

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 28TH SEPTEMBER, 2021 AT 6.00 PM
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors White (Chairman), Alexander, Baker, Casey, Codling, Fowler, Harris and Placey
Also Present:	Councillors Coley and Cawthron
In Attendance:	Graham Nourse (Assistant Director (Planning)), Trevor Faulkner (Planning Manager), Joanne Fisher (Planning Solicitor), Jacob Jaarsmar (Planning Team Leader), Emma Haward (Leadership Support Assistant) and Matt Cattermole (Communications Assistant)

145. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Bray, the Vice-Chairman of the Committee. At his request, Councillor Fowler assisted the Chairman in conducting the meeting by acting as an “unofficial” Vice-Chairman.

146. MINUTES OF THE LAST MEETING

It was moved by Councillor Alexander and seconded by Councillor Baker and **RESOLVED** that the minutes of the last meeting of the Committee held on 1 September 2021 be approved as a correct record.

147. DECLARATIONS OF INTEREST

The Chairman also advised the Committee and members of the public that Councillors Harris and Placey would not participate in the Committee’s decision for application **20/01798/FUL** due to not formerly participating in previous discussions and deliberations.

There were no declarations of interest on this occasion.

148. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were none on this occasion.

149. A.1 20/00547/OUT - HAMILTON LODGE PARSONS HILL GREAT BROMLEY COLCHESTER ESSEX

The Committee recalled that, at its meeting held on 3 August 2021, it had decided to approve this application subject to the proposed planning conditions and the Heads of Terms of the related Legal Agreement being submitted to the Committee for approval.

The recommended Conditions and Heads of Terms, were before Members and reflected the comments received from all consultees and the hybrid nature of the planning

application. The Heads of Terms and Conditions had been also reviewed by the applicant and they had confirmed their 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.

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

The Chairman declared that there would be no public speaking for this Planning Application as it had previously been considered by the Committee.

Matters raised by Members of the Committee:-	Planning Officers’ response thereto:-
A member of the Committee previously asked Planning officers for confirmation that the plaques on the memorial will be moved.	The Planning Officer confirmed that the plaques will be relocated to the village green.
A member of the Committee requested that any reserved matters application be brought to the Committee.	Agreed.
A member of the Committee suggested a pedestrian crossing.	The proposal includes two bus stops, all aspects of safety have been substantially covered. The Planning Officer referred to ECC’s recommendations in section 2 of the report.

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

- a) **Within 6 (six) months of the date of the Committee’s resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):**

- Affordable Housing - A written affordable housing scheme shall be completed and agreed, providing for 30% affordable housing. The tenure, mix and delivery to be agreed. All Affordable Housing units to be constructed prior to occupation of 60% of the market units (including occupation of 50% of the outline element).

- Village Green & Lodge Meadow Maintenance - The identification, laying out and establishing of such areas in accordance with approved plans by the applicant and transfer of same to the Parish Council for the benefit of the local community upon payment of contribution to enable ongoing maintenance of these areas.

- Education – Primary School Contribution (£486,040), Secondary School Transport Contribution (£104,728) and Library Contribution.

- Highways - £20,000 towards the design and/or delivery of the upgrade of the traffic signals at the A133 Main Road/ Colchester Road/ B1029 Great Bentley Road/ Bromley Road junction, Frating.

- RAMS - £127.60 per dwelling

- Heritage - Written scheme and method statement to address non-designated heritage assets on the site; survey and recording in accordance with ECC observations; the incorporation of structures into the layout will be subject of reserved matters approval. Timings, trigger points and obligations to be comprised in the legal agreement.

b) the following conditions:-

Full Planning Permission (12 dwellings, Access/Open Spaces Elements)

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 and documents:

- 19/2947/003 A – Massing/Layout Plan
- 19/2947/005 B – Boundary Treatments Plan
- 19/2947/006 B – Materials Plan
- 19/2947/007 A – Garden Areas Plan
- 19/2947/020 – ‘Oliver’ Elevations
- 19/2947/021 – ‘Oliver’ Elevations
- 19/2947/022 – ‘Oliver’ Floor Plans
- 19/2947/024 – ‘Dylan’ Elevations
- 19/2947/025 – ‘Dylan’ Floor Plans
- 19/2947/027 – ‘Arlo’ Elevations
- 19/2947/028 – ‘Arlo’ Floor Plans
- 19/2947/030 – ‘Seren’ Elevations
- 19/2947/031 – ‘Seren’ Floor Plans
- 19/2947/033 – ‘Jackson’ Elevations
- 19/2947/034 - ‘Jackson’ Floor Plans
- 19/2947/036 – ‘Jackson 1’ Elevations
- 19/2947/037 – ‘Jackson 1’ Floor Plans
- 19/2947/040 – ‘Jackson 2’ Elevations
- 19/2947/041 – ‘Jackson 2’ Floor Plans
- 19/2947/044 – ‘Sofia’ Elevations
- 19/2947/045 – ‘Sofia’ Elevations
- 19/2947/046 – ‘Sofia’ Floor Plans
- 19/2947/048 – ‘Sofia 1’ Elevations
- 19/2947/049 – ‘Sofia 1’ Elevations
- 19/2947/050 – ‘Sofia 1’ Floor Plans
- 19/2947/052 – ‘Ella-Rose’ Elevations
- 19/2947/053 – ‘Ella-Rose’ Floor Plans
- 19/2947/056 – ‘Ella-Rose 1’ Elevations
- 19/2947/057 – ‘Ella-Rose 1’ Elevations

19/2947/058 – ‘Ella-Rose 1’ Floor Plans
19/2947/070 – Double Garage (Gable) Elevations/Floor Plans
19/2947/071 – Double Garage Elevations/Floor Plans
19/2947/072 - Garage Floor Plan/Elevations
20066-100 – Access/Highway Works Plan

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

3) Prior to commencement of any above ground works precise details of the provision, siting, design and materials of screen walls and fences shall have been submitted to and approved in writing by the Local Planning Authority. The approved screen walls and fences shall be erected prior to the dwellings to which they relate being occupied and thereafter be retained in the approved form.

Reason - In the interests of visual and residential amenity.

4) Prior to commencement of any above ground works details of the proposed facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason - Insufficient details have been provided with the application, in the interests of visual amenity.

5) 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 (including the detailed design of the proposed memorial, pedestrian footpaths and various pieces of play equipment, surfacing and boundary treatments), 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 - This is a publicly visible site where an appropriate landscaping scheme is a visually essential requirement.

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

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

7) Cycle/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 / powered two-wheeler parking is provided in the interest of highway safety and amenity.

Outline Planning Permission – 67 dwellings/Access Roads/Conversion of non-designated heritage assets

8) The development hereby permitted shall be begun before the expiration of two years from the date of 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.

9) Application for approval of the reserved matters shall be made to the Local Planning Authority 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 as amended by the Planning and Compulsory Purchase Act 2004.

10) No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the appearance, landscaping, layout, access and scale have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - The application as submitted does not provide sufficient particulars for consideration of these details.

Full and Outline Permission

11) Prior to the commencement of above-ground works, a scheme for on-site foul water drainage works, including connection point and discharge rate, 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.

12) No works except demolition 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:

- Discharge via infiltration for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Final modelling and calculations for all areas of the drainage system.
- 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. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

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.

13) The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason - To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

14) All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in Appendix 21 of the Ecological Impact Assessment (SES, October 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).

15) The works to demolish the buildings onsite shall not in any circumstances commence unless the local planning authority has been provided with either:
a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or;
b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.”

Reason - To conserve protected and Priority species (Bats) 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 and s17 Crime & Disorder Act 1998.

16) The works shall not in in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or;
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason - To conserve protected and Priority species (Dormice) 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 and s17 Crime & Disorder Act 1998.

17) No development shall take place until a Reptile Mitigation Strategy addressing the final mitigation and translocation of reptiles has been submitted to and approved in writing by the local planning authority.

The Reptile Mitigation Strategy shall include the following;

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance of the reptile receptor area(s).
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features 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 s40 of the NERC Act 2006 (Priority habitats & species).

18) Prior to commencement of the relevant phase 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.

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).

19) Concurrent with the Reserved Matters submission a final 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 final 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).

20) No demolition or conversion of any kind shall take place until the applicant has secured the implementation of a programme of historic building recording in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

The applicant will submit to the local planning authority an approved historic building report (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority).

No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above.

The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This 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 – To safeguard archaeological remains on the site and details of retained/demolished buildings.

21) No development shall commence, including any groundworks, until a Construction/Demolition 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/demolition;
- a scheme for recycling/disposing of waste resulting from construction/demolition works;
- details of hours of deliveries relating to the construction/demolition of the site;
- details of hours of site clearance or construction/demolition;
- a scheme to control noise and vibration during the construction/demolition phase, including details of any piling operations

The approved Construction/Demolition 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.

