

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON THURSDAY, 24TH NOVEMBER, 2022 AT 6.00 PM
IN THE COMMITTEE ROOM, TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors White (Chairman), Fowler (Vice-Chairman), Alexander, Baker (except items 67 - 69 when he retired to the public gallery), Codling, V Guglielmi, Harris, Placey and Scott
Also Present:	Councillors Clifton, Davis and Turner
In Attendance:	Gary Guiver (Director (Planning)), John Pateman-Gee (Planning Manager), Ian Ford (Committee Services Manager), Joanne Fisher (Planning Solicitor), Andrew Nepean (Public Realm Operations Manager), Matt Lang (Senior Planning Officer)(except items 66 - 69) and Mark Wilson (Development Technician - Technical)

61. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was submitted on behalf of Councillor Wiggins, with Councillor Scott substituting.

62. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on 25 October 2022, were approved as a correct record and signed by the Chairman.

63. DECLARATIONS OF INTEREST

Members of the Committee declared that they had received "lobbying" material in writing and by email from the Applicant in relation to Planning Application 21/02181/FUL (report item A.4).

Councillor Baker made the following declarations of interest in relation to Planning Applications 22/01666/FUL (report item A.1), 22/01675/FUL (report item A.2) and 22/01676/FUL (report item A.3):-

"In relation to Planning Application 21/02181/FUL - Land adjacent to Halstead Road I have received several emails of a lobbying nature over the last few months, and within the last two weeks I have received lobbying literature to my home address. However, I am not predetermined.

In relation to Applications 22/01675, 22/01676 & 22/01666 the Changing Places toilets. When Government announced funding for these facilities I pushed for Officers to apply for funding and when notified it was successfully awarded, was vocal locally and in email exchanges that areas in my Ward (Eastcliff), and in Holland-on-Sea, would be suitable for such facilities. I had no involvement in the decision as to where they were to be sited, that was solely an Officer decision. Although I do not consider myself predetermined in any way, it could be seen that I am biased towards these applications and as such I will not take part in the debate or deliberations on all three. I will however speak on the applications relating to my Ward and Holland-on-Sea."

Councillor Harris stated for the public record that he was the Ward Member for Planning Application 22/01232/FUL (report item A.5). He confirmed, however, that he was not pre-determined on this application and that therefore he would take part in the Committee's deliberations on this matter.

64. QUESTION ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

Councillor Baker asked the Chairman of the Planning Committee (Councillor White):-

"As the Chairman of the Planning Committee has a standing invitation to attend meetings of the Planning Policy & Local Plan Committee and to express the Planning Committee's views and comments on any report items that are being considered by the Planning Policy & Local Plan Committee (under Council Procedure Rule 36.1), would the Chairman agree that this Planning Committee has not previously discussed, or made any comments about any upcoming items on the Agendas of the Planning Policy & Local Plan Committee, and that in future this should be included as an item on the Planning Committee's monthly Agenda, in order that any views from members of the Planning Committee, on upcoming items on the Agendas of the Planning Policy & Local Plan Committee, can be discussed, debated and a collective view, if any, be presented by the Planning Committee Chairman on behalf of this Committee?"

Councillor White replied as follows:-

"Thank you for your question Councillor Baker. Councillor Turner, the Chairman of the Planning Policy and Local Plan Committee kindly introduced the opportunity for myself, as Chairman of the Planning Committee to comment on behalf of our Committee on matters relating to planning policy on its agenda. Councillor Turner has been keen to ensure an opportunity for input from ourselves as the Committee charged with implementing such policies that they may have drawn up specifically when it comes to determining planning applications, and we welcome that.

I do acknowledge Councillor Baker's suggestion and completely understand the reason for it. However, I am reluctant to agree to the inclusion of a standing item on the monthly Planning Committee agenda to discuss forthcoming business for the Planning Policy and Local Plan Committee especially as it would be taken in public.

