

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,  
HELD ON TUESDAY, 17TH NOVEMBER, 2020 AT 6.00 PM**

<b>Present:</b>	Councillors White (Chairman), Bray (Vice-Chairman), Alexander, Casey, Cawthron, Fowler, Harris and Placey
<b>Also Present:</b>	Councillor Coley
<b>In Attendance:</b>	Ian Davidson (Chief Executive), Lisa Hastings (Assistant Director (Governance) and Monitoring Officer), Graham Nourse (Assistant Director, Planning), Keith Simmons (Head of Democratic Services and Elections), Trevor Faulkner (Acting Planning Manager), Nick Westlake (Planning Officer), Alison Cox (Planning Officer), Naomi Hart (Planning Officer), Debbie Bunce (Legal and Governance Administration Officer), Keith Durran (Democratic Services Officer), Emma Haward (Leadership Support Officer).

**68. CHAIRMAN'S INTRODUCTIONS**

The agenda for the Planning Committee had not been published according to statutory obligations and therefore, the Chairman of the Planning Committee chose to take the all applications submitted to the Committee on the published agenda as a matter of urgency. The Council's Monitoring Officer (Lisa Hastings) confirmed that the meeting had been included within the Schedule of Meetings, approved by Full Council in July 2020 and all other protocols had been followed with regards to speakers and issuing the relevant papers and was satisfied that it was appropriate for the meeting to continue.

**69. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies were received from Councillor V E Guglielmi. There was no substitute.

**70. MINUTES OF THE LAST MEETING**

Upon an amendment to formatting on page 19, paragraph 11 of the previous minutes which read 'in addition, that any application made to discharge condition 11 will be submitted to the Committee for its determination', it was moved by Councillor Bray, seconded by Councillor Harris and **RESOLVED** that the minutes of the last meeting of the Committee held on Tuesday 20 October 2020 be approved as a correct record.

**71. DECLARATIONS OF INTEREST**

Councillor Coley declared a personal interest in **Planning Application 20/00479/DETAIL – Land North of Stourview Avenue, Mistley** due to being a representative of the Lawford Housing Enterprise Trust. He was not pre-determined.

Councillor Harris declared a personal interest in **Planning Application 20/00822/FUL – The Laurels, Parsonage Lane, Tendring CO16 0DE** due to being both the Ward Member and Parish Councillor for Tendring Parish Council. Councillor Harris had called-in the application as a direct request for Tendring Parish Council, he would speak however as a Committee Member as he was not pre-determined.

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

There were none on this occasion.

**73. A.1 PLANNING APPLICATION 20/00479/DETAIL - LAND NORTH OF STOURVIEW AVENUE MISTLEY**

Councillor Coley had earlier in the meeting declared a personal interest in **Planning Application 20/00479/DETAIL – Land North of Stourview Avenue, Mistley** due to being a representative of the Lawford Housing Enterprise Trust. He was not pre-determined.

It was reported that outline planning permission (all matters reserved) had been granted on 30th May 2017 for the erection of up to 70 dwellings and associated works, under application 15/01810/OUT. The current submission related to the outstanding reserved matters for this development.

In accordance with Members' previous request, the current submission had been brought to Planning Committee which sought consent with regard to the reserved matters of access, landscaping, layout, appearance and scale.

Members were made aware that the site lay outside the defined settlement boundary of the saved Local Plan but within the settlement boundary of the emerging Local Plan. The principle of residential development had been accepted by the granting of outline planning permission.

The site was accessed from Stourview Avenue with 62 dwellings accessed off the main central ring road. The remaining 8 dwellings were located off two separate private driveways. The scheme retained a substantial level of open space to the eastern and northern sections of the site. The railway line ran to the north of the development.

The detailed plans complied with the outline requirements in terms of the site plan having not changed and the access continued to be off Stourview Avenue. The usual design parameters (garden sizes, distance between dwellings and level of parking) and the reserved matters generally were considered acceptable with no material harm to visual or residential amenity, or highway safety.

A legal agreement was required for this application to secure a financial contribution towards the Essex Coast Recreational Disturbance and Avoidance and Mitigation Strategy (RAMS).

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 (TF) in respect of the application.

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

### Ecology Update

*The application had been reviewed by Essex Ecology Services and Natural England. Both these statutory consultees had offered no objections to this proposal subject to the bio diversity and ecology mitigation measures recommended within Condition 9 of the original application being followed. Also, that updated RAMS payments were made.*

*Notwithstanding these objections from both specialist ecology departments, the applicant had provided the LPA with an updated 'Ecological Mitigation and Enhancement Stagey' (Geosphere Environmental 12/11/2020). The report also included results for an updated walkover and various protected species surveys.*

*Surveys for the following ecological aspects were undertaken: habitats, reptiles, breeding birds, bats, badger. An Invertebrate survey had been undertaken and reported separately however, its results and recommendations had been drawn upon within this site-specific mitigation and enhancement strategy.*

*Main findings included the following:*

- Reptiles: Common Lizard, Slowworm and Grass snake were using the habitats onsite.*
- Breeding Bird: A total of 39 species were recorded on site during the breeding bird survey, 15 of these were of conservation concern.*
- Bats: bat roosts were noted within the trees and woodland onsite. Seven bat species were found to be foraging along hedgerows, scrub and tree lines.*
- Badger: no badger setts were noted in the site boundary, although badgers were considered to use the site for foraging.*

