

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,  
HELD ON THURSDAY, 16TH FEBRUARY, 2023 AT 6.00 PM  
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,  
CO15 1SE**

<b>Present:</b>	Councillors White (Chairman), Baker , Alexander, Codling, Davidson, V Guglielmi, Harris, Placey and Wiggins
<b>Also Present:</b>	Councillors Bush and McWilliams
<b>In Attendance:</b>	Gary Guiver (Director (Planning)), Ian Taylor (Head of Public Realm), John Pateman-Gee (Planning Manager), Joanne Fisher (Planning Solicitor), Jacob Jaarsmar (Planning Team Leader), Michael Pingram (Planning Officer), Emma Haward (Leadership Support Officer) and Hattie Dawson-Dragisic (Performance and Business Support Officer).

**87. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

An apology for absence was submitted on behalf of Councillor Fowler, who was substituted by Councillor Davidson.

**88. MINUTES OF THE LAST MEETING**

The minutes of the last meeting of the Committee, held on 17 January 2023, were approved as a correct record, and signed by the Chairman.

**89. DECLARATIONS OF INTEREST**

Cllr Harris declared for the public record, a personal interest in **Item A.2 Planning Application 22/01286/FUL Lodge House, Crow Lane, Tendring CO16 9AP** due to both being a resident of Tendring and the local Ward Member. He stated that he was not pre-determined and that therefore he would participate in the Committee's deliberations on this application.

Cllr Guglielmi declared for the public record, a personal interest in **Item A.5 Planning Application 22/01423/FUL Land at 72 Hungerdown Lane, Lawford** due to both being the Chairman of Lawford Parish Council and a local Ward Member. She stated that she was not pre-determined and that therefore she would participate in the Committee's deliberations on this application.

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

There were no such Questions on Notice submitted by Councillors on this occasion.

**91. REPORT OF THE DIRECTOR (PLANNING) - A.1 - PLANNING APPLICATION – 21/01831/FUL – LAND TO THE SOUTH OF THE ALLOTMENTS, BEAUMONT ROAD, GREAT OAKLEY, CO12 5BA**

Members were advised that this application was before the Committee at the request of Councillor Bush on the basis that the development was of major significance to Great Oakley. Councillor Bush was in support of the application.

It was reported that the application site was situated to the south-western end of the village of Great Oakley. The application site extended approximately 3.7 hectares and was located to the south of the existing allotments, off Beaumont Road.

The site lay within the Great Oakley Settlement Development Boundary, as defined within the adopted Tendring District Local Plan 2013 – 2033 and Beyond, where the principle of residential development was accepted, subject to the relevant detailed considerations.

Members were informed that the application sought full planning permission for residential development of 86 dwellings together with the provision of a community building, play area, public car park, and associated landscaping.

Following extensive discussions and negotiations with the applicant, and the submission of amended plans to improve the layout and address statutory consultee objections, Officers were recommending approval of the application for the reasons set out in the 'Assessment' section of the Officer written report and subject to a Section 106 legal agreement securing all planning obligations relevant to the development.

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 amendments to the recommendation and an additional condition as follows:-

3. **FURTHER APPROVAL: AGREEMENT OF MATERIALS**

*No development shall be commenced above slab level **on any phase** until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local planning authority. Such materials as may be agreed shall be those used in the development and fully applied prior to the first use/occupation.*

*Reason - To secure an orderly and well-designed finish in the interests of visual amenity and the character and appearance of the development.*

6. **APPROVAL REQUIRED: LANDSCAPE MANAGEMENT PLAN**

*No development **above slab level** shall take place until there has been submitted to and approved, in writing, by the Local planning authority a landscape management plan for a minimum of 5 years. Both new and existing planting (including SUDs features as applicable) will be required to be included in a long-term management plan. The landscape management plan shall also include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens. The landscape management plan shall*

*be carried out as approved in accordance with the details and timescales in the plan and thereafter retained.*

*Reason - To support plant establishment and ensure the proper management and maintenance of the approved landscaping in the interests of amenity, functionality and the character and appearance of the area.*

**23. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME**

***Prior to occupation***, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, 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. The scheme shall include position, height, aiming points, lighting levels and a polar luminance diagram.

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).*

***“Additional Condition required - having regard to the amendment made to condition 3:***

**29. APPROVAL REQUIRED: PHASING PLANS (MATERIALS)**

*Prior to any above ground works, a Phasing Plan for the development shall be submitted to and approved in writing by the local planning authority. The document shall identify the physical extent of each proposed phase of development to allow flexibility with the approval of materials and finishes required within Condition 3. The development shall be carried out in accordance with the approved Phasing Plan and corresponding materials discharge of condition approval, unless otherwise agreed in writing by the local planning authority.*

*Reason - To ensure that materials of an acceptable quality are used, in the interests of visual amenity and the quality of the development.”*

Nick Jenkins, the agent acting on behalf of the applicant, spoke in support of the application.