Firstly, we run the risk of duplicating the work of the Planning Policy and Local Plan Committee if we start having potentially lengthy discussions on matters over which Councillor Turner and his Committee has jurisdiction.

Secondly, I believe this Committee's time at these meetings is best served by firmly focussing on the determination of planning applications and other matters for which this Committee has the responsibility. As we know, the agendas for our meetings can on occasion be very long and the applications we consider often carry with them significant public interest and a huge investment in time and effort from the applicants, their agents and indeed our Officers.

I would not want to run the risk of curtailing the length or the quality of debate on planning applications to make time for discussion on matters that are the responsibility of another Committee.

However, instead, I would suggest that we ask our Director of Planning, Mr. Guiver, to advise us of the publication of reports of the Planning Policy and Local Plan Committee and invite comments by way of an email, which can be coordinated by Mr. Guiver and therefore reported to that Committee by way of an update sheet. I hope that goes part way to answering Councillor Baker's point."

65. REPORT A.4 - PLANNING APPLICATION 21/02181/FUL – LAND ADJACENT TO HALSTEAD ROAD, KIRBY-LE-SOKEN CO13 0DY

Earlier on in the meeting Members of the Committee had declared that they had received "lobbying" material in writing and by email from the Applicant in relation to this Planning Application.

Members were aware that this application was before the Planning Committee following Member Referral Scheme requests from Councillor Paul Clifton (in support) and Councillor Anne Davis (in objection).

It was reported that the whole application site extended to approximately 23 hectares in size which was comprised of two agricultural land parcels. The larger parcel of land (circa 22 hectares) lay to the eastern side of Halstead Road and would contain the proposed solar farm. That parcel of land was situated wholly within a Strategic Green Gap as indicated in the Local Plan policies map. The smaller parcel of land (circa 1 hectare) lay to the western side of Halstead Road and would contain the proposed Eco Hub, which would include the electric vehicle charging station (including café area), battery storage, substation and grid connection point.

The Committee was informed that the supporting information outlined that the delivered capacity of the Solar Farm and the associated storage batteries would be up to 29MW, producing electricity equivalent to the annual electricity consumption of about 6,370 homes. Whereas, the Eco-Hub would include a covered forecourt and canopy with sufficient capacity to simultaneously charge up to 12 rapid and ultra-rapid EVs with a capacity of 43-350kW.

In this case, subject to conditions, it was considered by Officers that there were no adverse impacts upon ecology, residential amenity, highway safety or flood risk. There was also the opportunity to improve biodiversity. The landscape impact was considered by Officers to be relatively local, contained mainly to the Public Right of Way, which crossed, or passed alongside the sites, and limited views from Halstead Road. The same could be said of the Eco-Hub element of the proposals. The landscape impact was therefore considered by Officers to be of moderate harm. In addition, the heritage harm identified was considered to be at the lower end of 'less than substantial'. Therefore, the localised impact on the area in terms of landscape and heritage was not considered by Officers to be sufficient to recommend refusal especially given the lack of adverse harm in other respects. The development was considered to comply with the Strategic Green Gap policy in respect of not causing the overriding coalescence of Kirby-le-Soken and Kirby Cross. The benefits in respect of biodiversity and the long term benefits to the landscape (when the site was decommissioned) by the planting mitigation to be retained were positive, and the proposal would also deliver net gains in biodiversity which added moderate weight in favour of approval. There would be economic benefits during construction and during the installation's operation, including those associated with the use of the Eco-Hub, namely: the provision of jobs; the creation a community benefits fund; and additional parking provision for users of the

nearby school and adjacent recreation land to alleviate congestion concerns along Halstead Road.

Members were reminded that Policy PPL10 advocated for new proposals for renewable energy developments in the District. In this respect the energy generated by the proposed development would contribute to supporting growth in the region, and the carbon emissions saved as a result of generating electricity from a renewable source, would help to tackle climate change and minimise resource use. Significant weight had been given to those considerable benefits. Consequently, the principle of the development was supported at a national level in policy and legal commitments to achieve a reduction in carbon emissions. Overall, the generation of renewable energy was a significant material consideration which weighed substantially in the applications favour and therefore, on balance, the application had been recommended by Officers for approval.