*These findings were similar to the initial HRA undertaken on site in 2015, however this recent study outlined exactly what had been found on site this year in recent months.*

*The Ecology Report (Geosphere Environmental 12/11/2020) concluded that providing the recommendations within sections 11, 12 and 13 of the report were followed; impacts to protected species could be minimised, and the scheme would provide an overall biodiversity enhancement in the long term.*

*These three chapters of the updated report covered the following areas:*

- a) Bio diversity management (similar to Condition 9 of original outline)*
- b) Construction Phase Mitigation Strategy (CEMP)*
- c) Impact, Evaluation and mitigation Strategy*

*Officers noted that the first topic area of Bio diversity management was covered by Condition 9 of the original outline report. This original condition also required additional updated survey work to be undertaken. Therefore, a more recent assessment of biodiversity and ecology would have been undertaken in any event.*

*The other two topic areas b) and c) above were 'new' recommendations and they were suggested to be included as 'new planning conditions' for the application.*

### Conditions Update

#### *Suggested Additional Planning Conditions*

*1. No works should take place on site (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP) had been submitted to and approved in writing by the Local Planning Authority.*

*The CEMP (Biodiversity) shall include the following:*

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of "biodiversity protection zones".*
- c) Practical measures to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- d) The location and timing of sensitive works to avoid harm to biodiversity features. For example, detail how certain activities will be limited in time, location, light or noise level to minimise the risk of disturbance to SPA birds, in line with the findings of the Environmental Information Report, Environmental Action plan and Mitigation Plan*
- e) The times during construction when special ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) Use of protective fences, exclusion barriers and warning signs.*

*The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.*

*Reason - In order to safeguard the ecological interests of the site, and to mitigate any adverse effects on the nearby internationally and nationally recognised; Special Areas of Conservation, Special Protection Areas, Sites of Special Scientific Interest and Ramsar locations.*

*2. No development should commence until an Ecological Impact, Evaluation and Mitigation Strategy had been submitted to and approved, in writing, by the Local Planning Authority. The document should include:*

- i) the recommendations contained with the sections 11, 12 and 13 of the updated Ecology Report (Geosphere Environmental 12/11/2020)*

*The approved Ecological Impact, Evaluation and Mitigation Strategy shall be adhered to and implemented strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.*

*Reason - In order to safeguard protected wildlife species and their habitats and in the interests of biodiversity.*

Councillor Alan Coley, a local Ward Member, spoke in support of the application.

Will Vote, the agent on behalf of the applicant, spoke in support of the application.

During the Committee's debate on this application, Members discussed and asked questions on the following matters:-

<i>Matter raised by a Committee Member:-</i>	<i>Officer Response thereto:-</i>
<i>What would be the Section 106 contributions?</i>	<i>Five Affordable Homes including £600,000.</i>
<i>Did the application meet the minimum amenity measurement and requirements?</i>	<i>Application was fully compliant.</i>
<i>Did the application provide for visitor parking?</i>	<i>Application was fully compliant with the necessary requirements regarding parking arrangements for visitors.</i>
<i>Concern about impact on the Stour Estuary from a pollution overspill.</i>	<i>Reference was made to a relevant planning condition that had been applied to the original outline planning approval.</i>
<i>Concern about the consequences of a failure of the Anglian Water pumping facility.</i>	<i>Reference was made to Anglian Water's consultation response and also to condition 10 applied to the original outline planning consent. Impact on the pumping facility was considered to be minimal.</i>
<i>Query raised about Anglian Water's consultation response to the outline planning application in relation to service water – had the Council consulted the Environment Agency on this?</i>	<i>Reference was made to Conditions 10 and 11 applied to the outline planning consent which related to a Surface Water Assessment Scheme. Confirmed that no necessary action needed to be taken in liaising with the Environment Agency.</i>

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

(a) 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 of £125.58 per new dwelling towards RAMS.
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(b) the following Conditions and Reasons:

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Rb003-pl-07 g Amended parking plan Received on 27 Oct 2020