Parish Councillor Nick Daniels, representing Great Oakley Parish Council, spoke in favour of the application.

Councillor Mike Bush, the local Ward Member, spoke in support of the application.

<b>Matters raised by Members of the Committee:-</b>	<b>Officer's response thereto:-</b>
A member of the Committee asked if there was sufficient infrastructure and school places to cope with demand.	The Planning Officer referred the Committee to pages 21-22 of the Officer report where the NHS had provided a comprehensive response. There was sufficient measures to mitigate against the impact on healthcare.
Could the Police support in mitigating crime?	The Planning Officer advised that some properties would be 2-storey, there was a condition seeking treatment of fencing, with views possible from properties to the open area. The Planning Officers provided advise on the scheme and updated members later in terms of the amended plans in regard to planning out crime. In summary there was potential for passive surveillance, but recognise that parking courts generally increased anti-social behaviour. However in this case, there was an open court to the western side of the site with some properties overlooking and amended plans meant the northern dwelling would overlook this space.
Great Oakley Parish Council had suggested the transfer of ownership of the community centre at 50% occupancy.	Planning Officers had negotiated a 44% occupancy with the developer for the community centre and a
A member of the Committee asked if the NHS contribution could be ring-fenced and used for GP practices local to the development.	The Planning Officer said that the financial contribution of £52,500 would go towards local GP healthcare provisions. The Solicitor said that this would be specified in the s106 agreement.
Is there a possibility that the Committee could propose a condition for contractors' parking off-site?	The Planning Officer advised that the scheme made provision for pedestrian links and safe walkways from the car park towards the school. Condition 6 referred to the management of parking and advised that the developer must make planning officers aware of contractors using the site/parking.
A member of the Committee asked if solar panels will be put on properties similarly to the Community Centre?	Solar panels would be placed on the Community Centre, however, renewable measures such as air source heat pumps were proposed for the residential properties as noted in the report.
In terms of affordable housing, are the developers complying with policy? What happens if social landlords do not take the properties on? Would the s106 agreement have to be amended?	The Solicitor advised that the affordable housing obligation would be settled in line with the requirements of the Housing Team. It is usual for the s106 obligation to require transfer to social landlords, if one were not to come forward the . a deed of variation would be required to amend the original agreement to provide for an alternative for example for the Council to take on the affordable dwellings instead, however it is unlikely to happen in officer experience.
Tendring Council's Economic	The Planning Officer confirmed that condition 27

Growth Team would like to see local labourers used to boost local economy.	of the recommendations secured the use of local businesses.
A member of the Committee asked who would be responsible for the maintenance of the open space.	The Planning Officer advised that the first option would be for the Parish Council to take forward or it would be management company.
A member of the committee asked, if in future, a member of the NHS could present their findings to the Committee for clarification as to where s106 contributions go.	Planning Services would take this into consideration, but this would also need the NHS to agree.

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

**RESOLVED** that the Planning Manager (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following:

1) Within 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 (as amended) on appropriate terms as summarised below and those as may be deemed necessary to the satisfaction of the Planning Manager dealing with the following matters:

- Financial contribution of £11,843.06 (£137.71 per dwelling index linked) towards mitigation in accordance with RAMS;
- Financial contribution to Essex County Council (ECC) of £73,674.40 toward secondary school transport;
- Financial contribution to ECC of £6,690.80 (£77.80 per dwelling) toward improvements to Harwich Library;
- Financial contribution to NHS North East Essex CCG of £52,500.00 toward healthcare for GP practices within the catchment area of the development;
- On site open space and play provision (first option of transfer to Parish Council, then management company);
- On site provision of a community building / play area and car park (first option of transfer to Parish Council, then management company) with completion at no more than 50% occupation of new dwellings;
- Link to third party land (outside of red lined site area) to deliver protected species management/mitigation for Great Crested Newts (GCN) and provision of biodiversity net gain;
- On site affordable housing provision of 30% (26 units). This shall comprise:
  - 19 no. affordable rented. - 7 no. shared ownership. - Options for the Council and/or housing association/social landlord to be agreed. - Trigger point for delivery to be agreed.
- Monitoring fee of ECC for obligations

2) the planning conditions stated in section 8.2 of the Officer Report as amended by the Update Sheet as set out below or varied as is necessary by the Planning Manager to ensure the wording is enforceable, precise and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions is retained. :

3) the informative notes as may be deemed necessary by the Planning Manager; and

4) That the Planning Manager (or equivalent authorised officer) be authorised at their discretion to refuse planning permission in the event that the legal agreement has not been secured and/or not secured within the period of six months as stated in 1) of this resolution, on appropriate grounds.