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

At the meeting, an oral presentation was made by the Council's Senior Planning Officer (Matt Lang) in respect of the application. An update sheet had been circulated to the Committee prior to the meeting comprising:-

1) Additional Representations Received - Objections

"- TDC Local Plan has given up on the Green Gap protection to the west of Halstead Road, where an EV charging station is now proposed, to include a shop and other amenities. This will create a severe threat to the viability of the existing post office shop in Walton Road, Kirby le Soken, and if that village post office and shop becomes economically unviable, that will have a severe detrimental effect on village sustainability.

- The creation of swales is said to assist in dispersing the rainwater, at the northern lowest end of the solar farm site. It must be noted that the Finches Park development of 240+ dwellings will also be dispersing rainwater into swales on that Linden Homes (Vistry) site, thus creating a dual flow of surface water to the north of the site, directly adjacent to established housing in Dugmore Avenue.

- Loss of field for parking associated with the village fete. Concerns are the blind bend access dangers, losing the open space, traffic concerns in what was once our beautiful unspoilt quiet little village, the views across the land and looking down the hill to the backwaters, noise, fire risk, emissions from the equipment, business loss to local shops because of the hub, us becoming a town rather than a rural village now. Parking offer for school is ridiculous as don't walk from current parking on Linden Homes site. Loss of nature habitat too."

2) Additional Representations Received - Support

(i) 32 identical signed letters outlining the following:

"- The site is suitable for this type of development as it is located closer to a viable grid connection.

- *This scheme prevents the coalescence of Kirby Cross and Kirby-le-Soken and blocks new house building.*
- *The temporary planning permission preserves the status of the site as Strategic Green Gap after the site is decommissioned.*
- *It provides 47 parking spaces, reducing nuisance parking outside the local primary school.*
- *It provides additional parking to support sport clubs that use Kirby Playing Fields.*
- *It provides accessible EV Charging for those households without off-street parking.*
- *It delivers EV Charging locally, ensuring that Kirby doesn't become a charging 'blackspot'.*
- *It brings a net bio-diversity gain with new planting and the preservation of existing footpaths.*
- *It contributes to a national goal of meeting net-zero climate targets by 2050.*
- *It generates electricity that is stable and low-cost at a time of record high energy prices.*
- *It helps secure Britain's energy supply, reducing energy imports, at a time of global crisis."*

(ii) Two further letters of support from Kirby Lawn Tennis Club and Thorpe Athletic Football Club stating the following:

"- During many evenings and weekends, the car park at the Kirby Playing Fields fills up with the "over-flow" parking along the land leading to the playing fields becoming congested and causing a problem.

- *We are aware that the application includes the provision of 47 parking spaces many of which would be available for use by members of the public, including our members.*
- *We have signed a Memorandum of Understanding (MOU) with the applicant which seeks to encourage our members to use this additional car parking, helping to reduce the parking problems while providing a convenient place for members with electric and plug-in hybrid cars to charge while they are using our facilities.*
- *The provision of a café within the development is an economic and social benefit for our organisation and the wider community, something that our members are likely to make use of.*
- *We support any initiative that generates clean, green renewable energy, such as this proposal to build a solar farm in Kirby.*
- *The applicant is going to deliver a Community Benefit Fund over its proposed 40-year operating life. Our organisation would be one of the recipients of the proposed funding, allowing us to invest in the long-term provision of sports and leisure facilities locally."*

Matt Partridge, representing the applicant Naturalis Energy Developments Limited, spoke in support of the application.

With the permission of the Chairman, Mr. Partridge read out a written statement from Yuli Power, a member of the public who had been unable to attend the meeting on medical grounds and who was in support of the application.

Roger Parker, a member of the public, spoke against the application.

Town Councillor Nick Turner, acting on behalf of Frinton and Walton Town Council spoke against the application.