Rb003-pl-08 g Amended garden areas plan 27 Oct 2020  
Rb003-pl-09 g Amended refuse plan 27 Oct 2020  
Rb003-pl-02 h Amended site layout 27 Oct 2020  
Rb003-pl-03 g Amended detailed site layout 27 Oct 2020  
Rb003-pl-04 g Amended storey heights plan 27 Oct 2020  
Rb003-pl-05 g Amended surface finishes 27 Oct 2020  
Rb003-pl-06 g Amended materials plan 27 Oct 2020  
Rb003-ht-ame-02 rev b Amended amelia - proposed elevations 17 Sep 2020  
Rb003-ht-ch-02 rev b Amended charlotte - proposed elevations 17 Sep 2020  
Rb003-ht-al-01 rev b Amended alexander - proposed floor plans 17 Sep 2020  
Rb003-ht-ch-01 rev b Amended charlotte - proposed floor plans 17 Sep 2020  
Rb003-ht-ame-01 rev b Amended amelia - proposed floor plans 17 Sep 2020  
Rb003-ht-op-02 rev b Amended ophelia - proposed elevations 17 Sep 2020  
Rb003-ht-ro-02 rev b Amended rosemary (detached) - proposed floor plans and elevations 17 Sep 2020  
Rb003-ht-ro-01 rev c Amended rosemary - proposed floor plans and elevations 17 Sep 2020  
Rb003-ht-op-01 rev c Amended ophelia - proposed floor plans 17 Sep 2020  
Rb003-ht-vi-01 rev c Amended victoria - proposed floor plans and elevations 17 Sep 2020  
Rb003-ht-da-01 rev d Amended damask - proposed floor plans and elevations 17 Sep 2020  
Rb003-ht-he-01 rev b Amended hebe - proposed floor plans and elevations 17 Sep 2020  
Rb003-ht-al-02 rev b Amended alexander - proposed elevations 17 Sep 2020  
Rb003-ht-amb-01 rev b Amended amber- proposed floor plans and elevations 17 Sep 2020  
Rb003-ht-gr-01 rev b Amended grace - proposed floor plans and elevations 17 Sep 2020  
Rb003-ht-ba-01 rev d Amended barbier - proposed floor plans and elevations 17 Sep 2020  
Rb003-gr-sg1-01 Sg1a single garage floor plan, roof plan and elevations 06 April 2020  
Rb003-gr-sg1-02 Sg1b double garage floor plan, roof plan and elevations 06 April 2020  
19.5009.08 v1 Play area 06 April 2020  
10831/fw1 Foul water drainage strategy plan 06 Apr 2020  
10831/ra1b General arrangement of access road 06 Apr 2020  
10831/sw1 Surface water drainage strategy plan 06 Apr 2020  
1126 I 001 Site plan 06 Apr 2020

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

2. Prior to the occupation of any of the proposed development the internal road and footway layout shall be provided in principal and accord with Drawing numbers:

- Rb003-pl-02 h Amended site layout.
- Rb003-pl-03 g Amended detailed site layout
- Rb003-pl-07 g Amended parking plan

Reason - To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM1.

3. 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 and in accordance with Policy DM 1 and 6.

4. The development shall not be occupied until such time as a car parking and turning area has been provided in accord with current Parking Standards. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

Reason - To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8.

5. 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 in accordance with Policy DM8.

6. All single garages should have a minimum internal measurement of 7m x 3m and all double garages should have a minimum internal measurement of 7m x 5.5m.

Reason - To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8.

7. The 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 in accordance with Policy DM8.

8. No works should take place on site (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP) had been submitted to and approved in writing by the Local Planning Authority.

The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features. For example, detail how certain activities will be limited in time, location, light or noise level

to minimise the risk of disturbance to SPA birds, in line with the findings of the Environmental Information Report, Environmental Action plan and Mitigation Plan

e) The times during construction when special ecologists need to be present on site to oversee works.

f) Responsible persons and lines of communication.

g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason - In order to safeguard the ecological interests of the site, and to mitigate any adverse effects on the nearby internationally and nationally recognised; Special Areas of Conservation, Special Protection Areas, Sites of Special Scientific Interest and Ramsar locations.

9. No development should commence until an Ecological Impact, Evaluation and Mitigation Strategy had been submitted to and approved, in writing, by the Local Planning Authority. The document should include:

- i) the recommendations contained with the sections 11, 12 and 13 of the updated Ecology Report (Geosphere Environmental 12/11/2020)

The approved Ecological Impact, Evaluation and Mitigation Strategy shall be adhered to and implemented strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason - In order to safeguard protected wildlife species and their habitats and in the interests of biodiversity.

**74. A.2 PLANNING APPLICATION 20/00782/OUT - LAND SOUTH OF LONG ROAD  
LAWFORD ESSEX CO11 2HS**

This application had been referred to the Planning Committee as the site was situated outside of any settlement development boundary (SDB), but adjacent to the SDB of Lawford. The development therefore represented a departure from the saved local plan.

Members were made aware that the application site was located on the southern side of Long Road at the eastern end of the settlement of the wider 'Lawford Green' development (15/00876/OUT) that contained, amongst other elements, 360 dwellings, a community building with public access toilets, village green, public open space and a playground. There was 3.4 hectares of land in the eastern portion of this wider site allocation that was currently left undeveloped.

Members were informed that this application sought outline planning permission for the erection of 76 dwellings on this land. The application was in outline form with all matters reserved except for access. This application therefore sought approval of the access along with the principle of development.

The application site was outside the adopted settlement boundary but within the emerging settlement boundary of the new local plan.

An area of land south of Long Road (approximately 50 metres in depth) was designated as being within the 'Green gap' of the emerging local plan. The application proposed development within this land of approximately 3 dwellings. The report indicated that Officers were against this idea and felt there was ample space to develop without needing to use this locally designated open land.

The site was located on the edge of what the emerging Local Plan called a 'smaller urban settlement'. Planning permission had been granted for residential development on land directly to the east for 485 dwellings. This had been built at approximately 30 dwellings per hectare. This application proposed approximately 22 dwellings per hectare. The original 360 dwelling development from the host developer was occurring immediately to the east. Therefore, there would be minimal landscape impact whilst sufficient spacing to existing residents was retained to safeguard amenity.