#### 1. COMPLIANCE: TIME LIMIT

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. COMPLIANCE: APPROVED PLANS AND DOCUMENTS

The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local planning authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local planning authority as a non-material amendment following an application in that regard. Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the local planning authority prior to the commencement of development pursuant to this condition.

##### Plans Schedule

A 025 001 P1 - Existing Site Plan

A 025 100 P0 - Existing Site Location Plan

A 025 120 P0 - Existing Site Section

A 100 001 P4 - Proposed Site Plan

A 100 003 - Proposed Parameter Plan

A 100 004 P4 - Proposed Site Plan with Plot Numbers

A 100 005 P4 - Proposed Uses Site Plan

A 100 006 P5 - Proposed Site Levels Plan

A 110 001 P1 - Proposed North & West Elevations

110 002 P1 - Proposed East & South Elevations

A 200 001 P1 - Proposed House Layouts- 1 Bed

A 200 002 P1 - Proposed House Layouts- 2 Bed, 1 Storey

A 200 003 P2 -Proposed House Layouts- 2 Bed, 2 Storey

A 200 004 P1 - Proposed House Layouts- 3 Bed, 1 Storey

A 200 005 P1 - Proposed House Layouts- 3 Bed, 2 Storey

A 200 006 P1 - Proposed House Layouts- 3 Bed, 2.5 Storey

A 200 007 P1 - Proposed House Layouts- 4 Bed, 2.5 Storey

A 200 008 P1 - Proposed House Layouts- 4 Bed, Side Entrance

A 200 009 P1 - Proposed Garage/Carport Layouts

A 200 010 P3 - Proposed Community Building

A 200 011 P0 - Proposed Housing Bin Stores  
 A 200 012 P0 - Proposed House Layouts- 1 Bed  
 A 200 021 P2 - Proposed Plots 83 - 86  
 TM483 LA01 Rev C - Public Right of Way  
 TM483 SKP03 Rev B - Planting Strategy  
 TM483 SKP04 Rev B - Tree Strategy  
 TM483 SKP05 Rev B - Ecology Strategy  
 TM483 SKP06 Boundary Strategy

Statements Schedule

Arboricultural Impact Assessment, prepared by Lockhart Garratt  
 Design and Access Statement, prepared by Dexter Moran Architects  
 Energy and Sustainability Assessment, prepared by Integration  
 Flood Risk Assessment and Drainage Strategy  
 Great Crested Newt Mitigation Strategy, prepared by Lockhart Garratt  
 Great Crested Newt Survey Report, prepared by Lockhart Garratt  
 Land Quality Statement, prepared by Campbell Reith  
 Landscape Statement, prepared by Turkington Martin  
 Planning Statement, prepared by Smith Jenkins  
 Preliminary Ecological Assessment Report, prepared by Lockhart Garratt  
 Reptile Survey Report, prepared by Lockhart Garratt  
 Social Infrastructure Assessment, prepared by RPS  
 Statement of Community Consultation, prepared by Smith Jenkins  
 Transport Statement, prepared by Campbell Reith

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

Materials

**3. FURTHER APPROVAL: AGREEMENT OF MATERIALS**

No development shall be commenced above slab level on any phase until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local planning authority. Such materials as may be agreed shall be those used in the development and fully applied prior to the first use/occupation.

Reason - To secure an orderly and well-designed finish in the interests of visual amenity and the character and appearance of the development.

Landscaping

**4. APPROVAL REQUIRED: LANDSCAPING SCHEME**

No development above slab level shall take place until there has been submitted to and approved, in writing, by the Local planning authority a precise scheme of hard, soft and boundary treatment landscaping works for the site in accordance with drawing TM483 SKP03 Rev B, which shall include any proposed changes in ground levels.

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

#### 5. COMPLIANCE WITH DETAILS AND TIMESCALE REQUIRED - LANDSCAPING SCHEME

All changes in ground levels, soft/hard landscaping shown on the approved landscaping details shall be carried out in full 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 approved, in writing, by the Local planning authority up to the first use/first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted, or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and same species unless otherwise agreed in writing by the local planning authority.

Reason - To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

#### 6. APPROVAL REQUIRED: LANDSCAPE MANAGEMENT PLAN

No development above slab level shall take place until there has been submitted to and approved, in writing, by the Local planning authority a landscape management plan for a minimum of 5 years. Both new and existing planting (including SUDs features as applicable) will be required to be included in a long-term management plan. The landscape management plan shall also include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens. The landscape management plan shall be carried out as approved in accordance with the details and timescales in the plan and thereafter retained.

Reason - To support plant establishment and ensure the proper management and maintenance of the approved landscaping in the interests of amenity, functionality and the character and appearance of the area.