Councillor Anne Davis, who had “called-in” this application under the Member Referral Scheme, spoke against the application.

Councillor Paul Clifton, who had also “called-in” this application under the Member Referral Scheme and who was the Ward Member for Kirby Cross, spoke in support of the application.

With the permission of the Chairman, Councillor Clifton read out a written statement on behalf of Councillor Fiona Knowles, the Ward Member for Kirby-le-Soken and Hamford.

Outline of matters raised by the Committee	Outline of the Officer response thereto
Was the development site going to be classed as a ‘brownfield’ site in 40 years’ time?	Officer’s belief is No – on the basis that the land would have to be returned to its previous use and condition i.e. as agricultural land.
What was the status of the arable land?	The parcel of land that would accommodate the solar farm had recently been used for a cereal crop and the parcel of land that would accommodate the Eco-Hub had recently been fallow.
Had the Civil Aviation Authority been consulted given the potential for glare from the solar farm that could impact on aviation activity?	Due to the size of the development, its location relative to, and distance from, Great Oakley Airfield and Clacton Airport, the Glint and Glare assessment had confirmed that no significant impacts upon aviation activity associated with either airfield were predicted, and no further detailed modelling had therefore been recommended. (Section 6.144 of the Officer report)
What was the distance from the Eco-Hub to the Primary School?	About 350 metres.
From how far away would the glint and glare be seen?	The Glint and Glare assessment carried out had confirmed that there were no issues.
Had there been previous planning applications related to this site?	Both parcels of land had been the subject of appeal decisions dating back to 2016. The western section of the eastern parcel of land (Solar Farm Site) had been the subject of a speculative housing application for 75 dwellings (Planning Reference – 15/00928/OUT). The application had been refused and the subsequent appeal had been dismissed, amongst other matters, on the ground that the development would represent a significant urbanising incursion into the Local Green Gap. The western parcel of land (Eco-Hub Site)

	had been the subject of an associated proposal for community sport pitches. The planning application (Planning Reference - 15/00929/FUL) had been appealed on the grounds of non-determination and the appeal had been allowed but the development had never been implemented. (Section 6.10 of the Officer report).
Would there be a range of bio-diversity improvements arising from this development?	Yes, there would be significant bio-diversity enhancements.
Who would have access to the CCTV and would there be signage to alert the public?	The CCTV would be operated by the Applicant namely Naturalis Energy Developments Limited and be inward-facing and triggered by movement. It was unknown if there would be any signage.
What was the speed limit in Halstead Road?	30mph.
Was there a specific 'brownfield use' policy in the Local Plan?	'Brownfield use' was defined at the national level. The Council's Local Plan had to have conformity with that national definition. There was no specific brownfield use policy in the Local Plan but all the Local Plan policies had to conform to the National Planning Policy Framework.
Would the CCTV cameras be active day and night?	Yes, they would always be operative but they would only record when they were activated by a motion.
What was the height of the deer fence?	Two metres with planting outside of that as well.
How would the CCTV cameras be managed?	Officer referred to proposed planning condition number 32, which required a Crime Prevention and Site Security Management Plan for the whole development to be approved in writing by the Council before the development could commence.
Explain the reference in the public speaking session to "30% minimum strategic green gap".	This was in relation to an appeal on a housing development. Members needed to make a judgement on what they considered to be a coalescence given that this application was not for a permanent residential development that would join the two Kirbys in a built-up mass. The Officer felt that this application did not constitute a coalescence but acknowledged that if a strategic green gap meant that no development of any kind was

