

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 12TH APRIL, 2022 AT 6.00 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors White (Chairman), Alexander, Baker, Casey, Clifton, Codling, Fowler and Harris
Also Present:	Councillors Griffiths, I Henderson and McWilliams
In Attendance:	Graham Nourse (Assistant Director, Planning), Joanne Fisher (Planning Solicitor), Jacob Jaarsmar (Planning Team Leader), Nick Westlake (Planning Officer), Emma Haward (Leadership Support Officer), Matthew Cattermole (Communications Assistant).

231. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Bray, with no substitute and Councillor Placey, with Councillor Clifton substituting.

232. MINUTES OF THE MEETINGS HELD ON 2 AND 15 MARCH 2022

It was moved by Councillor Baker, seconded by Councillor Alexander and **RESOLVED** that the minutes of the meetings of the Committee held on 2 and 15 March 2022 be approved as correct records.

233. DECLARATIONS OF INTEREST

Councillor Alexander declared a personal interest in **Planning Application A.5 2/00416/FUL – MARTELLO CAR PARK WEST ROAD, CLACTON ON SEA CO15 1AH** due to his being a Ward Member. He informed the Committee that he was pre-determined on this matter and that therefore, he would not participate in the Committee's deliberations on this application.

Councillor Clifton declared a personal interest in **Planning Application A.3 21/01527/FUL – 152 CONNAUGHT AVENUE FRINTON ON SEA, CO13 9AD** due to his being a Town Councillor for Frinton and Walton Town Council. He informed the Committee that he was not pre-determined on this matter. However, due to the fact that this item had been previously deferred by the Committee and that he had not been present at that previous meeting, he stated that he would not participate in the Committee's deliberations on this application.

Councillor Harris declared a personal interest in **Planning Applications A.1 21/00977/DETAIL - LAND TO THE SOUTH OF WEELEY ROAD, EAST OF BIRCH AVENUE AND PINE CLOSE, GREAT BENTLEY** and **A.2 21/00978/FUL – LAND TO THE SOUTH OF WEELEY ROAD, GREAT BENTLEY**. He informed the Committee that he was pre-determined on those matters and that therefore, he would not participate in the Committee's deliberations on those applications. In addition, he had not attended the Committee's site visits for those applications which would have precluded him, in any case, from being able to participate in the consideration of those applications.

Councillor Codling declared a personal interest in **Planning Application A.3 21/01527/FUL – 152 CONNAUGHT AVENUE FRINTON ON SEA, CO13 9AD**. He informed the Committee that he was pre-determined on this matter and that therefore, he would not participate in the Committee's deliberations on this application. In addition, he had not attended the Committee's site visit for this application which would have precluded him, in any case, from being able to participate in the consideration of this application.

234. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were none on this occasion.

235. A.1 PLANNING APPLICATION 21/00977/DETAIL - LAND TO THE SOUTH OF WEELEY ROAD, EAST OF BIRCH AVENUE AND PINE CLOSE, GREAT BENTLEY

For the reasons stated in Minute 233 above, Councillor Harris did not participate in the Committee's consideration and determination of this application.

Members recalled that this application had been originally brought before the Planning Committee at its meeting held on 21st December 2021. Updates to the original Officer report submitted to that meeting were shown in bold text throughout the report now before the Committee

Members were aware that they had deferred this application for the following reasons:-

- *"The footpath link to Birch Avenue as proposed was too narrow to be considered acceptable in principle*
- *Retention of Oak trees in the field*
- *Visibility splays to access*
- *Archaeological exploration*
- *Clustering of affordable housing was to be reconsidered with better 'pepper potted' across the development*
- *Consideration was to be given to extending 30mph speed limit to the east along Weeley Road"*

In response to those points, the following updates were made by Officers:-

Footpath Link

"The applicant had agreed to purchase the dwelling 76 Birch Avenue. Therefore, the constrained width of the footpath and cycle connection had been resolved. The applicant was now able to comply with the condition applied to the outline consent as demonstrated in the amended plans submitted with this application."

Retention of two Oak trees in the site

"The two large mature Oaks situated in the western portion of the site were included in the submitted tree report. They had both been classified as B - category trees due to the presence of decay at the base of each tree. In addition, the Council's Tree and Landscape Officer had visually inspected these trees on three separate occasions to

assess their condition. He had concluded that whilst the trees were clearly visible from the adjacent highway and were prominent features in their setting, they had a limited, safe, useful life expectancy, resulting from decay in the main stems of both trees. For this reason, the trees did not meet the criteria under which they merited formal legal protection by means of a Tree Preservation Order. Consequently they were not a physical constraint on the development potential of the site.

The landscaping proposals for the site included provision for over 100 new trees to be planted, Officers therefore concluded no objection to the loss of the two Oaks.”

Visibility splays to access

“The Highway Authority had requested visibility splays of 2.4 metre setback with 90 metres in each direction from the proposed access with Weeley Road. These visibility splays would accord with the requirements in the Design Manual for Roads and Bridges (DMRB). Given the location of the proposed site access, and proximity to a change in speed limit from 60mph to 30 mph, the Highway Authority required the more onerous 90m visibility splay contained in DMRB to be provided, rather than the 57 metre visibility splay for traffic speeds of up to 37 mph in Manual for Streets (2007).

The Highway Authority had no objection subject to additional conditions, which included moving the existing 30 mph sign, 50 metres to the east.”

Archaeological exploration

“A Desk Based Assessment and a geophysics survey had been carried out. These reports did not identify any features of archaeological origin, the results of the geophysics would need to be assessed through a programme of targeted trial trench evaluation. ECC Archaeology had recommended additional conditions which were included within the recommendation.”

Clustering of affordable housing to be reconsidered

“Officers considered the placement of affordable homes that complied with Policy LP5, whereby no more than 10 affordable homes were clustered together. The affordable units were currently spread across the western part of the site and interspersed by market homes. This had not been amended.”