#### 7. APPROVAL REQUIRED: DETAILS OF SCREEN WALLS AND FENCES

Prior to the first occupation of the development precise details of the provision, siting, design and materials of all screen walls and fences shall be submitted to and approved, in writing, by the Local planning authority. The screen walls and fences as may be approved shall be erected prior to the dwelling/s/building/s to which they relate being first occupied/used and thereafter be retained in the approved form.

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

Removal of Permitted Development Rights (PD)

#### 8. SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PD FOR ENCLOSURES



Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 2 Minor operations, Class A (or any Order revoking and re-enacting that Order with or without modification):- no fence, gate, wall or any other means of enclosure, shall be erected forward of any elevation of the dwelling house(s) or community building fronting a highway, except pursuant to the grant of planning permission on an application made in that regard.

Reason - To enable the local planning authority to retain control over the development in the interests of the visual amenity and the quality of the development.

#### 9. SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PD FOR ROOF ADDITIONS AND OPENINGS

Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 2 Development within the curtilage of a dwellinghouse Class B and Class C (or any Order revoking and re-enacting that Order with or without modification):- no enlargement, improvement, insertion of new openings or other alterations to the roof of the dwelling house(s) shall be carried out, except pursuant to the grant of planning permission on an application made in that regard.

Reason - To enable the local planning authority to retain control over the development in the interests of the visual amenity, the quality of the development and residential amenities.

#### 10. SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PD FOR EXTENSIONS AND OUTBUILDINGS

Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 2 Development within the curtilage of a dwellinghouse, Class A and Class E (or any Order revoking and re-enacting that Order with or without modification):- no building or enclosure, swimming or other pool shall be erected within the curtilage of dwelling house(s) on Plots 27, 13, 14 and 15 as shown on approved drawing number A 100 004 revision P4, except pursuant to the grant of planning permission on an application made in that regard.

Reason - To enable the local planning authority to retain control over the development in the interests of and residential amenities as the identified plots have a private amenity area of 55m<sup>2</sup> or below.

#### Highways

#### 11. ACTION REQUIRED: HIGHWAYS PROVISION OF VISIBILITY SPLAYS

Prior to the first use of the main point of access to the site and development from Beaumont Road, clear visibility shall be provided and thereafter permanently maintained with dimensions of 2.4 metres by 90 metres in both directions along the edge of the metalled carriageway from the centre of the access in accordance with the findings of the accompanying Speed Survey results. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) (England) Order

2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason - To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.

**NOTE/S FOR CONDITION:**

Carriageway is the part of a road intended for vehicles rather than pedestrians normally define by kerb if available or edge of a bound surface. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the ECC Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by Essex County Council or its agents at the applicant's expense.

**12. ACTION REQUIRED: HIGHWAY WORKS PRIOR TO OCCUPATION**

Prior to the commencement of development above slab level, a scheme of highway improvements shall be submitted in writing to the local planning authority for written approval that shall comprise of the following and include a timetable for implementation:

- a) A priority junction off Beaumont Road to provide access to the proposal site, constructed at right angles to the highway boundary and to the existing carriageway.
- b) A straight section of carriageway to be provided from the entrance junction for 15 metres.
- c) Details of upgrading of the existing bus stops north-east of the primary school.
- d) Details of widening of the existing footway along the south side of Beaumont Road where the public right of way (mentioned below) emerges to the west and to the boundary with the primary school southwards beyond the site access to the service road located north-east of Red Barn Lane.
- e) Details of Improvements to the Public Right of Way no.5 which runs along the proposal site's western boundary between Beaumont Road and Woodlands.
- f) Provision of pedestrian crossing points on Beaumont Road, north-west of the site access. The improvements as may be agreed shall be implemented as approved in the timetable provided and completed in their entirety.

Reason - To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, and walking.

**13. COMPLIANCE: INTERNAL ROAD AND FOOTWAYS PRIOR TO OCCUPATION**

Prior to the occupation of the development, the associated internal road, footway layout and parking shall be provided in accordance with approved drawing numbers:

- A 100 001 P4: Proposed site plan
- A 100 003 P4: Proposed parameter plan
- A 100 004 P4: Proposed Site Plan with Plot Numbers
- A 100 006 P5: Proposed Site Levels Plan

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

Note: It has been agreed with the developer that the majority of the internal road layout, footway layout, surface water drainage or any form of street lighting will not be adopted by the Highway Authority.