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

- a) A priority junction off Parsons Hill to provide access to the proposed site as shown in principle on planning application, drawing number: 20066-100 Rev. A4.
- b) The road junction at its centre line shall be provided with a minimum clear to ground visibility splay with dimensions of 2.4 metres by 92 metres to the north and 2.4 metres by 102 metres to the south, 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 any obstruction at all times.
- c) To current Essex County Council specification, the provision of two bus stops on Parsons Hill which would best serve the proposal site (details shall be agreed with the Local Planning Authority prior to commencement of the development) to include but not restricted to shelter (x2) with bus stop flag, Kassel Kerbs, and bus timetables.
- d) Provision of a 2-metre-wide footway either side of the new junction and across the entire site frontage as shown in principle with drawing no. 20066-100 Rev. A4.
- e) Provision of a 2-metre-wide footway on the south-west side of Parsons Hill to provide a pedestrian link from the development to the Village Hall and bus stop as shown in principle with drawing no. 20066-100 Rev. A4.

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.

23) Prior to occupation of the relevant dwelling the vehicle parking area (garage and/or driveway) serving that dwelling as indicated on the approved plans, shall have been provided. The vehicle parking area and associated turning areas and visitor parking shall thereafter be retained in the approved 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.

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.

24) Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason - To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

25) Prior to occupation the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, the details of which shall have been previously submitted to and approved in writing by the Local Planning Authority. The travel packs shall include six one day travel vouchers for use with the relevant local public transport operator.

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

26) The development shall be carried out in full accordance with the tree/hedgerow protection measures outlined within the submitted Arboricultural Impact Assessment (as prepared by SES – dated 31st March 2020).

Reason – To protect the most important trees on site in the interests of amenity and biodiversity.

27) Prior to the first occupation of the development 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) One minor addition to the heritage method statement to include the words in caps below:

- Heritage - Written scheme and method statement to **INCLUDE ALL THE MEMORIAL PLAQUES ON SITE** and to address non-designated heritage assets on the site; survey and recording in accordance with ECC observations; the incorporation of structures into the layout will be subject of reserved matters approval. Timings, trigger points and obligations to be comprised in the legal agreement.

150. A.2 20-01798-FUL - LAND REAR OF UNA ROAD PARKESTON ESSEX CO12 4PS

Members recalled that this application had been originally brought before the Planning Committee on 1 September 2021 when it had been decided to defer consideration. Updates to the Officers' report were shown in bold text throughout the report.

The Committee was reminded that this application had been referred to it at the request of Councillor Davidson due to his concerns relating to: the design and street scene impact, impact on the neighbours, highway safety, and general safety due to proximity to the Oil Refinery and parking concerns.

The site was within the defined Settlement Development Boundary of the existing and emerging local plans.

It was reported that in 2013 planning permission (11/01172/OUT) had been refused for the construction of 30 houses and associated parking, access and landscaping works. The reasons for that refusal were due to the site's proximity to Carless Refinery and the increase in vehicular traffic along both Edward Street and Una Road. That decision had been appealed. The appeal had then been allowed and planning permission granted by the Planning Inspector. However, that approval had never been implemented.

Members were made aware that in 2015 the application site had obtained a further outline planning approval for 30 dwellings, via application 15/01792/OUT. The associated Reserve Matters approval had been obtained via application 19/00406/DETAIL. Further to this, the site to the immediate north, for which the applicant was also the freeholder, had planning permission for 12 dwellings via planning application 16/02128/OUT and approved Reserve Matters via application 20/00460/DETAIL.

The Committee was informed that this application involved the construction of thirty houses and associated parking, access and landscaping. This application also sought to modify the existing planning consent (19/00406/DETAIL) in terms of layout in order to comply with Essex Highways' Technical Standards.

For the reasons outlined in their report, Officers considered the scheme before Members, subject to planning conditions, to be an acceptable development proposal as it was in accordance with the relevant policies in the development plan, as well as policies in section 2 of the emerging Local Plan, and was on a site that had recent planning history approval for a similar number of dwellings.

Members were also reminded that a legal agreement was required for this application in order to secure a financial contribution towards Essex Coast Recreational Disturbance and Avoidance and Mitigation Strategy (RAMS).

In conclusion, Officers felt that the proposed development would not result in any harmful impact upon visual amenity or neighbouring amenities and provided appropriately designed additional housing and sufficient additional parking spaces to serve the proposed units.

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 (JJ) in respect of the application.