	permissible then this could be seen as a coalescence given its 40 year permission. The Officer considered that this was <u>a development</u> but <u>not a</u> permanent built development.
Clarify the 30m and 10m “buffer zones”.	The north and south ends of the development would have a 30m buffer zone to neighbouring properties and the fencing and the landscaping would have a 10m buffer zone adjoining the public rights of way.
How many construction jobs would be created? How many would be local?	Just over 100 jobs. No detail was available on how many would be local.
Would local contractors be used?	It was believed that this would be the case.
Where did the figure of 380 electric vehicles in the District come from? What percentage of the total cars in the District does that equate to?	The figure of 380 vehicles came from the Highway Authority. The percentage figure was unknown by Officers.
Could the applicant apply for an increase in the 40 year permitted period?	Yes. The Applicant could apply for a variation of that condition which would have to be considered on its planning merits at that time.
Would the Officer agree that if this planning application went to appeal that this Council could as part of its defence demonstrate that through its Local Plan renewable energy policies and its previous decisions on renewable energy related planning applications that it is a “Green Council”?	TDC had declared a climate change emergency and its Local Plan policies did reflect national policy and the positivity around renewable energy and such installations. There was a strong recognition that this Authority and the seas adjacent to the District (i.e. off-shore windfarms) were contributing to the fight against climate change. However, the Planning Committee had a duty to consider the merits of the planning application now before it taking into account the Officer report with its balanced view and its recommendation.
How many houses in the Linden Homes development had been built complete with solar panels?	That information was not to hand though the Officer suspected not many, which was a frustration.
How many Strategic Green Gaps were included within the Local Plan?	Six. They had been robustly challenged at the Local Plan Inquiry and the Inspector had decided that they were worthy of inclusion.
How long had it taken this Council to get its Local Plan approved?	Eleven years.
If the Committee was minded to approve this application was there the possibility that the same argument could be made in relation to the other Strategic Green Gaps?	Yes, but only in relation to planning applications for solar panels that would not be installed on a permanent basis.
Where were the access points to the	There was one vehicular access off

site for the construction vehicles?	Halstead Road.
Could the Officer confirm that the Office for Nuclear Regulation did not need to be consulted in relation to this planning application?	Yes, that was confirmed.
Was the land the subject of the Linden Homes development part of the Green Gap?	Yes, that land had been part of the Local Green Gap in the previous Local Plan.
Could the Officer confirm that at that time this Council could not demonstrate that it had a five year supply of housing land as specified in the NPPF?	Yes, that was correct.

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

RESOLVED that, contrary to the Officer recommendation of approval, the Planning Manager be authorised to refuse planning permission on the following grounds:-

“The development of solar panels, if approved, would result in development of land within the Policy PPL 6 designation of Strategic Green Gap. By reason of the development’s form, scale, siting and location it would result in detrimental impact to the open and undeveloped character of the land, and reduce, interrupt and remove a visual break for a significant time between settlements. The proposal would result in the coalescence of settlements and fail to protect their separate identity. On this basis, the development is contrary to Local Plan Policies PPL6, PPL3, SPL3 and Paragraph 158 of the NPPF as the impacts of the proposal to the area are not considered to be, or able to be, made acceptable.”

66. REPORT A.5 - PLANNING APPLICATION 22/01232/FUL – LAND AT REEDLANDS, GUTTERIDGE HALL LANE, WEELEY

Earlier on in the meeting, Councillor Harris had stated for the public record that he was the Ward Member for this application. He had confirmed, however, that he was not pre-determined on this application and therefore he took part in the Committee’s deliberations on this matter.

Members were informed that this application had been referred to Planning Committee as the proposed development would conflict with the requirements of the Development Plan, principally Policy SPL2 (Settlement Development Boundaries) of the Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022) being located outside of any defined settlement development boundary.

The proposed dwelling was not considered by Officers to be so materially different in regards to siting, height, footprint and appearance to the development approved under prior approval 21/02086/COUNOT and the new dwelling approved in lieu of this prior approval under application 22/00464/FUL. The proposed dwelling, which was the subject of this application was re-located to the east of the existing agricultural building and would utilise an existing secondary access to the site from Gutteridge Hall Lane.

In the absence of any material harm resulting from the development in regards to its individual appearance, impact on the wider street scene and the character and

appearance of the rural landscape, Officers had recommended that the application be approved. Furthermore, the proposal would not result in any detrimental impact on neighbour amenity and there were no concerns raised with regard to parking and highway matters.