Consideration to be given to extending 30mph speed limit to the east along Weeley Road

“ECC Highways had recommended moving the existing 30mph sign 50 metres to the east of the proposed access. However, this was covered by a ‘Speed Limit Order’ process or ‘Traffic Regulation Order’ which was a separate statutory process that could attract comment/objections and that outcome could not therefore be pre judged. Nevertheless, the ECC Highways Network Assurance Manager had agreed the use of the planning condition in this case, subject to the ‘Speed Limit Order’ process being followed.

In any event, the current visibility splays with the existing road signage remaining in place was well in excess of what was expected in a 30mph zone, as outlined in the

Manual for Streets. ECC Highways had no objection to the visibility splays proposed with the current road signage remaining in place.”

Updates on other matters

“The applicant had made some minor amendments to the scheme including the repositioning of some car parking to allow the required electric vehicle charging infrastructure. In addition, Plots 3 and 4 facing Weeley Road had been enhanced to improve the street scene. The roof now incorporated a gable and render had been added to the front elevation.”

The Committee was reminded that this application had been referred to it at the request of the Assistant Director (Planning) as the original outline application had been refused by the Local Planning Authority and its decision had subsequently been overturned by the Planning Inspectorate.

Members were further reminded that the current application sought approval of the reserved matters relating to outline planning permission 17/0881/OUT, which had granted planning permission for the erection of up to 136 dwellings with access from Weeley Road, an informal recreation space, a local area of play and associated development. This application also included details of appearance, landscaping, access, layout and scale which had not been included as part of the original outline planning application.

As established through the granting of outline application 17/0881/OUT the principle of residential development for up to 136 dwellings on this site was considered by Officers to be acceptable. The detailed design, layout, landscaping, access and scale were also considered by Officers to be acceptable. Officers also felt that this proposal would result in no material harm to residential amenity or highway safety.

The application had been therefore recommended by Officers for approval subject to a legal agreement to secure the management of the open space, drainage features, landscaping and non- adopted 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 (NW) in respect of the application.

An update sheet had been circulated to the Committee prior to the meeting with details of amended plans submitted which demonstrated that no more than 10 affordable dwellings would be clustered together. The list of approved plans (Condition 1) had previously been distributed as part of the update sheet.

In addition, there was an update to the wording for proposed planning Condition number 2.

Public Speaking had taken place on this application at the meeting held on 21 December 2021 and therefore there was no public speaking allowed at this time.

Matters raised by Members of the Committee:-	Officer's response thereto:-
A member of the Committee asked the Planning Officer to confirm that if the Committee did not determine approval for the application, would the details have reverted to the original application?	That Planning Officer confirmed that the decision would, as a result, become a civil matter.
Would a mature grown tree be planted?	The Planning Officer confirmed that in the landscaping plans, there was a combination of trees proposed to be planted on site.
A member of the Committee asked what had been done to alleviate concerns regarding affordable housing.	The Planning Officer confirmed that an update had been received prior to the meeting and the applicant had acknowledged an error where there were no clusters of affordable housing.
It was raised by a member of the Committee, were there adaptations for disabled use?	An Adaptability Plan had been proposed as part of the detailed plans.
What happened to the space where the drainage features were placed?	A specific plan had been submitted for landscaping in relation to the drainage feature.
Concerns were raised in relation to the speed of vehicular traffic at this site.	Condition 8 requested that the rectangular 30mph signs be moved eastwards to increase visibility to 100m. A minimum of 96m was required for visibility display.

Following discussion by the Committee, it was moved by Councillor Casey, 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) 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):

Drainage:

- *Ensuring the drainage feature outside the red line boundary (subject of application 21/00978/FUL) were linked to this application and had to be constructed and fully operational before any dwelling on the host site was occupied.*
- *The long-term maintenance of the drainage features outside of the red line boundary (subject of application 21/00978/FUL)*

Landscape Management Company to include maintenance of:

- *Link Path to Birch Avenue including fencing*

- *Non adoptable Highway (roads, paths and pavements)*
- *Landscaping Buffers and wider landscaping including pedestrian link to the North East)*
- *Public Open space*

(b) the following planning conditions (and reasons):-

1. Amended plans had been submitted demonstrating no more than 10 affordable dwellings were clustered together. The listed of approved plans (Condition 1) should now therefore be as follows:

21.5138.08 p Amended soft landscape proposals overall
20.1464.100 ab Amended proposed site layout plan
20.1464.300 p Amended proposed parking layout plan
20.1464.301 n Amended proposed density plan
20.1464.303 p Amended proposed garden area and depth plan
20.1464.304 n Amended proposed refuse strategy plan (Received 08 April 2022)
20.1464.306 p Amended proposed affordable housing plan
20.1464.307 n Amended proposed distribution plan
20.1464.308 m Amended affordable cluster plan
20.1464.560 Amended house type 3b m4(3) plans and elevations
21.5138.09 Amended suds area
20.1464.309 j Amended adaptable and accessible dwellings plan
48737/c/001 d Amended alignment contours
48737/c/002 d Amended drainage layout
48737/c/003 e Amended highway limits of adoption
20.1464.100 aa Amended proposed site layout plan
20.1464.302 r Amended proposed material plan
20.1464.305 n Amended proposed storey height plan
20.1464.311 j Amended land uses plan
48737/c/006 n Amended footpath to birch avenue

22 Dec 2021 Amended schedule of accommodation

20.1464.423 a House type na32 (byford) - variant 4 plans and elevations

20.1464.421 c Amended house type na32 (byford) - variant 2 floor plans and elevations