The Committee was aware that in the current situation 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 development was considered 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 affordable housing and healthcare/RAMS contributions, the proposal was considered by Officers to be acceptable with no material harm to visual or residential amenity, heritage assets, ecology interest or highway safety, and the application was therefore recommended 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 Manager (TF) in respect of the application.

Will Vote, the agent on behalf of the applicant, spoke in support of the application.

During the Committee's debate on this application, Members discussed and asked questions on the following matters:-

Matter raised by a Committee Member:-	Officer Response thereto:-
Query regarding the houses within the 'Green Gap' referred to in condition number 19.	Confirmed that another planning application would be required to be submitted and approved in order to overturn that condition.
Clarification was sought as to whether this application was outside of the current	Confirmed that this site was not an adopted allocation in terms of settlement

Local Plan but was contributing to the emerging Local Plan.	areas but that it was included within the emerging Local Plan.
Query regarding at what stage of the process was the Council's housing waiting lists engaged.	Referred to the consultation response statements from the Council's Housing Services department which referred both to the Housing Register and the specific needs within Lawford.
Did the Section 106 Education contribution include an 'Early Years' contribution?	Confirmation that there would only be a contribution from the Section 106 monies to Early Years provision if monies delivered from the earlier scheme is not delivered which provides for a new nursery in Lawford

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

(a) 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:
- Education contribution
- NHS contribution
- Open Space

(b) the following Conditions and Reasons:

1 The approval of Reserved Matters must be submitted before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

2 The development hereby permitted shall be begun before the expiration of two years from the date of the approval of the last of the Reserved Matters to be approved.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3 Approval of the details of the appearance, landscape, scale and layout (hereinafter called "the Reserved Matters") shall be obtained for the development before any development on such phase is commenced. The development shall be carried out in accordance with any such approval.

Reason - The application in outline and detailed matters require approval before development can commence.

4 The maximum number of dwellings to be contained in the development shall be up to (but no more than) 76 dwellings.

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

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

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities
- v. prior to the commencement of any work on the site, a joint inspection of the route to be used by construction vehicles should be carried out by the Applicant and the Highway Authority, including photographic evidence.

Reason - To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

6 No occupation of the development shall take place until the following have been provided or completed:

a) A priority junction with ghosted right turn lane (with two pedestrian refuge islands) in Long Road to provide access to the proposal site. Priority junction shall have minimum 10.5 metre kerbed radii with dropped kerbs/tactile paving crossing points, a minimum 6.75 metre access road carriageway with two 3 metre footway/cycleways, pedestrian/cycle refuge island and a minimum 109m x 2.4m x 120m clear to ground visibility splay.

b) A mini-roundabout at the junction of Wignall Street and Bromley Road in principal and in accordance with approved Ardent Consulting Engineers drawings K297-002C.

c) A minimum 3-metre-wide footway/cycleway along the proposal site's Long Road frontage.

Reason - To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM9 and DM10.

7 Prior to occupation of the approved development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport (in consultation with Essex County Council), to include six one day travel vouchers per household for use with the relevant local public transport operator.

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

8 No development shall take place until a surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be implemented in accordance with the approved details.

In particular the drainage scheme shall include:

- Drainage modelling calculations showing how the run-off for all events up to and including the 1 in 100 year plus climate change is controlled within the site.
- Where infiltration techniques are being proposed, and all run-off cannot be infiltrated, attenuation storage must be provided for any overflow volumes calculated.
- Where run-off is proposed to be discharged to a watercourse, discharge should be limited to the greenfield 1 in 1 year rate for all events.
- Where different SuDS features are being proposed, the drainage modelling should show how these are cascaded together and show clearly their combined effect in controlling both the water quantity and improving water quality within the development. .
- Account for a 10% urban creep in the calculation of run-off from the development.
- Provide the appropriate number of treatment stages from the different areas of the development.
- Provide the details of the adoption and maintenance of the scheme for the lifetime of the development.
- Provide the Drainage Scheme Layout showing the SuDS features and their dimensions as appropriate.

Reason - To prevent flooding on the proposed site and the local area by ensuring the satisfactory storage of/disposal of surface water in a range of rainfall events and ensure the system operates as designed for the lifetime of the development.

9 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 so approved unless otherwise approved in writing by the Local Planning Authority.

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

10 No development 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 that phase, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British

Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction."

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

11 All changes in ground levels in relation to the soft landscaping, 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 that the development provides a satisfactory setting, in the interests of the character and appearance of the landscape and the visual amenity of the site.

12 No development shall commence until an Ecological Mitigation Scheme and Management/Enhancement Plan has been submitted to and approved, in writing, by the Local Planning Authority. The document shall include:

i) A survey to confirm (or otherwise) the presence of protected species on the application site.

If protected species are present, the survey shall be accompanied by a scheme of appropriate mitigation measures (including bat protection measures and precise details of the timing and method/s of protection). No development shall be undertaken except in full accordance with any such approved scheme of mitigation.

ii) A management plan to demonstrate how biodiversity within the site will be encouraged by the development.

Reason - In order to safeguard protected wildlife species and their habitats and in the interests of biodiversity.

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

B. No development or preliminary groundwork can commence on those areas of the development site containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by the Local Planning Authority.

C. Following completion of the archaeological fieldwork, the applicant will submit to the Local Planning Authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the 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 heritage assets with archaeological interest.