The Chairman declared that there would be no public speaking on this Planning Application as it had previously been considered by the Committee.

The Chairman also reminded the Committee and members of the public that Councillors Harris and Placey would not participate in the Committee's deliberations of this application as they had not formerly participated in the previous discussions and deliberations on this application.

Matters raised by Members of the Committee:-	Planning Officers' response thereto:-
A member of the Committee asked if the financial contribution was towards affordable housing or if it included RAMS.	The financial contribution was towards affordable housing.
Concerns were raised regarding the width of the road.	It was highlighted in the report that the width of the road was greater than the recommended width.

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

a) Within 6 (six) months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing to include the following matters (where relevant):

- Financial Contribution towards RAMS
- Viability Review Mechanism, for a further viability to be undertaken if development has not commenced in 2 years.

(b) the following Planning Conditions (and Reasons):-

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason - The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

5195/01/100 p1	Amended block plan
5195/01/102 p2	Amended proposed block plan (coloured)
5195/01/101	Proposed block plan (materials)
5195/01/103	Proposed block plan (technical)
201014/a	Amended tree protection plan
210730	Amended road layout plan
5195/01/228 p1	House type 4 (2b special) - proposed ground floor plan
5195/01/229 p1	House type 4 (2b special) - proposed first floor plan

5195/0/102/a	Existing site plan with topography
5195/0/101/a	Existing site plan
5195/0/100/a	Site location plan
5195/1/222	Semi detached house type 3abc - roof plan
5195/1/223a	Semi detached house type 3a - front elevation
5195/1/105-106	Material palettes
5195/1/202	Semi detached house type 1 - first floor plan
5195/1/205	Semi detached house type 1 - rear elevation
5195/1/211	Semi detached house type 2a
5195/1/215	Semi detached house type 2a - side elevation
5195/1/223b	Semi detached house type 3b - front elevation
5195/1/225	Semi detached house type 3ab - side elevation
5195/1/301	External finishes schedule
5195/1/201	Semi detached house type 1 - ground floor plan
5195/1/203	Semi detached house type 1 - roof plan
5195/1/212	Semi detached house type 2a
5195/1/214	Semi detached house type 2a
5195/1/215b	Semi detached house type 2b - side elevation
5195/1/216	Semi detached house type 2a
5195/1/217	Semi detached house type 2a
5195/1/220	Semi detached house type 3abc - ground floor plan
5195/1/226	Semi detached house type 3abc - section a-a
201014/01 a	Tree constraint plan
P03	Planting plan
5195/1/204	Semi detached house type 1 - front elevation
5195/1/206	Semi detached house type 1 - side elevation
5195/1/207	Semi detached house type 1 - section a-a
5195/1/210	Semi detached house type 2a
5195/1/213b	Semi detached house type 2b - front elevation
5195/1/208	Semi detached house type 1 - section b-b
5195/1/213	Semi detached house type 2a - front elevation

5195/1/221	Semi detached house type 3abc - first floor plan
5195/1/223c	Semi detached house type 3c - front elevation
5195/1/224	Semi detached house type 3abc - rear elevation
5195/1/225c	Semi detached house type 3c - side elevation
5195/1/227	Semi detached house type 3abc - section b-b

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

3. Prior to the occupation of any of the proposed development the internal road site access and footway layout shall be provided in principle and accord with Drawing Number:

5195/1/100 Rev. P-1 Amended site layout.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

4. Prior to occupation of the development a 1.5 metre x 1.5 metre clear visibility above a height of 600mm, as measured from and along the boundary, shall be provided on both sides of the vehicular accesses. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

5. 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.

6. The proposed boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

7. The development shall not be occupied until such time as a car parking and turning areas 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.

8. 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.

9. Each vehicular parking space which is bounded by walls or other construction shall have minimum dimensions of 3.4 metres x 5.5 metres.

Reason: To encourage the use of off-street parking and to ensure adequate space for parking off the highway is provided in the interest of highway safety.

10. 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.

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

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

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

- i. the parking of vehicles of site operatives and visitors;
- ii. the loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. details of noise, dust, emission and lighting control measures;
- v. wheel and under-body washing facilities;
- vi. hours of construction
- vii. 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.

Emission Control

- viii. All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
- ix. No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

- x. All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

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

13. No works except demolition 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.

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.

14. 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: To ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

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

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

15. Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, 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.

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

16. 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.

17. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Statement (Abrehart Ecology, November 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).

18. 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) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) 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).

19. 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.