#### 14. FURTHER APPROVAL - CONSTRUCTION MANAGEMENT TO BE AGREED (PRE COMMENCEMENT)

Prior to the commencement of development, details of the construction methodology, layout plan and timetable shall be submitted to and approved, in writing, by the Local planning authority. This shall incorporate the following information:-

- a) Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.
  - b) Details of the loading/unloading/storage of construction materials on site, including details of their siting and maximum storage height.
  - c) Details of how construction and worker traffic and parking shall be managed. This shall include routing of all traffic and any directional signs to be installed and where.
  - d) Details of any protection measures for footpaths and trees surrounding the site.
  - e) Details of any means of access to the site during construction.
  - f) Details of the scheduled timing/phasing of development for the overall construction period.
  - g) Details of measures to control the emission of dust and dirt during construction and including details of any wheel washing to be undertaken, management and location it is intended to take place.
  - h) Details of the siting of any on site compounds and portaloos.
  - i) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition.
  - j) Site waste management plan (that shall include reuse and recycling of materials).
  - k) Scheme for sustainable construction management to ensure effective water and energy use.
  - l) Scheme of review of complaints from neighbours.
  - m) Registration and details of a Considerate Constructors Scheme.
  - n) Details on the provision, location and management of any show home/s or reception, including opening times, parking and advertisements (including flags and directional signs for the development and details of times for removal when not required).
- The said methodology as may be approved shall be implemented in its entirety and shall operate as may be approved at all times during construction.

Reason - To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm on amenity.

#### 15. ONGOING REQUIREMENT: HIGHWAYS RETENTION OF GARAGE/PARKING SPACES

Notwithstanding the provisions of Article 3, Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development shall be carried out in such a position as to prevent vehicular access and use of land shown on the approved plans as garage and parking spaces for vehicle use only.

Reason - In the interests of highway safety and to ensure adequate vehicular access to and use of parking and turning provision within the site is provided and maintained.

#### 16. FURTHER APPROVAL: RESIDENTIAL TRAVEL PACK PRIOR TO OCCUPATION

Prior to first occupation of each dwelling, a Residential Travel Information Pack (travel pack) shall be provided to each dwelling for use of its first occupiers. The travel pack shall be agreed, in writing, by the local planning authority prior to provision and shall include a minimum of six one day travel vouchers for use with a local transport operator.

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

Note: Please contact the Travel Plan Team at ECC Highways via email to [Travel.PlanTeam@essex.gov.uk](mailto:Travel.PlanTeam@essex.gov.uk) to obtain a Residential Travel Information Pack template and the associated day travel vouchers required.

#### Archaeology

#### 17. FURTHER APPROVAL: ARCHAEOLOGICAL WORKS 1

No development or preliminary groundworks of any kind shall take place until a scheme of archaeological evaluation of the site, including timetable, has been submitted to and approved in writing by the Local planning authority (including any demolition needing to be carried out as necessary in order to carry out the evaluation). The evaluation shall be carried out in its entirety as may be agreed.

Reason - To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development. This condition is required to be agreed prior to the commencement of any development to ensure matters of archaeological importance are preserved and secured early to ensure avoidance of damage or loss due to the development and/or its construction. If agreement was sought at any later stage as there is an unacceptable risk of loss and damage to archaeological and historic assets.

#### 18. FURTHER APPROVAL: ARCHAEOLOGICAL WORKS 2

No development or preliminary groundworks of any kind shall take place until a written report on the results of the archaeology evaluation of the site has been submitted to the Local planning authority and that confirmation by the Local planning authority has been provided that no further investigation work is required in writing.

Should the local planning authority require further investigation and works, no development shall take place on site until the implementation of a full programme of archaeological work has been secured, in accordance with a Written Scheme of

Investigation which has been submitted to and approved in writing by the Local planning authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a) The programme and methodology of site investigation and recording.
- b) The programme for post investigation assessment.
- c) Details of the provision to be made for analysis of the site investigation and recording.
- d) Details of the provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e) Details of the provision to be made for archive deposition of the analysis and records of the site investigation; and
- f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g) The written scheme of investigation shall be carried out in its entirety prior to any other development taking place, or in such other phased arrangement including a phasing plan as may be previously approved in writing by the Local planning authority.

Reason - To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development. This condition is required to be agreed prior to the commencement of any development to ensure features of archaeological importance are identified, preserved and secured to avoid damage or loss resulting from the development and/or its construction. If agreement was sought at any later stage, there is an unacceptable risk of loss and damage to archaeological and historic assets.

#### 19. FURTHER APPROVAL: ARCHAEOLOGICAL WORKS 3

No building shall be occupied until the archaeology evaluation, and if required the Written Scheme of Investigation, have been completed, submitted to and approved, in writing, by the Local planning authority. Furthermore, no building shall be occupied until analysis, publication and dissemination of results and archive deposition from the archaeology investigations as agreed under the Written Scheme of Investigation has taken place, unless an alternative agreed timetable or phasing for the provision of results is agreed in writing by the Local planning authority. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason - To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development.