14 No development shall commence until precise details of lighting, refuse storage/collection points and the manufacturer and types and colours of the external facing and roofing materials for the dwellings to be used in the construction have been submitted to and approved, in writing, by the Local Planning Authority. Such lighting, refuse points and materials so approved shall be those used in the development.

Reason - To ensure a satisfactory development in relation to external appearance.

15 Within the hereby permitted development, no dwelling shall be occupied until a high-speed broadband connection is installed utilising resistant tubing to that dwelling, all 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.

16 Prior to commencement of development the applicants shall submit 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 and for the uses of the development thereafter. 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.

17 Prior to the commencement of development, a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and occupational phases of the development shall be submitted to and agreed, in writing, with the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetables as may be agreed.

Reason - To enhance the sustainability of the development through better use of water, energy and materials.

18 No development shall commence until an assessment of the risks posed by any contamination within that the application site is carried out. This assessment shall be in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the Local Planning Authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the Local Planning Authority within 20 days of the report being completed and approved in writing by the Local Planning Authority.

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

19. No residential development shall take place in the land designated as a 'Green Gap' with the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Reason - In the interests of visual amenity.

(c) that any planning application submitted to the Council to either vary or remove Condition Number 19 will be submitted to the Planning Committee for its determination.

**75. A.3 PLANNING APPLICATION 20/01034/FUL - WALL OPPOSITE 16 YORK STREET, MANNINGTREE**

This application had been referred to the Planning Committee as the applicant was Tendring District Council.

It was reported that this application sought retrospective planning permission to demolish and reinstate part of a wall located opposite 16 York Street, Manningtree.

Members were informed that the proposed demolition and reconstruction of the wall was considered acceptable by Officers. The proposed works would be a visual improvement

to the street scene and would not result in any harm to neighbouring amenities, cause any adverse impact on highway safety or cause any harm to the Conservation Area.

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

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

During the Committee’s debate on this application, Members discussed and asked questions on the following matters:-

Matter raised by a Committee Member:-	Officer Response thereto:-
Concern regarding the delay in retrospective applications being brought to the Committee	Understood that the works had to be carried out by the relevant department on health and safety grounds.
Query regarding whether it would have been beneficial to extend the wall for safety purposes to avoid road traffic collisions.	Confirmation that this was not considered as part of the application. However, all parties consultation responses had been taken into account.

Following the discussion by the Committee, it was moved by Councillor Alexander, seconded by Councillor Bray and unanimously **RESOLVED** that the 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 carried out in accordance with the following approved plan and document;

- Drawing No. 102 Rev A – Elevations
- Drawing No. 103 Rev A – Panels and Sections
- Drawing No. 104 Rev A – Sections
- Drawing No. A/2020/16 – Site Plan and Block Plan
- Drawing No. TM1062-01-D-01 – Temporary Traffic Management Plan
- TDC – Dangerous Structure Report Sheet - dated 08/07/2020
- Method Statement - dated 06/07/2020
- Wall Survey – Ref 19/5679 – Dated 3<sup>rd</sup> June 2019

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

**76. A.4 PLANNING APPLICATION 20/00822/FUL - THE LAURELS, PARSONAGE LANE, TENDRING, CO16 0DE**

Councillor Harris had earlier in the meeting declared a personal interest in **Planning Application 20/00822/FUL – The Laurels, Parsonage Lane, Tendring CO16 0DE** due to being the Ward Member and Parish Councillor for Tendring Parish Council. Councillor Harris had called-in the application as a direct request for Tendring Parish Council, however he would speak as a Committee Member as he was not pre-determined.

The application had been referred to the Planning Committee at the request of Councillor Harris as Tendring Parish Council felt that by virtue of the site being 'backfill' development, the site was outside the settlement boundary; the site was an unsustainable development with insufficient infrastructure; overdevelopment, the development would lead to unacceptable disturbance to neighbours; unacceptable access and highways issues; and there was no proven need for this type of property in an area that had already seen significant development.

It was reported that the application related to what was essentially the rear garden area of The Laurels, Parsonage Lane, Tendring. The site was roughly 'L' in shape and approximately 0.2 hectares in size. The Laurels was one of a variety of dwelling types in the locale which comprised of detached and terraced two-storey, chalet and single-storey bungalows. The Laurels was unique in terms of its rear garden which was of a significant size in comparison to any other dwelling in the settlement.

Members were advised that the site was centrally located within the Tendring Green Settlement Development Boundary 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 acceptable subject to detailed design and impact considerations.

The application sought full planning permission for the erection of 3 detached three-bedroom detached single-storey bungalows, served by way of a single access providing access to a parking/turning area. The dwellings were provided with surface parking and secure cycle-storage.

Officers felt that the proposal would not result in the loss of an area of public open space or safeguarded green space. The proposed bungalows were of a scale, design and appearance which was comparable with other bungalows in the vicinity. The retention of the brick-built garage provided a significant degree of screening from the public domain. The proposal would result in the loss of ten trees in total – the site did not benefit from any protection in the form of preservation orders, as such any trees could be removed without any consent required from the Local Planning Authority. Two of these trees were damaged/dangerous having limited life expectancy, five were small fruit trees and the remaining three were not mature or established specimens – all mature, established trees on the site were to remain and offer a significant verdant backdrop to the site. The proposed dwellings were single storey and located sufficient distances from neighbouring dwellings so as not to result in a material loss of residential amenities. The new dwellings and retained dwelling were served by private garden areas and parking that accorded with the Council's standards.