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)

20. No development shall commence until details of existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed scheme before any dwelling is first occupied.

Reason - Due to the change in site levels over the site, in relation to residential amenity and impact on neighbouring properties.

21. No building hereby permitted shall be occupied until a landscape management plan setting out how the communal open space and landscaping will be carried out and by whom, has been prepared, submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved landscape management plan for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure appropriate landscaping of the communal areas is provided by the development.

22. No development shall commence until precise details of lighting and refuse storage/collection points 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 and in the interests of residential amenity.

23. 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.

24. Each dedicated parking space shall be provided with an electric vehicle charging point. The charging point shall be provided prior to occupation of each such dwelling.

Reason: To enhance the sustainability of the proposed development.

25. 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.

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

26. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwater's and surface waters, ecological systems, archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the

approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.

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

27. The development shall be carried out in accordance with the Tree Survey and Tree Constraints Plan dated 11th November 2020 and the Tree Constraints Plan 201014/01 a, unless otherwise agreed in writing by the Local Planning Authority.

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

28. Prior to the commencement of the development a Emergency Evacuation Plan (EEP) shall be submitted to and approved, in writing, by the Local Planning Authority. The approved details shall be incorporated into the development and retained thereafter. All residential dwellings within the development hereby approved shall be provided with a copy of the approved details.

Reason - Due to the siting of the residential development in close proximity to a major hazard site / major hazard pipeline, namely the Haltermann Carless Oil refinery. The plan is required to show how end users would evacuate the site during times of emergencies at the nearby oil refinery.

29. Prior to commencement of the proposed development, details of the provision for the storage of bicycles for each dwelling, shall be submitted to and approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted and shall be maintained free from obstruction at all times for that sole purpose in perpetuity.

Reason - To promote the use of sustainable means of transport.

30. There shall be no use of Edward Street for any construction traffic whatsoever.

Reason - To ensure the continued safe passage of all highway users, in the interests of highway safety

31. The hereby permitted development shall not be occupied until a fibre optic broadband connection installed on an open access basis and directly accessed from the

nearest British Telecom exchange, incorporating the use of resistant tubing, has been installed at the site, in accordance with details that shall be submitted and approved, in writing, by the Local Planning Authority.

If the applicant is unable to achieve this standard of connection, and can evidence through consultation with British Telecom, 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

32. Prior to the commencement of development, a comprehensive traffic calming scheme (including the type, number, layout, levels, gradient, surfacing and means of surface water drainage of these traffic calming features) shall be submitted to the Local Planning Authority. The Local Planning Authority shall, in conjunction with Essex County Council Highways Department, formally approve these details. The approved traffic calming measures shall be fully implemented before first occupation of any of the dwellings hereby approved and retained in the agreed form at all times unless otherwise agreed with by the Local Planning Authority.

Reason: To ensure that traffic in the development is kept to a speed of no greater than 20mph. In the interests of highway Safety.

33. Prior to the commencement of the occupation of the site, a flood response plan shall be submitted to, and agreed in writing with, the Local Planning Authority. This response plan, including information regarding the availability of the Environment Agency's 'Floodline' flood warning scheme, shall be made available to future occupiers of the site by means of a fixed notice within each house prior to its first use.

Reason - To minimise the risk to the occupants of the building in the event of flooding.

151. A.3 21/01145/FUL - LAND TO THE SOUTH OF HIGH STREET DOVERCOURT ESSEX CO12 3AT

It was reported that the application site comprised of approximately 0.22 hectares of vacant, derelict land. The site was located within the defined Town Centre and the 'Dovercourt Town Centre Regeneration Area' as designated by the saved Local Plan (2007) and emerging Local Plan (2013-2033). The site was also situated within the Dovercourt Conservation Area. The application had been placed before the Planning Committee as the applicant was Tendring District Council.

Members were informed that the application related to the development of a surfaced car park comprising of 51 spaces, public toilet facilities, public open space, landscaping and associated works. The proposals also envisaged the site being utilised as a multi-purpose space for various public events and activities on designated days throughout the year under permitted development rights. Access to the car park would be via the northern side of the site from Orwell Road.

Members were further informed that the proposed development was considered to respond directly to the objectives of both national and local planning policy for delivering sustainable development, utilising land effectively, and supporting development that would contribute to regeneration and the vitality of town centres.

The proposals sought to utilise the vacant, previously developed site to deliver improvements in the quality of the environment and people’s quality of life, and contributed to each of the three dimensions of sustainable development namely the economic, social and environmental strands.