Biodiversity and Protected Species

#### 20. COMPLIANCE: IN ACCORDANCE WITH ECOLOGICAL APPRAISAL

All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Pea) Report (Lockhart Garratt, March 2022) and Reptile Survey Report (Lockhart Garratt, August 2021). 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).

#### 21. ACTION REQUIRED: NATURAL ENGLAND MITIGATION LICENCE PRIOR TO COMMENCEMENT

Any works which will impact the breeding / resting place of Great Crested Newt, shall not in in any circumstances commence unless the local planning authority has been provided with either:

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

Reason - To conserve protected 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 s17 Crime & Disorder Act 1998.

#### 22. FURTHER APPROVAL: BIODIVERSITY ENHANCEMENT STRATEGY

Prior to commencement, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason - To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

#### 23. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

Prior to occupation, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, 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. The scheme shall include position, height, aiming points, lighting levels and a polar luminance diagram.

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).

Sustainable Drainage (SuDS)

#### 24. FURTHER APPROVAL - SUDS WATER DRAINAGE DETAILS (FOR CONSTRUCTION)

No development shall commence until details of a construction surface water management plan, including timetable, detailing how surface water and storm water will be managed on the site during construction, are submitted to and agreed in writing by the local planning authority. No part of the development shall be commenced and/or developed except as may be agreed and in accord with the approved timetable. The drainage scheme shall thereafter be maintained as approved or as be agreed to be retained by the local planning authority in writing.

Reason - To safeguard the ground water environment and minimise the risk of flooding. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm by reason of flood risk.

#### NOTE/S FOR CONDITION:

This condition shall engage and requires details to be agreed prior to the commencement of development. This condition is imposed to ensure the potential impact on a sensitive area is considered and harm avoided that may be detrimental to amenity and the environment.

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

#### 25. FURTHER APPROVAL - SUDS WATER DRAINAGE DETAILS

No development shall commence (except demolition) until details of a surface water management scheme/plan, detailing how surface water and storm water will be managed on the site during construction and during the lifetime of the development, is submitted to and agreed in writing by the local planning authority. The scheme shall include but not be limited to:

- Details and verification of the suitability of infiltration of surface water for the development.
- Details of all discharge rates for all flood and storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change
- Provide details of sufficient on site storage to be installed and demonstrate if off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event is likely to occur.
- Provide details to demonstrate if all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Provide details that demonstrate if features proposed are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.
- Provide final modelling and calculations for all areas of the drainage system.
- Provide detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Unless a timetable is agreed as part of the surface water management scheme submitted, no part of the development shall be first occupied or brought into use until the scheme is fully installed and is functionally available for use, unless alternative timing for installation is otherwise agreed in writing by the Local planning authority. The drainage scheme shall thereafter be maintained as approved.

Reason - To safeguard the ground water environment and minimise the risk of flooding. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm by reason of flood risk.

**NOTE/S FOR CONDITION:**

This condition shall engage and requires details to be agreed prior to the commencement of development. This condition is imposed to ensure the potential impact on a sensitive area is considered and harm avoided that may be detrimental to amenity and the environment.

Bins / Collection

**26. ACTION AND DISCHARGE REQUIRED: REFUSE BINS AND COLLECTION AREAS**

Prior to the first use/occupation of the development, or in accordance with an alternative timetable for provision as may be agreed in writing by the Local planning authority, details of the storage for refuse/recycling bins and any collection areas shall be submitted to and approved, in writing, by the local planning authority. The approved areas shall be provided prior to first occupation/ use and thereafter retained as approved.



Reason - In the interest of highway safety to ensure that refuse/recycling bins do not cause any obstruction or danger on the highway and in the interests of an attractive well designed development that is not detrimental to visual amenity.

**NOTE/S FOR CONDITION:**

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the ECC Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by Essex County Council or its agents at the applicant's expense.

Local Recruitment Strategy

**27. ACTION AND DISCHARGE REQUIRED**

Prior to commencement of development the applicants shall submit to the Local planning authority, in writing, a Local Recruitment Strategy to include details of how the applicant/developer shall use their reasonable endeavours to promote and encourage the recruitment of employees and other staff in the locality of the application site, for the construction of the development and for the uses of the development thereafter. The approved Local Recruitment Strategy shall thereafter be adhered to.