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 (John Pateman-Gee) in respect of the application. An update sheet had been circulated to the Committee prior to the meeting that had confirmed that Weeley Parish Council had decided not to object to, or comment on, this application.

Peter Le Grys, the agent acting on behalf of the applicant, spoke in support of the application.

Outline of matters raised by Members of the Committee	Outline of Officer response thereto
Clarify that all of the barn building would be demolished?	Yes, all the barn building would be demolished.
Could we have a condition requiring the installation of solar panels on the roof?	That could be done via a condition requiring a renewable energy management plan. However, that condition had not been imposed upon the previous planning permission for this site and therefore it could be robustly challenged at a planning appeal if now imposed on this application.
Could we impose a condition requiring that construction vehicles did not cause disruption for the road users of Gutteridge Hall Lane?	Proposed condition number 7 dealt with this by way of a requirement for Construction Method Statement.
Is there anything in the NPPF that requires new development to have solar panels installed?	Not at present.
Confirm that if the applicant went ahead with this application then the prior approval could not be also implemented. Also confirm that the static caravan would be removed?	That is correct. The barn would be wholly demolished and the static caravan would be removed from the site following the completion of the development.

Following discussion by the Committee:-

It was moved by Councillor Harris, seconded by Councillor Alexander and:-

RESOLVED that the Planning Manager be authorised to grant planning permission, subject to the conditions as set out below, or as need to be varied (to account for any errors or legal issues et cetera) or otherwise added or removed as may be deemed necessary by the Planning Manager.

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 plan(s):

Site Plan - Rec'd 26/09/2022;

GGHL-02 - Rev B Proposed block, elevations and floor plans;

TPS Arboricultural Impact Assessment, Preliminary Method Statements and Appendices for Land at Reedlands, dated 1st February 2021 Ref: TPSarb3530121;

Construction Method Statement - Rec'd 19/07/2022; and

Planning Statement – Rec'd 19/07/2022

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

3. The development hereby approved is not permitted to be constructed alongside the construction of the development approved under planning permission 22/00464/FUL.

Reason – The application submitted is granted permission only by virtue of the fallback position with regard to Prior Approval granted under application 21/02086/COUNOT and as an amended siting of the new dwelling approved under 22/00464/FUL, which is clearly stated in the submitted planning statement.

4. No building or engineering operations authorised by this permission shall be commenced until the existing agricultural building (subject of 21/02086/COUNOT) and shown as being demolished on drawing GGHL-02) on the site have been demolished and all materials resulting therefrom shall be cleared from the site.

Reason - The development hereby permitted has only been supported on the basis that the existing agricultural buildings be removed from the site to justify their replacement with a single dwelling which ordinarily would be contrary to the development plan which directs new development to sites within settlement development boundaries.

5. Prior to the commencement of development the tree protection measures outlined in the submitted Arboricultural Impact assessment (AIA) must be in place. All other requirements of the (AIA) must be complied with fully, prior to, during and after construction of the development hereby approved.

Reason - To ensure that the roots of the protected trees are not harmed by the development.

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

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- 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: re-used in areas where test results indicate that it meets compliance targets so it can be re-used without treatment; or treatment of material on site to meet compliance targets so it can be re-used; or 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

7. The submitted Construction Method Statement submitted with the application shall be adhered to throughout the construction period for the development.

Reason - In the interests of residential amenity and highway safety and to reduce the likelihood of complaints of statutory nuisance.

8. Prior to the commencement of any above ground works, details of the drainage works for wastewater and foul drainage must be submitted to and approved in writing by the Local Planning Authority. These works shall subsequently be carried out in accordance with the approved details.

Reason - To ensure satisfactory drainage / surface water disposal / sewerage disposal is provided.