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 for approval by Officers subject to

conditions and the completion of the required 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 the completion of the required legal agreement.**

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

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

**Updates and further clarification on sections of the officer report as follows:**

**1.0 Executive Summary**

1.1 *The application has been referred to the Planning Committee at the request of Councillor Harris on behalf of Tendring Parish Council.*

1.7 *Clarification of the recommendation.*

**Recommendation:**

*That the Head of Planning be authorised to grant planning permission for the development subject to:-*

*Subject to the conditions stated in section 8.2*

**5.0 Representations**

*Expansion on the nature of objections:-*

<p><i>Drainage</i></p>	<p><i>No mains sewage on Parsonage Lane; only a communal sewer</i></p> <p><i>Are the gardens big enough for sub-surface irrigation systems</i></p> <p><i>It has not been demonstrated that surface water runoff from the site can be adequately dealt with without increasing localised flooding</i></p> <p><i>several local properties relying on septic tanks with soakaway beds</i></p>	<p><i>The application form states that there is a main sewer on Parsonage Lane.</i></p> <p><i>As this application is not defined as a 'major development' the requirement to incorporate a sustainable drainage system is not a material consideration in the determination of this planning application.</i></p>
<p><i>Pollution</i></p>	<p><i>Smell - As there is no mains sewer in Parsonage Lane, it is likely there will be three additional septic tanks that will need emptying.</i></p> <p><i>Parking will increase pollution levels in the immediate surroundings.</i></p>	<p><i>The application form states that there is a main sewer on Parsonage Lane.</i></p> <p><i>The number of vehicular movements in association with the property was not objected to by Environmental</i></p>

	<p><i>Light - Light intrusion into the back of Fir Tree Lodge will significantly increase.</i></p>	<p><i>Protection.</i></p> <p><i>Plot 3's flank elevation faces the rear of Fir Tree Lodge at a distance of 39m; this elevation contains one window which serves a bedroom. The light overspill resulting from this dwelling is not considered to have a materially damaging impact on the amenity of this adjoining property.</i></p> <p><i>The plans make no reference to security lights.</i></p>
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The Parish Council's objection are now highlighted in bold:-

Nature of objection	No. of Comments received	Where in the report this is addressed
<b>The site is outside the settlement boundary</b>	14	Paragraphs 6.11 to 6.12
<b>Backland form of development</b>	14	Paragraphs 6.19 to 6.23
<b>Harm the amenity of neighbours (noise)</b>	13	Paragraph 6.33
Ecology/Protected Species	15	Paragraphs 6.27 to 6.29
<b>Vehicle access</b>	16	Paragraphs 6.24 to 6.26
<b>Not a sustainable location</b>	15	Paragraph 6.11 to 6.12
<b>Out of keeping/cramped development</b>	6	Paragraphs 6.15 to 6.18
Decrease property values	1	This is not a material consideration in the determination of this planning application
Loss of a garden	1	Paragraph 6.32
Drainage	6	As this application is not defined as a 'major development' the requirement to incorporate a sustainable drainage system is not a material consideration in the determination of this planning application.
<b>Sufficient housing exists</b>	5	This is not a material consideration in the determination of this planning application
Loss of privacy	1	Paragraph 6.33
Speed limit	6	Paragraph 6.26
Removal of the garage	1	Paragraph 6.10

<i>Pollution</i>	<i>1</i>	<i>Paragraph 6.33</i>
<i>Loss of outlook</i>	<i>5</i>	<i>There is no "right to a view" which planning controls should seek to safeguard for the continuing benefit of an existing landowner, except where the view from a particular location is also a valued public asset. This was underlined by the judgement in Wood-Robinson v Secretary of State for the Environment (1998).</i>
<i>Security</i>	<i>1</i>	<i>It is the applicant's personal choice to have part of their garden un-enclosed; this is not a material consideration in the determination of this planning application.</i>
<i>Construction Noise</i>	<i>4</i>	<i>Noise generated during construction is not a material consideration in the determination of this planning application.</i>

## **6.0 Assessment**

### **Principle of Development and the Settlement Boundary**

The application site was located within the Tendring Green Settlement Boundary within the adopted local plan. The Emerging Plan indicated that Tendring Green would be taken out of the Settlement Boundary. The emerging plan was yet to pass through the full examination process; furthermore, the change to the settlement boundary as proposed was the subject of an unresolved objection. As such limited weight could be attributed to the plan to remove Tendring Green from the settlement boundary.

### **Highways**

The speed limit along Parsonage Lane was confirmed as 40mph.

ECC Ecology raise **no objection** to the application **subject to securing:**

- a) A proportionate financial contribution towards effective visitor management measures in line with Essex Coast RAMS; and**
- b) Ecological mitigation and biodiversity enhancements**

### **Summary**

ECC Ecology reviewed the submitted Preliminary Ecological Appraisal and Great Crested Newt Survey (Robson Ecology, June 2020) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats and mitigation measures to minimise impacts.