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

Renewable Energy and Energy Efficiencies

**28. COMPLIANCE: IN ACCORDANCE WITH ENERGY STATEMENT**

No development shall commence above slab level until a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development in full accordance with the accompanying Energy and Sustainability Statement Integration dated 25 October 2021) shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme such include as a minimum to achieve:-

- Agreement of provisions to ensure no more than 105 litres per person per day is used
- Agreement of carbon level
- Agreement of provisions to ensure the development is zero carbon ready
- Details of, including the location of an electric car charging points per dwelling
- Details of, including the location of a Water-butt per dwelling
- Details of, including the location of solar panels for each dwelling
- Agreement of heating of each dwelling/building
- Agreement of scheme for waste reduction

The scheme shall be fully implemented prior to the first occupancy of the development unless otherwise agreed in writing by the local planning authority. The scheme shall be constructed and the measures provided and made available for use as may be agreed and thereafter shall be maintained.

Reason - To enhance the sustainability of the development through better use of water, energy and resources reduce harm to the environment and result in wider public benefit in accordance

with the NPPF.

**29. APPROVAL REQUIRED: PHASING PLANS (MATERIALS)**

Prior to any above ground works, a Phasing Plan for the development shall be submitted to and approved in writing by the local planning authority. The document shall identify the physical extent of each proposed phase of development to allow flexibility with the approval of materials and finishes required within Condition 3. The development shall be carried out in accordance with the approved Phasing Plan and corresponding materials discharge of condition approval, unless otherwise agreed in writing by the local planning authority.

Reason - To ensure that materials of an acceptable quality are used, in the interests of visual amenity and the quality of the development.

**92. REPORT OF THE DIRECTOR (PLANNING) - A.2 - PLANNING APPLICATION – 22/01286/FUL – THE LODGE HOUSE, CROW LANE, TENDRING, CO16 9AP**

The Committee was made aware that this application was referred to it 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.

It was reported that the proposed dwelling was not considered by Officers to be so materially different in regards to siting and footprint compared to the existing building on site which benefitted from planning approval for a conversion (from office/garage) into a dwelling (under TDC planning ref 21/01957/FUL). Moreover, in respect of proposed design and external appearance, the proposal was considered by Officers to be acceptable and would meet the design expectations of relevant local and national policies. The maximum ridge height of the proposal marginally exceeded the ridge height of the existing building by 50cm (currently the ridge height was 4.7m and the proposal would increase the height to 5.2m). The proposed dwelling would continue to utilise an existing private access off Crow Lane with good visibility splays in both directions.

In the absence of any material harm resulting from the development in regards to its individual appearance, impact on the wider streetscene and the character and appearance of the rural landscape, the application was recommended by Officers for approval. Furthermore, the proposal would not have resulted in any detrimental impact on neighbour amenity and there were no concerns raised in regard to parking and highway safety 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 Team Leader (JJ) in respect of the application.

Peter Le Grys, the agent acting on behalf of the applicant, spoke in support of the application. Mr Le Grys queried the need for Condition 5 proposed in paragraph 7.2 of

the Officer Report requiring a scheme for sustainable energy measures to be approved by the Council as this was not required on the previous grant of planning permission for the site. The Planning Officer responded and agreed with the removal of Condition 5.

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

<b>Matters raised by Members of the Committee:-</b>	<b>Officer's response thereto:-</b>
What is the difference in size from the previous application?	<p>The Planning Officer advised that the previous full application measured 155sqm – the new application measured 166 sqm.</p> <p>The Planning Officer advised the Committee to consider points in the report and the suitability of the site. (Condition 5 - Energy Efficiency)</p>
In opinion of officers, what would be the likelihood of defending the case if the Committee were to refuse the application?	The Planning Officer advised that the Inspector would follow same thought process and findings, giving regard to the planning history.
A member of the Committee asked if a condition could be added to secure electric vehicle charging points.	The Planning Officer confirmed that the condition could be added as a replacement to Condition 5 which had been removed.

Following discussion by the Committee, it was moved by Councillor Alexander, seconded by Councillor V Guglielmi and unanimously:-

**RESOLVED** that the Planning Manager (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the conditions and reasons as stated in paragraph 7.2 of the Officer Report amended with the replacement of Condition 5 to instead secure electric vehicle charging points as set out below, or varied as necessary to ensure the wording is enforceable, precise and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained:-

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 Drawing no. WLH-01 Revision B

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

3. The existing Conifer Hedge located along the eastern boundary of the site facing Crow Lane shall be retained in perpetuity at a minimum height 1.8m for the entire length of the eastern boundary of the site up to the southernmost pillar of the curved

brick wall at the site access, except as may be necessary to be altered to comply with the requirements of any other conditions of this permission. Should the Conifer hedge die, seriously damaged or seriously diseased it shall be replaced in the next planting season with others of similar size and same species and retained in perpetuity.

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

4. 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 dwelling or its roof 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.

5. Prior to occupation of the dwelling/s hereby approved, a minimum of one electric vehicle charging point shall be made functionally available to serve that dwelling and be available to vehicles in association with that dwelling. The charging point shall be retained thereafter.

Reason: Interests of compliance with provisions of good sustainable design principles as outlined in the NPPF and adopted Tendring Local Plan.