9. Prior to the commencement of any above ground works, a full scheme of hard and soft landscaping works including a detailed plan, showing species to be used, planting positions, numbers of trees and shrubs and the sizes of the plants at time of planting and include wildlife friendly, native planting and locations for habitat boxes for roosting bats and nesting birds shall be submitted to and approved, in writing, by the Local Planning Authority.

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

10. 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 retention and maintenance of the approved landscaping scheme for a period of five years in the interests of visual amenity, the quality of the development and the character of the area.

11. Prior to occupation of the dwelling 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

12. Any gates provided at the vehicular access shall be inward opening only and shall be set back a maximum of 0.5 metres from the back edge of the footway/cycleway or where no provision is present, the carriageway.

Reason: In the interest of highway safety

13. 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.

14. Prior to the first occupation of the dwelling hereby approved, the vehicle parking area shown on the approved plans, must be hard surfaced, sealed and if required marked out in parking bays. The vehicle parking area and associated turning area

shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

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.

15. Prior to above ground works, a scheme for the provision of electric vehicle charging facilities for the dwelling 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 respective plot.

Reason: In order to promote sustainable transport.

16. Notwithstanding the provisions of Schedule 2 Part 1 Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no extensions, additions, porches or alterations to the dwellings or their roofs shall be carried out and no outbuildings, enclosures, swimming or other pools shall be erected except in complete accordance with details which shall previously have been approved, in writing, by the Local Planning Authority following the submission of a planning application for such development.

Reason - To minimise and retain control over the amount of development in this rural location as planning permission been granted in lieu of a prior approval for a conversion to a new dwelling and such conversions do not have permitted development rights.

67. REPORT A.1 - PLANNING APPLICATION 22/01666/FUL - CAR PARK, PROMENADE WAY, BRIGHTLINGSEA, CO7 0HH

Earlier on in the meeting Councillor Baker had declared an Interest in this matter for the reasons set out in Minute 63 above. He withdrew to the public gallery and took no part in the Committee's deliberations and determination of this Planning Application.

Members were aware that this application was before the Planning Committee as the applicant was Tendring District Council. The proposal sought the erection of an extension to the existing toilet block that would be used to provide a 'Changing Places' facility, which included enhanced facilities to meet the needs of disabled children and adults with complex care needs, who required care support, appropriate equipment and additional space.

The works were considered by Planning Officers to comply with the requirements of Policy HP1 and therefore were supported in principle. In addition, whilst located within a prominent location Planning Officers did not consider that the scale or appearance of the building was harmful to the character of the area, whilst there would be no impact to any 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, any written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Manager (John Pateman-Gee) in respect of the application. An update sheet had been circulated to the Committee prior to the meeting confirming that Brightlingsea Town Council supported the proposed development.

Andrew Nepean, Public Realm Operations Manager, representing the applicant (Tendring District Council), spoke in support of the application. His statement also related to Planning Applications 22/01675/FUL and 22/01676/FUL, as considered below.

Outline of matters raised by Members of the Committee	Outline of Officer response thereto
When will those Changing Places facilities be provided?	Hopefully by Summer 2023.
Where had the funding come from for those facilities?	From the Government (Department for Levelling Up, Housing and Communities).

Following discussion by the Committee:-

It was moved by Councillor Alexander, seconded by Councillor Scott and:-

RESOLVED that the Planning Manager be authorised to grant planning permission, subject to the conditions as set out below, or as need to be varied (to account for any errors or legal issues et cetera) or otherwise added or removed as may be deemed necessary by the Planning Manager.

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: The documents titled 'Site Location Plan', 'Block Plan', 'Statement in Support of Planning (Design and Access Statement)' and Drawing Number TDC01/05/22/SKB2 (Proposed General Arrangement).

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

68. REPORT A.2 - PLANNING APPLICATION 22/01675/FUL – SEAFRONT SHELTER, THE ESPLANADE, HOLLAND-ON-SEA CO15 5TU

Earlier on in the meeting Councillor Baker had declared an Interest in this matter for the reasons set out in Minute 63 above. He withdrew to the public gallery and took no part in the Committee's deliberations and determination of this Planning Application.