ECC Ecology were satisfied that there was sufficient ecological information available for determination. This provided certainty for the LPA of the likely impacts on protected and Priority species & habitats and, with appropriate mitigation measures secured, the development could be made acceptable.

*ECC Ecology noted that Tendring DC prepared a project level HRA Appropriate Assessment which identified that the development was approximately 5.4km from the Hamford Water SAC, SPA and Ramsar site. Therefore this site lied within the Zone of Influence (ZOI) for the Essex Coast RAMS and delivery of mitigation measures in perpetuity would therefore be necessary to ensure that this proposal would not have an adverse effect on the integrity of the above Habitats sites from recreational disturbance, when considered 'in combination' with other plans and projects. We also noted that Tendring DC would secure the Essex Coast RAMS contribution of £125.58 per dwelling under a legal agreement.*

*ECC Ecology were satisfied that the mitigation measures identified in the Preliminary Ecological Appraisal and Great Crested Newt Survey (Robson Ecology, June 2020) were appropriate and necessary to make the development acceptable. Recommend that these should be secured by a condition of any consent and implemented in full. This was necessary to conserve and enhance protected and Priority Species.*

*The Preliminary Ecological Appraisal and Great Crested Newt Survey (Robson Ecology, June 2020) identified a single tree (T13), adjacent to the site boundary, and proposed for retention, which had suitability for roosting bats. Neighbour comments suggested that bats do roost in this tree. As the tree was to be retained, and was off-site, the Preliminary Ecological Appraisal and Great Crested Newt Survey (Robson Ecology, June 2020) confirms that this tree "would not be impacted by the proposed development if a sensitive lighting scheme is implemented". ECC Ecology therefore recommended that a wildlife sensitive lighting scheme was secured by a condition of any consent.*

*Neighbour comments also identified that there was an additional pond, adjacent to the site boundary, which had not been assessed for Great Crested Newts, and supported an unidentified species of newt. However, the Preliminary Ecological Appraisal and Great Crested Newt Survey (Robson Ecology, June 2020) identified that the pond on-site supports substantial number of smooth newts, and it was therefore considered likely that any adjacent ponds with newts, were also likely to contain smooth newts. Additionally, the Preliminary Ecological Appraisal and Great Crested Newt Survey (Robson Ecology, June 2020) posed that the majority of the site was closely mown amenity grassland, and was considered unlikely to support Great Crested Newts.*

*However, there were records of Grass Snakes within 200m of the site, and neighbour objections stated that Grass Snakes had been identified in adjacent gardens, and the site was considered suitable for hedgehogs and foxes. With the exception of foxes, these species were protected under the Wildlife and Countryside Act 1981 (as amended) from killing and all reptiles and Hedgehog were also listed as Priority species under s41 Natural Environment and Rural Communities (NERC) Act 2006.*

*Given the suitability of the off-site tree (T13) for roosting bats, and the identification of suitability for several Priority species on-site, ECC Ecology therefore recommended that a Biodiversity Mitigation Method Statement was secured as a condition of any consent. This should include detailed mitigation measures to ensure that any wildlife likely to enter the construction footprint were not harmed during the construction phase of the development.*

*Additionally, as the Preliminary Ecological Appraisal and Great Crested Newt Survey (Robson Ecology, June 2020) identified that New Zealand Pgymyweed and Wall Cotoneaster were present onsite, an Invasive Non-Native Species Protocol should also be secured as a condition of any consent. This should include details for the removal of these species, and detailed biosecurity measures.*

*The Proposed Site Plan (Medusa Design, November 2019) identified that a number of trees on the development site would be removed to facilitate the development. However the Preliminary Ecological Appraisal and Great Crested Newt Survey (Robson Ecology, June 2020) included biodiversity enhancements, which had been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. This included the planting of native species rich boundary hedgerow, log piles and bird and bat boxes. ECC Ecology also recommended that further enhancements, such as re-instatement of a pond onsite, and wildlife friendly fencing could be included in the proposals. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy which should be secured as a condition of any consent. If there is uncertainty that the development can secure 10% Net Gain for Biodiversity, as the Neighbour comments suggested, then the Biodiversity Metrics 2.0 could be completed to demonstrate this. However, these metrics were still in Beta version, and were more suitable for use in Major developments and there was currently no requirement for a specific percentage as proposed in the Environment Bill which was still making its way through Parliament. The NPPF (2019) required measurable net gain for biodiversity and a Biodiversity Enhancement Strategy was an appropriate mechanism to secure this for all development. This would enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006. Impacts would be minimised such that the proposal was acceptable subject to the conditions below based on BS42020:2013. Submission for approval and implementation of the details below should be a condition of any planning consent.*

**Recommended conditions:**

**1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS**

*“All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal and Great Crested Newt Survey (Robson Ecology, June 2020) 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 Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).*

## **2. PRIOR TO COMMENCEMENT: RESTRICTIONS ON OPERATIONS INVOLVING INVASIVE NON-NATIVE SPECIES**

*“An invasive non-native species protocol shall be submitted to and approved by the local planning authority. This shall include details of the containment, control and removal of the New Zealand Pygmyweed and Wall Cottoneaster present on site. The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.”*

**Reason:** *To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 as amended and the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991*