20.1464.434 a Amended ht na43 lanford (variant 3) - proposed floor plans
20.1464.435 a Amended ht na43 lanford (variant 3) - proposed elevations
20.1464.440 Amended ht na44 manford (variant 1) - proposed floor plans
20.1464.441 Amended ht na44 manford (variant 1) - proposed elevations
20.1464.442 Amended ht na44 manford (variant 2) - proposed floor plans
20.1464.443 Amended ht na44 manford (variant 2) - proposed elevations
20.1464.450 Amended ht na51 wayford (variant 1) - proposed floor plans
20.1464.451 Amended ht na51 wayford (variant 1) - proposed elevations
20.1464.460 Amended ht nt30 ardale (variant 1) - proposed floor plans
20.1464.461 Amended ht nt30 ardale (variant 1) - proposed elevations
20.1464.462 Amended ht nt30 ardale (variant 2) - proposed floor plans
20.1464.481 Amended ht nt42 waysdale (variant 1) - proposed elevations
20.1464.482 a Amended ht nt42 waysdale (variant 2) - proposed floor plans
20.1464.483 a Amended ht nt42 waysdale (variant 2) - proposed elevations
20.1464.484 b Amended ht nt42 waysdale (variant 3) - proposed floor plans

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- 20.1464.485 b Amended ht nt42 waysdale (variant 3) - proposed elevations
 - 20.1464.494 Amended ht woodman (variant 3) - proposed floor plans
 - 20.1464.403 Amended ht na22 blandford (variant 4) - proposed floor plans and elevations
 - 20.1464.402 Amended ht na22 blandford (variant 3) - proposed floor plans and elevations
 - 20.1464.401 a Amended ht na22 blandford (variant 2) - proposed floor plans and elevations
 - 20.1464.400 b Amended house type na22 (blandford) - variant 1 floor plans and elevations
 - 20.1464.410 a Amended ht na34 colrford (variant 1) - proposed floor plans and elevations
 - 20.1464.411 a Amended ht na34 colrford (variant 2) - proposed floor plans and elevations
 - 20.1464.412 Amended ht na34 colrford (variant 3) - proposed floor plans and elevations
 - 20.1464.413 Amended ht na34 colrford (variant 4) - proposed floor plans and elevations
 - 20.1464.422 Amended ht na32 byford (variant 3) - proposed floor plans and elevations
 - 20.1464.430 Amended ht na43 lanford (variant 1) - proposed floor plans
 - 20.1464.431 Amended ht na43 lanford (variant 1) - proposed elevations
 - 20.1464.432 a Amended ht na43 lanford (variant 2) - proposed floor plans
 - 20.1464.433 a Amended ht na43 lanford (variant 2) - proposed elevations
 - 20.1464.463 Amended ht nt30 ardale (variant 2) - proposed elevations
 - 20.1464.464 a Amended ht nt30 ardale (variant 3) - proposed floor plans
 - 20.1464.465 a Amended ht nt30 ardale (variant 3) - proposed elevations
 - 20.1464.466 Amended ht nt30 ardale (variant 4) - proposed floor plans
 - 20.1464.467 Amended ht nt30 ardale (variant 4) - proposed elevations
 - 20.1464.470 a Amended ht nt31 kingdale (variant 1) - proposed floor plans
 - 20.1464.471 a Amended ht nt31 kingdale (variant 1) - proposed elevations
 - 20.1464.472 Amended ht nt31 kingdale (variant 2) - proposed floor plans
 - 20.1464.473 Amended ht nt31 kingdale (variant 2) - proposed elevations
 - 20.1464.480 Amended ht nt42 waysdale (variant 1) - proposed floor plans
 - 20.1464.495 Amended ht woodman (variant 3) - proposed elevations
 - 20.1464.496 Amended ht woodman (variant 4) - proposed floor plans
 - 20.1464.497 Amended ht woodman (variant 4) - proposed elevations
 - 20.1464.550 a Amended garages - proposed floor plans and elevations
 - 20.1464.420 Amended ht na32 byford (variant 1) - proposed floor plans and elevations

 - 20.1464.490 Amended ht woodman (variant 1) - proposed floor plans
 - 20.1464.491 Amended ht woodman (variant 1) - proposed elevations
 - 20.1464.492 Amended ht woodman (variant 2) - proposed floor plans
 - 20.1464.493 Amended ht woodman (variant 2) - proposed elevations

20.5168.d1 1fr bat tube - (schwegler) standard arrangement

Shared ownership and affordable rent plots Received 30 Nov 2021

Energy and sustainability statement Received 15 Nov 2021

Preliminary Ecological Appraisal (EECOS, June 2021)

Bat Surveys (EECOS, September 2021)
Reptile Survey (EECOS, September 2021)
Biodiversity Net Gain Assessment (EECOS, December 2021)

Tree survey Received 01 Jul 2021
Tree survey and impact assessment Received 01 Jul 2021
1604-kc-xx-ytree-tpp01rev0 Tree protection plan
1604-kc-xx-ytree-tcp01rev0 Tree constraints plan
Archology Desk Based Assessment (RPS Dated 17 Feb 2022)
Geophysical Survey Report (Sumo Dated 09 March 2022)

21.5138.07 j Amended soft landscape proposals (sheet 7 of 7)
21.5138.01 l Amended soft landscape proposals (sheet 1 of 7)
21.5138.04 o Amended soft landscape proposals (sheet 4 of 7)
21.5138.05 i Amended soft landscape proposals (sheet 5 of 7)
21.5138.06 j Amended soft landscape proposals (sheet 6 of 7)
21.5138.02 n Amended soft landscape proposals (sheet 2 of 7)
21.5138.03 l Amended soft landscape proposals (sheet 3 of 7)

20.1462.030 c Site plan

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

2. As indicated on drawing no. 48737/C/003 E and prior to occupation of the development, the road junction / access at its centre line shall be provided with a minimum clear to ground visibility splay dimensions of 2.4 metres by 90 metres in both directions, 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.

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

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 numbers:

- 20.1464.100 AA Amended proposed site layout.
- 20.1464.300 N Amended Parking layout plan.
- 20.1464.550 Garages - proposed floor plans and elevations.
- 48737/c/003 E Amended highway limits of adoption.
- 48737/c/006 N Amended footpath to Birch Avenue.

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 each 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.

5. 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 and in the interests of highway safety.

6. The development of any phase shall not be occupied until such time as car parking and turning areas have 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.

7. Prior to the first occupation of any dwelling hereby approved, the details of the Cycle parking shall be provided for those dwellings without a garage in accordance with the EPOA Parking Standards. The details shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities 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.