Members were aware that this application was before the Planning Committee as the applicant was Tendring District Council. The proposal sought approval for the demolition of the existing single storey building that had been previously utilised as a deck chair

store, and to be replaced by a similar sized building to be used to provide a 'Changing Places' facility, which included enhanced facilities to meet the needs of disabled children and adults with complex care needs, who required care support, appropriate equipment and additional space.

The works were considered by Planning Officers to comply with the requirements of Policy HP1 and therefore were supported in principle. In addition, whilst located within a prominent location Planning Officers did not consider that the scale or appearance of the building was harmful to the character of the area, and would see an uplift compared to the existing building, which was in a poor state of repair, whilst there would be no impact to any 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, any written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Manager (John Pateman-Gee) in respect of the application.

Councillor Baker, in his capacity as a local resident and as an authorised representative of the Holland-on-Sea Residents' Association, spoke in support of the application.

Following discussion by the Committee:-

It was moved by Councillor Scott, seconded by Councillor Harris and:-

RESOLVED that the Planning Manager be authorised to grant planning permission, subject to no new issues being raised during the public consultation period which had yet to expire and the conditions as set out below, or as need to be varied (to account for any errors or legal issues et cetera) or otherwise added or removed as may be deemed necessary by the Planning Manager.

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: The documents titled 'Statement in Support of Planning (Design and Access Statement)', and Drawing Numbers TDC01/05/22SKL3 Rev A (Site Location Plan), TDC01/05/22/SKB4 (Existing Site Block Plan), TDC01/05/22/SKB5 (Proposed Site Block Plan) and TDC01/05/22/ALT1 (Proposed Plans and Elevations).

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

69. REPORT A.3 - PLANNING APPLICATION 22/01676/FUL – SEAFRONT BELOW MARINE PARADE EAST, CLACTON-ON-SEA CO15 5BY

Earlier on in the meeting Councillor Baker had declared an Interest in this matter for the reasons set out in Minute 63 above. He withdrew to the public gallery and took no part in the Committee's deliberations and determination of this Planning Application.

Members were aware that this application was before the Planning Committee as the applicant was Tendring District Council. The proposal sought approval for the erection of a new building that would be used to provide a 'Changing Places' facility, which included enhanced facilities to meet the needs of disabled children and adults with complex care needs, who required care support, appropriate equipment and additional space.

The works were considered by Planning Officers to comply with the requirements of Policy HP1 and therefore were supported in principle. In addition, whilst located within a prominent location within the Clacton-on-Sea Conservation Area, Planning Officers did not consider that the scale or appearance of the building was harmful to the character of the area, whilst there would be strong public benefits as a result of the proposal. In addition, there would be no impact to any 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, any written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Manager (John Pateman-Gee) in respect of the application.

An update sheet had been circulated to the Committee prior to the meeting with details of a textual amendment to Section 1.2 of the Officer report.

Councillor Andy Baker, the local Ward Member, spoke in favour of the application.

Outline of matters raised by Members of the Committee	Outline of Officer response thereto
How would the emergency cords work? Would an emergency signal get through given that the building was at a lower ground level?	The Officer could not give a definitive answer as this was not a planning matter.

Following discussion by the Committee:-

It was moved by Councillor Alexander, seconded by Councillor Scott and:-

RESOLVED that the Planning Manager be authorised to grant planning permission, subject to the conditions as set out below, or as need to be varied (to account for any errors or legal issues et cetera) or otherwise added or removed as may be deemed necessary by the Planning Manager.

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: The documents titled 'Statement in Support of Planning (Design and Access Statement)', and Drawing Numbers TDC01/05/22SKL2 Rev A (Site Location Plan), TDC01/05/22SKB2 (Site Block Plan), and TDC01/05/22/SKBC Rev A (Proposed G.A. Plan & Cross Sections).

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

The meeting was declared closed at 9.20 pm

Chairman