## **3. PRIOR TO COMMENCEMENT: BIODIVERSITY METHOD STATEMENT**

*“No development shall take place (including any demolition, ground works, site clearance) until a Biodiversity Method Statement for Protected and Priority species has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the following:*

- a) purpose and objectives for the proposed works;*
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);*
- c) extent and location of proposed works shown on appropriate scale maps and plans;*
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;*
- e) persons responsible for implementing the works;*
- f) initial aftercare and long-term maintenance (where relevant);*
- g) disposal of any wastes arising from works.*

*The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.”*

**Reason:** *To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998.*

## **4. PRIOR TO SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY**

*“A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.*

*The content of the Biodiversity Enhancement Strategy shall include the following:*

- a) Purpose and conservation objectives for the proposed enhancement measures;*
- b) detailed designs to achieve stated objectives;*
- c) locations of proposed enhancement measures by appropriate maps and plans;*
- d) persons responsible for implementing the enhancement measures;*
- e) details of initial aftercare and long-term maintenance (where relevant).*

*The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.”*

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

#### **5. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME**

*“A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. 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. This should also demonstrate how any lighting required during the construction phase of the development will not affect features sensitive for wildlife. 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 Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)*

Late papers were submitted by the Agent's; these were appended to the update sheet.

Ellie Kellett, a local resident, spoke against the application.

Parish Councillor Ted Edwards, representing Tendring Parish Council, spoke against the application.

Jack Wilkinson, the agent on behalf of the applicant, spoke in support of the application.

During the Committee's debate on this application, Members discussed and asked questions on the following matters:-

Matter raised by a Committee Member:-	Officer Response thereto:-
Query regarding the proposed drainage system.	Confirmation that the site followed a mains drainage system.
Query regarding the side elevation which in the original application Essex County Council had referenced a 5.5 metre measurement.	Clarification that this was in relation to the width of the main road in order to support highway regulations. Previously the width of the access in regards to the width of the road had been turned down.
Query regarding the social sustainability of the application.	Confirmation that the site currently lies within the designated settlement area of 'Tendring Green' within the adopted Local Plan. The emerging Local Plan does not provide a settlement designation for Tendring Green but this is subject to unresolved objections and will need to be tested at the Part 2 Local Plan Examination and can be attributed limited weight at this time.
Query regarding the consultation response of the Essex Wildlife Trust.	Confirmed that the EWT had not responded within the eight week statutory period that had commenced in July. However, ECC Ecology had submitted a representation on 17 November 2020 which had stated that in relation to the ecological appraisal the Ecology Report was sufficiently detailed to confirm that there was no harm to current or adjoining sites however, ECC Ecology had proposed a number of conditions relating to pre-commencement work.
Concerns regarding light pollution.	Confirmed that there would be an increase in light pollution along the access road and within the site, however this was deemed to be at a level that would be acceptable in terms of residential amenities.
Query whether Planning Policy RA4 was applicable to this application.	Policy RA4 of the adopted Local Plan relates to housing development within 'defined villages' of which 'Tendring Green' is defined as an 'other defined village' where housing development could take the form of infilling development for up to 3 dwellings.
Query whether pedestrians would be able to use a pavement or would have to walk on the road and also whether there was street lighting in the interests of public safety.	Confirmed that pedestrians would have to walk in the road and that no street lighting had been proposed.
Query whether there would be an increase in noise pollution from delivery vehicles attending the new properties.	Confirmed that there would be a small increase in noise pollution but that the amount would depend on the numerical reoccurrences of deliveries.

<p>Query regarding the dimensions of the roadway. ECC suggested 5.5m which could then be reduced to 4.7m.</p>	<p>Confirmed that the reduced width of the main road set the parameters for the first 6m of access road due to being lower than the recognised standard. Standards were typically 5.5m, the reduction to 4.7 in this application was due to the road width.</p>
<p>Query regarding the drainage and sewerage systems.</p>	<p>Confirmed the application would require a foul drainage assessment of the alternate system if it were not connected to a mains drainage system.</p>

Following the discussion by the Committee, it was moved by Councillor Bray, seconded by Councillor Alexander and **RESOLVED** that consideration of the application be **deferred** on the following grounds:

- (1) to allow for further clarification to be obtained on the means of foul drainage from the site and whether it would be to a public or private sewer system; and
- (2) in order to allow a ECC Highways Officer to attend to respond to highway specific matters that might be raised by the Committee.

**77. A.5 PLANNING APPLICATION 20/00611/FUL - GARAGE BLOCK 1-10, WARGRAVE ROAD, CLACTON ON SEA, CO15 3EQ**

This application was referred to the Planning Committee as the applicant was Tendring District Council.

It was reported that the application involved the replacement of the already-demolished row of eleven flat roofed garages with ten flat-roofed garages.

Members were informed that, in the opinion of Officers, the garages would not result in an unacceptable impact upon the character, appearance or visual amenity of the surrounding area and would not result in an unacceptable impact to residential amenity or have a detrimental impact upon the private amenity of local residents in respect of noise. Furthermore, the proposal would not result in any harm to the safety of the surrounding public highway network.

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 Casey, seconded by Councillor Placey and unanimously **RESOLVED** that the 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: DM/2020/01/B; received 15th May 2020.

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

- 3 No unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.

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

The meeting was declared closed at 9.43 pm

**Chairman**