The Committee was reminded that site had been identified in the Dovercourt Masterplan Revisited (April 2019) as a ‘high priority’ regeneration project for the Council that would enhance the character of this section of the Dovercourt High Street/Conservation Area and would assist in improving pedestrian footfall within the Town Centre by promoting better connectivity with wider areas (Dovercourt Beach/Cliff Park).

Members were informed that the application and supporting documents/surveys demonstrated that there would be no overriding harm which could not be mitigated in respect of heritage impacts, landscaping, land contamination or highways considerations.

Subject to the recommended conditions within section 8.2 of this report, the proposal was considered by Officers to be acceptable with no material harm to visual or residential amenity, heritage interests or highway safety, and the application was therefore recommended by them 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.

An update sheet had been circulated to the Committee prior to the meeting with details of an additional representation received from the Harwich Society, as follows:-

“The Harwich Society supports the proposed development of this cleared site as a public car park with toilet facilities and open space. It will be a welcome investment in the Dovercourt Town Centre.”

Tom Gardiner, Head of Economic Growth, spoke on behalf of Tendring District Council, in support of the application.

Matters raised by Members of the Committee:-	Planning Officers’ response thereto:-
A member of the Committee referred to the site plan, was the one-way system going to have an effect on the entry and exit of the plan?	In terms of the Highway infrastructure, manoeuvring is suitable. Enforcement would be the responsibility of ECC Highways.
Would electricity be accessible from within the proposed car park for event purposes?	This infrastructure would be available to facilitate electricity use along with fire hydrants.

What are the current circumstances in relation to Milton Road car park?	An update was issued in terms of the removal of Milton Road car park for development currently accommodating 60 parking spaces.
A member of the Committee referred to the buildings, would they remain in situ?	The Planning Officer confirmed that planting would screen some of the unsightly buildings, the adjacent owners were contacted to participate in this.
Would there be disabled toilet facilities within the toilet block?	The Planning Officer confirmed that the toilet block would be accessible.
Did Highways visit the site entrance in particular? Would TDC monitor and control access to the car park?	Planning Officers confirmed that Highways visited the site. The Planning Officer referred members of the Committee to condition 14 regarding the car park operation and the nature of the barrier.
Could there be infrastructure for a fully electric car park?	The Planning Officer confirmed that the infrastructure would be in place for future proposals if they arose. The Planning Officer confirmed that external consultants had reviewed the requirements and 4 charging points were required for the outset of the plan, this could potentially be increased to 8. Further charging points would be cost-dependent.
Would there be a point in which certain permissions would be sought for long-standing events?	The period of 28 consecutive days for events has been extended during the pandemic to 56 days.
Would the maintenance of the trees and hedges be the responsibility of the Council?	The Planning Officer confirmed that Tendring District Council would maintain the condition of the trees and hedges.
Members of the Committee referred to the current fence situated at the entrance.	The Planning Officer suggested advising ECC of these concerns.

Following discussion by the Committee, it was moved by Councillor Alexander, seconded by Councillor Fowler 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 planning conditions (and reasons):-

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

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

2). The development hereby permitted shall be carried out in accordance with the following approved plans:

- Drawing no. 171 A (Masterplan)
- Drawing no. 101 (Street Scenes)
- Drawing no. 500 (Toilet Block)
- Drawing no. 60498/C/0001 A (Private External Works – General Arrangements)

- Drawing no. WLC481-1300-001 (Car Park Lighting Layout)
- Drawing no. 60498/C/0002 (Drainage Plan)
- Document Reference - WLC481-LC-AC-001 (Lighting Report)
- Mer EV Charging Proposal Report (July 2021)

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

3). All hard landscaping, planting, seeding or turfing shown the approved landscaping details drawing no. 257-000 (Structure Planting), 257-001 (Toilet Block), 257-002 (North), 257-003 (South) and 257-004 (Community Garden) and the associated documents 257-D-001 (Softworks Specifications) and 257-D-002 (Planting Schedule) shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the implementation of the approved scheme and adequate maintenance of the landscaping for a period of five years in the interests of visual amenity.

4). There should be no obstruction above ground level within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway (between the junction with the High Street and the car park exit). Such vehicular visibility splays shall be provided before the road junction and access is first used by vehicular traffic and retained free of obstruction above 600mm at all times.

Reason - To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety.

5). Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason - To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

6). Prior to the occupation of any of the proposed development the internal road and footway layouts shall be provided in principal and accord with Drawing Number:

- 60498/C/0001 A Private external works - general arrangement

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

7). The development shall not come into use until the following have been provided or completed:

- a) A priority junction off Orwell Road to provide access to the proposal site, the access road shall have a minimum width of 6.0 metres for the first 6 metres, with a 2 metre wide footway provide around the north kerb radii with Orwell Road and extended northwards to its junction with the High Street and provided with appropriate drop kerb/ tactile paving either side of the junction to the car park.
- b) The introduction of a narrowing to the north of the car park exit to deter left turn movements out of the car park to be agreed/approved with the Planning Authority (in writing) in conjunction with the Highway Authority.
- c) Improvements to the footway to an affective width of 1.5 metres south of the car park access with Orwell Road to its junction with Milton Road.

Reason – In the interests of highway safety.

- 8). Any proposed boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway.

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

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

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

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- wheel and underbody washing facilities
- dust, noise and emission suppression methods
- hours of construction
- piling method statement (if needed).

Reason – In the interests of highway safety and residential amenity.

- 11). The development shall be carried out in full accordance with the recommendations and conclusions contained within the submitted 'Remediation Method Statement' (as prepared by Richard Jackson Engineering Consultants).

Prior to the development being brought into operational use a Validation Report must be submitted to and approved in writing by the Local Planning Authority. The Validation Report must demonstrate that the requirements of the Remediation Method Statement

have been met and must include all recommendations stated in Section 8 of the Remediation Method Statement.

Reason –To safeguard against potential contaminates on site.

12). The powered two-wheeler/cycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times.

Reason - To ensure appropriate powered two-wheeler and bicycle parking is provided.

13). The proposed development shall not be first used until such time as the vehicle parking areas indicated on the approved plans, including any parking spaces for the mobility impaired and the electric charging point bays, have been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

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

14). Prior to first use of the car park details of the proposed barrier/height restriction system and car park operating hours shall be submitted to and approved, in writing, by the Local Planning Authority. The approved barrier/height restriction system shall be installed prior to the first use of the car park and retained in perpetuity.

Reason – In the interests of residential amenity.

15). Prior to the construction of the proposed retaining wall precise details of the manufacturer and type of dark red brickwork (including the proposed bond details) shall be submitted to and approved in writing by the Local Planning Authority.

The retaining wall shall be construction in full accordance with the approved plans.

Reason – In the interests of visual amenity and preserve the character of the conservation area setting.

152. A.4 21/00040/FUL - TOPSL HOUSE HIGH STREET MISTLEY MANNINGTREE ESSEX

Members were informed that this application had been referred to Planning Committee at the request of Councillor Coley due to his concerns with the building being both listed and situated in a Conservation Area, the introduction of a stairway access to the first floor, change of use of the first floor to residential, and that the building is located on the edge of a busy working dock and parking issues.

This application sought planning permission for external changes to the fenestration including the change of a window to a door to the front elevation, a change of a window to a door to the Quay elevation, a change from a door to a window to the side elevation and erection of a safety hand rail.

It was reported that the application site was located within the 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 application was located within the Conservation Area and adjacent to a Grade II Listed Building.

Members were advised that ECC Heritage had been consulted and had no objections subject to conditions relating to the details of the handrail and further details of the windows and doors.

The proposals were not considered by Officers to cause any impact upon the neighbouring amenities.

The Committee was made aware that Mistley Parish Council had recommended this application for refusal and that one letter of objection had been received.

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 (TF) in respect of the application.

An update sheet had been circulated to the Committee prior to the meeting whereby the Recommendation in section 8 of the report should read as follows:

"That the Head of Planning be authorised to grant planning permission for the development subject to the conditions stated in section 8.1."

Guy Williamson, the agent on behalf of the applicant, spoke in support of the application.

Derek Bell, a local resident, spoke against the application.