8. Subject to the Traffic Regulation Order being successful, the existing speed limit terminal signs to the east of the site shall be replaced and moved eastwards no more than 50 metres and provided with 30-mph carriageway roundel at the applicant's expense, prior to the first occupation of the development.

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible.

9. Prior to above ground works, a scheme for the provision of electric vehicle charging facilities for the new dwellings hereby approved shall have first been submitted to and approved in writing by the local planning authority. Thereafter the charging facilities shall be installed in a working order prior to first occupation of the dwellings.

Reason: In order to promote sustainable transport.

10. Prior to the occupation of any dwelling a scheme detailing how a minimum of 20% of the energy needs generated by the development can be achieved through renewable energy sources shall be submitted to and approved in writing by the local planning authority. The scheme shall detail the anticipated energy needs of the scheme, the specific renewable technologies to be incorporated, details of noise levels emitted (compared to background noise level) and how much of the overall energy needs these will meet and plans indicating the location of any external installations within the development. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter

Reason: To ensure the development contributes to minimising the effects of, and can adapt to a changing climate.

11. Notwithstanding the details on the approved plans, 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 and refuse points 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.

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

Reason - In order to ensure a satisfactory development in terms of landscape appearance, character and functionality and ensure the earliest and practicable implementation of new planting required to mitigate the impact of the development.

13. No development shall commence until precise details the manufacturer and types and colours of the external facing materials and roofing materials for the dwelling to be used in the construction have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure a satisfactory development in relation to external appearance and in the interests of residential amenity.

14. Notwithstanding the details on the approved plans, the hedge height planted in the northern landscape buffer adjacent to the existing properties on the southern side of Weeley Road shall, once matured be kept to a height on not less than 2.5 metres high.

Reason: To ensure a satisfactory development in relation to appearance and in the interests of residential amenity.

15. Prior to the occupation of any dwelling, details of the location and maintenance schedule of two dog bins on the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be maintained for the lifetime of the development.

Reason: In the interests of residential amenity.

16. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (EECOS, June 2021), Bat Surveys (EECOS, September 2021) and Reptile Survey (EECOS, September 2021) 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) as updated by the Environment Act 2021.

16.— (1) *This article applies where the development to which the application relates is situated within 10 metres of relevant railway land.*

(2) *The local planning authority must, except where paragraph (3) applies, publicise an application for planning permission by serving requisite notice on any infrastructure manager of relevant railway land.*

(3) *Where an infrastructure manager has instructed the local planning authority in writing that they do not require notification in relation to a particular description of development, type of building operation or in relation to specified sites or geographical areas ("the instruction"), the local planning authority is not required to notify that infrastructure manager.*

(4) *The infrastructure manager may withdraw the instruction at any time by notifying the local planning authority in writing.*

As the developments are taking place outside of 10 metres from the railway land (only low level grass land is proposed within 10 metres of the railway land. Officers consider the consultation with Network Rail as unnecessary in this instance.

17. Prior to commencement an Updated Biodiversity Net Gain Design Stage Report, in line with Table 2 of CIEEM Biodiversity Net Gain report and audit templates (July 2021), shall be submitted to and approved in writing by the local planning authority which provides a minimum of not net loss using the DEFRA Biodiversity Metric 3.0 or any successor.

The content of the Biodiversity Net Gain report should include the following:

- Baseline data collection and assessment of current conditions on site for both the residential development and drainage area;
- A commitment to measures in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity;
- Provision of the full BNG calculations, with detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality;
- Details of the implementation measures and management of proposals;
- Details of the monitoring and auditing measures.

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

Reasons: In order to demonstrate measurable net gains and allow the LPA to discharge its duties under the NPPF (2021) as updated by the Environment Act 2021

18. Prior to any works above slab level a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the

Preliminary Ecological Appraisal (EECOS, June 2021), Bat Surveys (EECOS, September 2021), Reptile Survey (EECOS, September 2021) and Biodiversity Net Gain Assessment (EECOS, December 2021), shall be submitted to and approved in writing by the local planning authority.

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

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021.

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

The content of the LEMP shall include the following:

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

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

Reason: To allow the LPA to discharge its duties under the 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) as updated by the Environment Act 2021

20. Prior to occupation a lighting design scheme for biodiversity within the residential development shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site within the residential development 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) as updated by the Environment Act 2021.

21. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Class A and C of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no additional first floor side windows (facing westwards) or roof lights (facing westwards) shall be erected or carried at plots at Plots 33 or 47 except in accordance with drawings showing the siting and design of such alterations which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interest of the amenity of the occupants of adjacent dwellings, and in the interest of the visual amenity of the locality.

22. a) 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. **Specific attention shall be given to the Local Area of Play (LAP) hereby approved also the surrounding grass land enclosing the LAP upto the roadside. Where the majority of the trial pits shall be dug.**

b) 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.

c) 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: in the interests of preserving, any possible historic artefacts found on the host site.

23. Prior to the first occupation of the development, the existing 'Great Bentley village signs and associated 'Village award sign' to the east of the site shall be replaced and moved eastwards no more than 50 metres at the applicant's expense.

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible.

(c) Formal Notification being given to the Network Rail Infrastructure Manager with responsibility for the railway land adjacent to the site under Article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and no objections being raised by the infrastructure manager.

(d) the Assistant Director (Planning) be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a Section 106 planning obligation.

236. A.2 PLANNING APPLICATION 21/00978/FUL – LAND TO THE SOUTH OF WEELEY ROAD, GREAT BENTLEY

For the reasons stated in Minute 233 above, Councillor Harris did not participate in the Committee's consideration and determination of this application.

Members recalled that this application had been originally brought before the Planning Committee at its meeting held on 21st December 2021. Updates to the original Officer report submitted to that meeting were shown in bold text throughout the report now before the Committee

The Committee was aware that it had previously deferred consideration of this application as the associated applications to the west of the site, the Section 73 application for a narrower link to Birch Avenue and the Reserved Matters application for the associated outline application had been refused or deferred. No new information directly related to this application. The following documents had also been revised to replace those previously submitted under the full planning application 21/00978/FUL simply in the interests of consistency namely 48737-C-004C – Drainage Layout (Eastern land) and 48737-C-005B – Construction Access.

