed.

Officers felt that the proposed bungalow would be of a scale and form appropriate to its setting. The bungalow would not result in a material loss of residential amenities. The bungalow would have a private garden and parking in accordance with relevant standards.

Officers also felt that the proposed development was in a location supported by Local Plan policies and would not result in any material harm to the character of the area, residential amenities or highway safety. The application was therefore recommended by Officers for approval subject to conditions and in conjunction with a completed legal agreement.

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 subject to conditions and in conjunction with a completed legal agreement.

At the meeting, an oral presentation was made by the Council's 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 representations received:

**"1) Letter of support received from occupier of 3 Bentley Road.**

- *I would be most affected but see no problem;*
- *Space has not been utilised for a number of years now;*
- *One bungalow would not impact on area;*
- *It is not a greenfield site or backland;*
- *I have enjoyed easy access for parking from the street for my whole time here; and*
- *Infilling of this type should be promoted by the Council as it negates the need for more large developments*

**2) Letter of support received from owner of 3b Bentley Road.**

- *It would embellish a prominent part of the area which is currently unsightly due to a run down outbuilding for a single bungalow;*
- *This is not backland development; it fronts the road and already has access; and*
- *There are plenty of precedents where plots like this have been granted planning permission*

3) **Letter of comment received from occupier of 64 Bentley Road.**

- *Weeley Heath is in danger of losing its identity;*
- *Proposal should be viewed positively as it removes what is essentially an eyesore;*
- *The plot though small is not out of keeping with similar developments;*
- *It is not backland development but has a full road frontage and is essentially infill;*
- *It will enhance the streetscene;*
- *It is within the accepted development area and appears to be sympathetic to adjacent properties;*
- *It uses an existing highway access; and*
- *We cannot be against all developments or we will lose our ability to be taken seriously when trying to object to large scale incursions which would have a dramatic effect on the landscape”*

Colin Crane, a local resident, spoke against the application.

Parish Councillor Christine Hamilton, representing Weeley Parish Council, spoke against the application.

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

- The design of the bungalow, by reasons of its position, scale and massing in relation to the cramped nature of the plot and failure to relate well to surrounding development in terms of the grain and rhythm of built forms, fails to represent good design as required by paragraph 124 of the National Planning Policy Framework and is contrary to Policies QL9 and HG14 of the adopted Local Plan and Policy SPL3 of the emerging Local Plan.

- The design of the bungalow, involving bedroom windows looking onto side boundaries, would create development with insufficient amenity for future occupiers and a loss of privacy for occupiers of neighbouring properties and as such is contrary to Policies QL10 (v) and QL11 (ii) of the adopted Local Plan and Policy SPL3 of the emerging Local Plan.

- In the opinion of the local planning authority the proposal would cause a hazard and inconvenience to the public by reason of the four parking spaces directly accessing onto a highway in proximity to a junction and as such the proposal is contrary to Policies TR1a and QL10 (i) and Policy CP2 of the emerging Local Plan.

42. **A.3 PLANNING APPLICATION - 20/00603/FUL - 34 DE VERE ESTATE GREAT BENTLEY COLCHESTER CO7 8QA**

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

The application involved adaptations to the dwelling for a mobility-impaired person; those adaptations included a single-storey side extension, an enlarged kitchen and ramped-access to the main entrance and a new dropped kerb to facilitate off-street parking.

Officers felt that the proposal would not result in harm to the host dwelling or wider street scene in general in regards to the siting, scale or external appearance of the development, nor any material harm to residential amenity nor highway safety.

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 (AC) in respect of the application.

Following discussion by the Committee, it was moved by Councillor Bray, seconded by Councillor Placey and **RESOLVED** that the Acting Assistant Director (Planning) (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following:

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:- A2020-34-02, received 13th May 2020.

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

The meeting was declared closed at 9.00 pm

**Chairman**