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

Matters raised by Members of the Committee:-	Planning Officers' response thereto:-
A member of the Committee asked if the Committee could challenge the permitted development rights.	The Planning Officer confirmed that the Committee cannot challenge these rights.
A member of the committee raised flooding issues, expressing a duty to prevent flood risk. If they were approving changes, should there have been a flood risk assessment? If there is no such assessment, could the Committee request so?	The Planning Officer asked the Committee to consider the operational use and if it were to be considered, there are different levels of risk to be considered.
Another member of the Committee raised concerns regarding fire risks. The use of the building increases the risk. Had a fire risk assessment been undertaken?	The Planning Officer confirmed that there had not been a consultation with the Essex Fire Service. Internal works are being undertaken as part of building

	regulations and a fire risk would form part of these regulations.
The 'emergency egress' doorway was raised as an issue. Could a condition be put before the Committee to clarify the entrance and exit points for safety and disabled purposes?	The Planning Officer confirmed that it was suspected that the emergency exit was accessed from the High Street. A condition can be put before the Committee.
6.5/6.10 – A member of the Committee referred to the Heritage Assessment whereby no objections were received.	The Planning Officer confirmed no objections had been received.
The Chairman of the Committee asked if the use may change, and would the applicant specify the particular use of the premises?	The Planning Officer confirmed that the application stated café-use on ground floor at Class E with potential for an alternative use.

Following discussion by the Committee, it was moved by Councillor Baker, 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 the following planning conditions (and reasons):-

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

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

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

- Drawing No. TH04 REV 7

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

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

Reason - The application relates to a building in the Conservation area and adjacent to a Grade II Listed building and therefore such details are necessary in order to preserve and enhance the historic character.

4. No development shall be commenced until a schedule of external finish materials including the handrail shall be submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development and permanently maintained as such.

Reason - To ensure materials are of a very high quality to respect the building and its setting.

- 4. Subject to addition of a further planning condition to require that new door to front/high street elevation is used for emergency purposes only and that rear/riverside door forms principal access to ground floor unit.**

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Members were informed that this application had also been referred to Planning Committee at the request of Councillor Coley due to his concerns with the building being listed and situated in a Conservation Area, the introduction of a stairway access to the first floor, change of use of the first floor to residential, and that the building is located on the edge of a busy working dock and parking issues.

This application sought planning permission for the external staircase, balcony, window to a door to the quay elevation and a window to a door to the northwest elevation.

Members were aware that the application site was located within the 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 application was located within the Conservation Area and adjacent to a Grade II Listed Building.

It was reported that ECC Heritage had been consulted and had an objection to the proposed balcony but had no objections to the other elements subject to conditions relating to the staircase details and further details of the windows and doors.

The proposals were not considered by Officers to cause any impact upon the neighbouring amenities.

The Committee was informed that Mistley Parish Council had recommended this application for refusal and that 7 letters of objection had been received (with two from the same address).

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 (TF) in respect of the application.

An update sheet had been circulated to the Committee prior to the meeting whereby the Recommendation in section 8 of the report should read as follows:-

"That the Head of Planning be authorised to grant planning permission for the development subject to the conditions stated in section 8.1."

The update sheet also reported that three additional letters of representation had been received (with two from the same address) together with the officers' response thereto.

Guy Williamson, the agent on behalf of the applicant, spoke in support of the application.

Derek Bell, a local resident, spoke against the application.

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

Matters raised by Members of the Committee:-	Planning Officers' response thereto:-
A member of the Committee referred Members to 4.2-4.3 regarding the balcony. If the balcony was omitted, there were elements in principle that were acceptable.	Separate Planning Applications had been and could be submitted to the Committee according to Planning Policies.
A Councillor raised various concerns regarding the foliage, the staircase and the bin storage areas.	The Planning Officer confirmed that in terms of the outside alterations, the impact as a result of the staircase can be recognised as an acceptable material consideration.
A member of the committee referred to 6.15 regarding the character of the building not contending with the bay window.	No response.
It was raised by a member of the Committee concerns regarding the detrimental effect of the staircase. Could the staircase be moved to an alternate position?	The Planning Officer confirmed that in terms of where the staircase has been sited, this depends on the applicant's request. The application should be taken as it stands.
4.3 - Can a Planning Officer clarify the effects of the balcony?	The Planning Officer clarified point 4.3 regarding the acceptable balcony features from the Heritage Society's perspective.

The Chairman requested approval from members of the Committee to continue the meeting past the allowed period of 3 hours as required by Council Procedure Rule 35.1. It was moved by Councillor Alexander, seconded by Councillor Harris and **RESOLVED** that the Committee continued its deliberations.

Following discussion by the Committee, it was moved by Councillor Alexander, seconded by Councillor White and **RESOLVED** that consideration of this application be deferred for the following reasons:

"To allow for further negotiations by Officers with the applicants on the application in relation to the following:-

- *omission/amendment of balcony detail to rear/river side elevation to address ECC Heritage objections; and*
- *consideration of appropriate screening to external staircase to address overlooking/private amenity issues with neighbouring property."*

The meeting was declared closed at 10.00 pm

Chairman