The Committee was reminded that this application had been referred to it at the request of the Assistant Director (Planning) as the original outline application had been refused by the Local Planning Authority and its decision had subsequently been overturned by the Planning Inspectorate.

Members were reminded that the current application sought approval of the engineering operations required in support of the application for Reserved Matters submitted on adjacent land (21/00977/DETAIL (136 dwellings)), including an attenuation basin, public footpath, and access visibility and construction access.

The detailed design, layout, landscaping and scale were considered by Officers to be acceptable. Officers felt that this proposal would result in no material harm to residential amenity or highway safety. The loss of the agricultural land was also considered by Officers to be acceptable due, in part, to the modest size of the drainage features proposed and their location.

The application had been therefore recommended by Officers for approval subject to a legal agreement to secure the management of the open space, drainage features, landscaping and non- adopted 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 (NW) in respect of the application.

An update sheet had been circulated to the Committee prior to the meeting with details of a question asked by a member of the public as to why Network Rail had not been consulted.

The Committee was advised that as the development was taking place outside of 10 metres from the railway land (and only low level grass land was proposed within 10 metres of the railway land), Officers had considered that consultation with Network Rail was unnecessary in this particular instance.

Samuel Caslin, the applicant's representative, spoke in support of the application.

Alison Clarke, a local resident, spoke against the application.

Matters raised by Members of the Committee:-	Officer's response thereto:-
A member of the Committee raised concerns regarding the footpath.	The footpath currently exists and there was a condition where half of the footpath remained.
It was raised by a member of the Committee concerns regarding the proposed SUDS. Would fencing or protection be provided?	There were no plans for protection of the SUDS.
A member of the Committee referred to conditions relating to SUDS, could the officer confirm that conditions had been met?	Should the recommendation be adopted, all conditions would be met.
A member of the Committee suggested that future applications may be brought before the Committee for further housing.	The Planning Officer advised that it would be unlikely that future applications would arise as a result of the Settlement Boundary.
Could the Officer confirmed that contact was received from Network Rail.	It was confirmed that the development was 10m away from the railway land, officers considered the consultation with Network Rail unnecessary.

Following discussion by the Committee, it was moved by Councillor Fowler, seconded by Councillor Baker and **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):-

Drainage

- *Ensuring the drainage feature was linked to the neighbouring site (21/00977/DETAIL) and had to be constructed and fully operational before any dwelling on the neighbouring site was occupied.*
- *The long-term maintenance of the drainage feature*

Landscape Management Company to include maintenance of:

- *Link Path to Birch Avenue including fencing*
- *Non adoptable Highway (roads and pavements)*
- *Landscaping Buffers and wider landscaping inc pedestrian link to the North East)*
- *Public Open space*

(b) the following planning conditions (and reasons):-

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

48737/c/005 b Amended construction access

48737/c/004 c Amended drainage layout - east

20.1464.40b Amended proposed site layout (infrastructure)

20.1462.31 Site plan (infrastructure)

21.5138.09 Suds area – associated with application 21/00977/DETIAL

Preliminary Ecological Appraisal (EECOS, June 2021)

Bat Surveys (EECOS, September 2021)

Reptile Survey (EECOS, September 2021)

Biodiversity Net Gain Assessment (EECOS, December 2021)

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

2. Prior to occupation of adjacent development 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:

- The scheme shall subsequently be implemented in accordance with the approved details and programme for delivery and thereafter retained.

- 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.

3. No development shall commence until an assessment of the risks posed by any contamination, carried out 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), has been submitted to and approved in writing by the Local Planning Authority (LPA). 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 LPA. The site shall be remediated in accordance with the

measures and timescale approved and a verification report confirming the site has been remediated in accordance with the approved details shall be submitted to and approved in writing by the LPA. 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 LPA. 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 LPA within 21 days of the report being completed and shall be approved in writing by the LPA.

Reason - To protect future residents against any potential contaminants present on the site.

4. 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. vehicle routing,
- ii. the parking of vehicles of site operatives and visitors,
- iii. loading and unloading of plant and materials,
- iv. storage of plant and materials used in constructing the development,
- v. wheel and underbody washing facilities.
- vi. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense when caused by developer.

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.

5. On commencement of development the temporary construction access, as shown in principle on drawing 48737/c/005 b Amended construction access shall be constructed at right angles to the existing carriageway. The width of the access at its junction with the highway shall not be less than 7.3 metres retained at that width for 22 metres within the site and shall be provided with an appropriate kerb radius of no less than 15 metres. Upon completion of the development / numbered occupancy, the temporary construction vehicular access shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge / footway / cycleway / kerbing . Full details to be agreed in writing with the Local Planning Authority.

Reason: To ensure to ensure that vehicles can enter and leave the highway in a controlled manner and the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway following development in the interests of highway safety.

6. On commencement of development the temporary 30-mph speed limit and temporary Traffic Regulation Order shall be in place; the extents of the temporary speed limit to be agreed in advance with the local Planning Authority in conjunction with the local Highway Authority. The Traffic Management signage either side of the temporary construction access shall be submitted on a plan as part of this condition prior to the commencement of the development.

Reason: To ensure to ensure that vehicles can enter and leave the highway in a controlled manner and the removal of and to preclude the creation of unnecessary

points of traffic conflict in the highway following development in the interests of highway safety.

Note: The developer will need to pay for the necessary temporary Traffic Regulation Order prior to the temporary construction access coming into use.

7. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

8. Prior to occupation of the site, the temporary road junction / access at its centre line shall be provided with a minimum clear to ground visibility splay with dimensions of 2.4 metres by 97 metres to the south-east and 2.4 metres by 90 metres to the north-west, 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.

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

9. No unbound material shall be used in the surface treatment of the vehicular access within 10 metres of the highway boundary.

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

10. Prior to the commencement of any construction or demolition works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Pollution and Environmental Control. This should at minimum include the following where applicable.

Noise Control

1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228.

4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

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

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

Environmental Control prior to the commencement of works.

Emission Control

- 1) All waste arising from the demolition process, 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.
- 2) No materials produced as a result of the site development or clearance shall be burned on site.
- 3) 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.
- 4) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Reason: Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

9. Prior to the commencement of the development, details of the footways (including layout, levels, gradients, surfacing, traffic calming and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

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

10. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (EECOS, June 2021), Bat Surveys (EECOS, September 2021) and Reptile Survey (EECOS, September 2021) 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) as updated by the Environment Act 2021.

11. Prior to commencement an Updated Biodiversity Net Gain Design Stage Report, in line with Table 2 of CIEEM Biodiversity Net Gain report and audit templates (July 2021), shall be submitted to and approved in writing by the local planning authority which provides a minimum of not net loss using the DEFRA Biodiversity Metric 3.0 or any successor.

The content of the Biodiversity Net Gain report should include the following:

-
- Baseline data collection and assessment of current conditions on site for both the residential development and drainage area;
 - A commitment to measures in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity;
 - Provision of the full BNG calculations, with detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality; -
 - Details of the implementation measures and management of proposals;
 - Details of the monitoring and auditing measures.

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

Reasons: In order to demonstrate measurable net gains and allow the LPA to discharge its duties under the NPPF (2021) as updated by the Environment Act 2021

12. Prior to any works above slab level a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal (EECOS, June 2021), Bat Surveys (EECOS, September 2021), Reptile Survey (EECOS, September 2021) and Biodiversity Net Gain Assessment (EECOS, December 2021), shall be submitted to and approved in writing by the local planning authority.

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

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021.

13. Prior to occupation a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority.

The content of the LEMP shall include the following:

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

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

Reason: To allow the LPA to discharge its duties under the 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) as updated by the Environment Act 2021

14. Notwithstanding the details on the approved plan 21.5138.09 Suds area, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping works for the entire site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837:2012 Trees in relation to design, demolition and construction. Particular attention shall be given to the western boundary adjacent to proposed plots 136 and 119 of application 21/00977/DETIAL. A minimum of 10 landscape buffer (in width from the boundary) shall be presented to soften the site adjacent to the close board fencing associated with these proposed dwellings and related garden areas.

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

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

Reason - In order to ensure a satisfactory development in terms of landscape appearance, character and functionality and ensure the earliest and practicable implementation of new planting required to mitigate the impact of the development.

16. Notwithstanding the details submitted on the approved plans, the full technical details of the connection of the footpath to Weeley Road shall be submitted to the Local Planning Authority. The plans shall include a culvert over the existing drainage ditch adjacent to Weeley Road and details as to how the path connects with Weeley Road, also the details of the surface material used for the path across the site. The approved details shall be implemented in full, retained and maintained for perpetuity by the Management.

Company responsible for the site. These works shall be fully completed and operational prior to the occupation of any residential dwelling associated with the residential development to the west of the site subject of the original application 17/01881/OUT or any related Section 73 application following the original planning approval.

Reason: In the interests of Highway Safety and in the interests of adequate drainage provision.

16.—(1) This article applies where the development to which the application relates is situated within 10 metres of relevant railway land.

(2) The local planning authority must, except where paragraph (3) applies, publicise an application for planning permission by serving requisite notice on any infrastructure manager of relevant railway land.

(3) Where an infrastructure manager has instructed the local planning authority in writing that they do not require notification in relation to a particular description of development, type of building operation or in relation to specified sites or geographical areas ("the instruction"), the local planning authority is not required to notify that infrastructure manager.

(4) The infrastructure manager may withdraw the instruction at any time by notifying the local planning authority in writing.

As the developments are taking place outside of 10 metres from the railway land (only low level grass land is proposed within 10 metres of the railway land. Officers consider the consultation with Network Rail as unnecessary in this instance.

17. a) 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, for the areas being used for the attenuation basin and associated drainage features which has been submitted by the applicant, and approved in writing by the local planning authority.

b) 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.

c) 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: in the interests of preserving, any possible historic artefacts found on the host site.

(d) an additional condition requiring boundary treatment around the suds area as follows:

Notwithstanding the plans hereby approved no development shall take place until precise details of the siting, design and materials of fencing/boundary treatment around the attenuation basin hereby approved have been submitted to and approved in writing by the local planning authority. The approved fencing/boundary treatment shall be erected prior to the development hereby approved becoming operational and thereafter be retained in the approved form.

Reason - in the interests of safety and residential amenity.

(e) Formal Notification being given to the Network Rail Infrastructure Manager with responsibility for the railway land adjacent to the site under Article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and no objections being raised by the infrastructure manager.

(e) the Assistant Director for Planning be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a Section 106 planning obligation.

237. A.3 PLANNING APPLICATION – 21/01527/FUL – 152 CONNAUGHT AVENUE FRINTON ON SEA, CO13 9AD

For the reasons stated in Minute 233 above, Councillors Clifton and Codling did not participate in the Committee’s consideration and determination of this application.

The Committee recalled that Councillor Nick Turner had “called in” this application, due to his concerns in relation to the impact of the proposal on the Conservation Area.

Members were aware that this application had been deferred at the Planning Committee’s meeting held on 18th January 2022, in order to enable amended plans to be provided by the applicant to Frinton and Walton Town Council for its consideration in an effort to overcome their objection to the proposal. However, the Town Council’s request for a more symmetrical two-sloped design had been found to be beyond the financial means of the applicant, and it was also considered by the Officers to increase the visual impact of the proposal. Therefore, as there appeared to be no way forward, the applicant had requested that the application be considered (un-amended) by the Planning Committee on its merits.

The Committee was reminded that this proposal was for a disabled access ramp to be located at the front entrance to the pharmacy. The site was located within the defined Settlement Development Boundary of Frinton-on-Sea.

The proposal was considered by Officers to be of a size, scale and design in keeping with the overall site and surrounding area. Officers had no concerns regarding the impact on the neighbouring residential properties and subject to conditions the proposal was considered by Officers to be acceptable.

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.

An update sheet had been circulated to the Committee prior to the meeting with details of an assessment of the handrail in relation to material planning considerations such as: Appearance and Heritage Impact, Amenity, other considerations and consultations.

Public Speaking had taken place on this application at the meeting held on 18 January 2022 and therefore there was no public speaking allowed at this time.

Matters raised by Members of the Committee:-	Officer’s response thereto:-
A member of the Committee referred to the reasons for deferral previously being the handrail and felt that this had been met. The Member also referred to ECC’s report regarding the lack of architectural design. The	

benefits to the local community outweighed the limited harm in their opinion.	
Concerns were raised regarding the space between the ramp and trees opposite.	The Planning Officer confirmed that the space at its narrowest point was approximately 3ft.

Following discussion by the Committee, it was moved by Councillor Harris, seconded by Councillor Alexander 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):-:

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.

- 152/CAF/6 (Received 2nd December 2021)

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

3. No above ground works shall commence until samples of the ramp surface, handrail and stone facing materials have been submitted to and agreed, in writing, by the Local Planning Authority. Such details 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 within the Frinton and Walton Conservation Area.

238. A.4 PLANNING APPLICATION – 21/00386/FUL – 121 - 123 HIGH STREET HARWICH, CO12 3AP

The Committee was aware that this application had been called in by Councillor Ivan Henderson.

It was reported that this proposal was for the construction of a new part two/part three storey building in order to provide 8 units of residential accommodation and 1 additional commercial unit (ground floor commercial unit as well as the existing shopfront to be retained). The site was located within the settlement development boundary of Harwich and Dovercourt and the Dovercourt Conservation Area.

Members were informed that the proposed scheme had been amended in line with extensive consultation with Essex County Council’s (ECC) Place Services Heritage Officers and was considered by Officers to be of a size, scale and design in keeping with the Conservation Area. Subject to conditions and mitigation measures Officers had

no concerns regarding the impact on the environment, neighbouring residential properties, the recently approved car park, area and the proposal was by them to be acceptable in regards to Highways and Parking impacts.

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.

Councillor Ivan Henderson, the local Ward Member who had “called-in” the application, spoke against the application.

Matters raised by Members of the Committee:-	Officer’s response thereto:-
A member of the Committee raised concerns regarding parking amenities.	The Planning Officer referred Members to page 163 of the agenda where ECC Highways had raised no objection to the proposal. The Planning Officer asked Members to consider the units within the proposal where there were 1-2 bedrooms properties and to consider the use of public transport.
It was raised by a member of the Committee an area of the report in which it was described as a sustainable location. Where would the electric vehicle charging points have been installed?	The Planning Officer confirmed that the EV charging points would be installed at the southern side of the building with additional charging points in the nearby TDC car park.
How many jobs would the development protect?	An informal arrangement had been made regarding the retail units, the existing units are currently occupied, it was unclear how many jobs would be retained due to the proposed retail floor space being decreased.
Would the development be of a similar height to the remainder of the buildings on the High Street?	The Planning Officer advised that the development would be of a similar size to existing buildings on the High Street. In terms of perceived overdevelopment, the development was appropriate for the area and in line with the area’s character.
A member of the Committee asked what the distance was between the development and the nearby property on Bay Road.	The Planning Officer confirmed that the distance between the rear elevation and the property on Bay Road was in the region of 15-17m.
Would the rear-facing windows be obscured?	The Planning Officer confirmed that imposing a condition for the rear-facing windows to be obscure-glazed windows would be unreasonable for the character of the area.
A member referred to the ground-floor plan, whereby there were windows into apartment 1, with a ‘juliet’ balcony looking into the car	The Planning Officer confirmed that the distance would be that of 1.5m between the windows/balcony and the boundary line. It was felt unnecessary for a condition to be imposed

park. How would this have affected nearby occupants?	for obscured windows.
A member of the Committee referred to PPL10 and asked what sustainable technological plans were proposed as part of the application?	The Planning Officer advised that sustainability in construction, energy-efficiency, double-glazing, and appropriate building regulations were proposed as part of the application.
Page 165, section 6.7, of the report was referred to highlighting 'Voussoir brick'. It was asked what this was in terms of materials.	The Planning Officer advised that this was an architectural term for the brick lintels on the first floor.
Concerns regarding the lack of renewable energy was raised.	The Planning Officer confirmed that essential efficiency regulations had been met, a condition could be imposed for renewable energy measures to be incorporated on site.

Following discussion by the Committee, it was moved by Councillor Harris, seconded by Councillor Baker and **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):

- *Financial Contribution towards RAMS*
- *Open Space*
- *Highway Contribution towards residents parking*

(b) 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 strict accordance with the following approved plans and reports:

- Drawing No: P-001 Rev F – Proposed Floor Plans
- Drawing No: P-002 Rev D – Roof Plan
- Drawing No: P-003 Rev E – Proposed Elevations
- Drawing No: P-004 Rev E – Proposed site relationship Bay Road
- Drawing No: P-005 Rev A – Proposed Site Plan
- Drawing No: SK-001 Rev A – Proposed perspective

3. Prior to the commencement of development, a Demolition and Construction Management Plan, including method statements shall be submitted to, and approved in writing by, the Local Planning Authority. The approved plan and method statements shall be adhered to throughout the construction period. The Plan 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.
- The following noise control measures:
 - The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
 - The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228.
 - Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
 - If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.
- The following emission control measures:
 - All waste arising from the demolition process, 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.
 - 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.
 - 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

4. Prior to the commencement of development a scheme of archaeological building recording at least commensurate with a 'Level 2 Record' as outlined in Historic England guidance understanding Historic Buildings - A Guide to Good Recording Practice must be undertaken and submitted to the Local Planning Authority.

Reason: To maintain a record of this historic building within the Conservation Area.

5. Prior to the commencement of above ground works samples of all external materials to be used in the development, including but not limited to brick (and pointing), render (including colour), presented on 1mx1m boards along with full details of windows, doors, balconies, rainwater goods and any other external fixtures must be submitted to and agreed by the Local Planning Authority. The approved materials only are to be used in the development.

No development shall be commenced until a schedule of external finish materials including hard surface treatments, roof tiles, brick and brick masonry bond 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 Conservation Area

6. Prior to the commencement of any above ground works, detailed drawings showing the finish of the front and side eaves detail and the shopfront alterations must be submitted to and approved by the Local Planning Authority. All works must be carried out as per the approved details.

Reason: To maintain the integrity of the original building within the Conservation Area

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

Reason: In the interests of residential amenity

8. Prior to the occupation of the commercial units hereby approved, no extraction, air conditioning or refrigeration equipment shall be installed, unless express planning permission has been obtained. Any equipment approved shall be satisfactorily installed and maintained in the approved form and operational manner thereafter.

Reason - In the interest of neighbouring residential amenity.

9. The commercial uses hereby permitted shall be limited to Class E use (ground floor only) and Class E and Beauty Salon use (Sui Generis use - first floor only) as defined in The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (or any Order revoking and re-enacting that Order with or without modification) and the commercial units shall operate between the hours of 07:00 and 22:00 Monday to Friday, 08:00 and 22:00 on Saturdays and 9:00 and 18:00 on Sundays and Bank Holidays.

Reason - To ensure that the use is appropriate within this mixed commercial and residential location, in the interests of residential amenity

10. Prior to first occupation of the residential units hereby approved, the Cycle parking and locker area must be provided as indicated on Drawing No. P-001 F. The approved facility shall be retained in perpetuity.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

11. Prior to first occupation of the residential units hereby approved, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, 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: Due to the lack of parking provision at the site this would promote sustainable development and alternative transport options in the area

12. No vehicle connected with the development hereby approved shall arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.

Reason: To protect the amenity of nearby residential premises and to protect the health of nearby residents and site workers

13. Prior to or during construction, if any unexpected ground conditions are encountered during the following processes must be followed:

- a. All site works at the position of the suspected contamination will stop and the Local Planning Authority and Environmental Health Department will be notified as a matter of urgency.
- b. A suitably trained geo-environmental engineer should assess the visual and olfactory observations of the ground and the extent of contamination and the Client and the Local Authority should be informed of the discovery.
- c. The suspected contaminated material will be investigated and tested appropriately in accordance with assessed risks. The investigation works will be carried out in the presence of a suitably qualified geo-environmental engineer. The investigation works will involve the collection of solid samples for testing and, using visual and olfactory observations of the ground, delineate the area over which contaminated materials are present.
- d. The unexpected contaminated material will either be left in situ or be stockpiled (except if suspected to be asbestos) whilst testing is carried out and suitable assessments completed to determine whether the material can be re-used on site or requires disposal as appropriate.
- e. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.
- f. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.
- g. Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.
- h. Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared surface of clay, or on 2000-gauge Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.
- i. Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.
- j. A photographic record will be made of relevant observations.

k. The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions. After consultation with the Local Authority, materials should either be: o re-used in areas where test results indicate that it meets compliance targets so it can be re-used without treatment; or o treatment of material on site to meet compliance targets so it can be re-used; or o removal from site to a suitably licensed landfill or permitted treatment facility.

l. A Verification Report will be produced for the work.

Reason - to protect the health of site workers and end users

14. An asbestos survey should be carried out prior to the construction works. Any asbestos containing materials must be safely removed by a qualified contractor.

Reason: to protect the health of site workers and end users

15. No external lighting shall be installed at the site unless express planning permission has been obtained.

Reason: to protect the amenity of nearby residential dwellings.

16. In addition, no development shall be commenced until a Renewable Energy Generation Plan (REGP) has first been submitted to and approved in writing by the Local Planning Authority. The REGP shall provide for electric bicycle charging points for each unit hereby approved including all other measures that will be incorporated into the design, layout and construction, aimed at maximising energy efficiency and the use of renewable energy. Thereafter, the development shall comply with the REGP and the approved measures implemented prior to first occupation.

Reason: In order to ensure that the development contributes towards reducing carbon emissions in addressing climate change, in accordance with Policy PPL10 and SPL3.

(c) the Assistant Director (Planning) be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

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

239. A.5 PLANNING APPLICATION – 22/00416/FUL – MARTELLO CAR PARK WEST ROAD, CLACTON ON SEA CO15 1AH

Councillor Alexander had earlier in the meeting (and for the reasons set out in Minute 233 above), declared an interest and therefore, left the meeting at this point whilst the Committee deliberated and determined this application.

Members were aware that this application had been referred to the Planning Committee as Tendring District Council was the applicant.

It was reported that this application sought planning permission for the erection of a new beacon for the Queen's platinum jubilee.

The application site was located within the settlement development boundary of Clacton-on-Sea.

The Committee was reminded that Local Plan Policy PP8 stated that in order to attract visitors to the Tendring District and support economic growth in tourism, the Council would generally support proposals that would help to improve the tourism appeal of the District to visitors.

The proposed beacon was considered by Officers to be acceptable in terms of design and appearance and it was not considered by them to cause any material impact upon neighbouring amenities.

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.

Councillor Chris Griffiths, a local Ward Member, spoke in support of the application.

Matters raised by Members of the Committee:-	Officer’s response thereto:-
Concerns were raised regarding the fire risk from embers let off from the beacon due to winds.	
A member of the Committee suggested consulting the Emergency Fire Services in future.	This was noted. If there was adverse weather, the event would be cancelled.

Following discussion by the Committee, it was moved by Councillor Casey, seconded by Councillor Clifton 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):-

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 strict accordance with the following approved plans:

- Beacon Plan – Scanned 9th March 2022
- Location Plan – Scanned 9th March 2022

Reason: In the interests of proper planning and for the avoidance of doubt.

The meeting was declared closed at Time Not
Specified

Chairman