6. All foul drainage from the development hereby approved shall be to its own private sewage treatment plant/s which shall be installed and be functionally available for use prior to the development to which it relates being first occupied/used.

Reason: To ensure that an adequate and satisfactory means of foul drainage is provided to avoid pollution, in the absence of a foul sewer.

7. There shall be no obstruction above ground level within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the first occupation of the dwellinghouse hereby approved and shall be retained free of obstruction above 800mm at all times.

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

8. Prior to the occupation of the dwelling hereby approved, the shared private drive shall be constructed to a minimum width of 5.5 metres for at least the first 6 metres

from the back of Carriageway / Highway Boundary and no unbound material shall be used in the construction of the surface treatment.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.

9. At no point shall gates be provided at the vehicular access. The access shall remain open and free for use thereafter.

Reason: Due to the nature of the access off Crow Lane and the limited space for waiting in front of potential obstructions at the access, and to give vehicles using the access free and unhindered access to and from the highway in the interest of highway safety.

10. As indicated on drawing no. WLH-01 Revision B, each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

**93. REPORT OF THE DIRECTOR (PLANNING) - A.3 - PLANNING APPLICATION – 20/00377/FUL – LAND NORTH OF CEMETERY LAND, BURRS ROAD, CLACTON-ON-SEA, CO15 4QX**

Members were reminded that this application was for the extension of the Clacton-on-Sea Cemetery at Burrs Road. The application site was on land allocated for the cemetery extension within the Tendring Adopted Local Plan. This extension would accommodate the identified local need for additional burial plots in the future. The application was presented at Committee as it was a Tendring District Council application on Council owned land.

It was reported that the site was designated as a Local Wildlife Site (LoWS) and was bordered by Pickers Ditch to the north and west, with areas around the ditch falling into flood zones 2 and 3.

Matters concerning, flooding, SuDs and Ecology had taken significant time to determine particularly with regard to the Biodiversity Net Gain obligations and the identification of suitable compensation sites.

Those matters had now been satisfactorily resolved and subject to conditions there were no objections from the Environment Agency, Lead Local Flood Authority or ECC Ecology. There were no concerns raised with regards to highway safety or impact on residential amenity, therefore the application was recommended by Officers for approval.

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

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

Ian Taylor, representing Tendring District Council, spoke in support of the application.

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

**RESOLVED** that the Planning Manager (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the conditions and reasons stated in paragraph 8.2 of the Officer Report as set out below, or as need to varied to take account for any errors, legal and necessary updates:-

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 drawings and documents, and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may be subsequently approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard:

- CDS\_TEN\_CLA\_04 Rev 06 – Drainage Layout Plan
- CDS\_TEN\_CLA\_09 Rev 00 – Drainage Details
- CDS\_TEN\_CLA\_07 Rev 00 – Proposed Planting Scheme
- CDS\_TEN\_CLA\_08 Rev 00 – Planting Schedules
- Design and Access Statement, 20th February 2020, Ref: 618072, 217058
- Flood Risk Assessment
- Landscape Management Plan
- Landscape Management and Maintenance Plan, 26th February 2020, Ref: 618072, 217058
- Planning and Needs Assessment Report, February 2020
- Reed Bed Design, March 2020
- Design of Attenuation Capacity for a Restricted Outfall, March 2020
- Tier 2 Ground Water Risk Assessment, February 2020
- Preliminary Ecological Appraisal Report – Syntegra Consulting, May 2020, Ref: 20-6861
- Reptile Presence and Absence Report – Syntegra Consulting, June 2021, Ref: 20-6861
- Botanical Survey – Syntegra Consulting, September 2021, Ref: 20-6861
- Habitat Survey and Biodiversity Net Gain Assessment – GEO, 28th November 2022 Ref: 7106,EC,BotBNG,AC,TA,PD,28-11-22,V1
- 7016 EC onsite metric, GEO 28th November 2022
- Rapid Assessment of Potential Biodiversity Compensation Sites – GEO, 05th January 2023, Ref: 7106, EC, Comp,AS,AC,05-01-23,V1.

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

3. Prior to the commencement of the development hereby approved, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, must be submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:

- Limiting discharge rates to 2.4l/s for all storm events up to an including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Demonstrate that all storage features can half empty within 24 hours for the 1:30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- A timetable for implementation The scheme shall be carried out as may be agreed in its entirety.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment.

Note: 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.

4. Prior to the commencement of development, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones"
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including precautionary method statements of nesting bird and small mammals.
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.
  - i) Containment, control and removal of any Invasive non-native species present on site
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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

5. Prior to the first use of the cemetery extension hereby approved, 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, must be 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. The plan shall be carried out in full as may be approved.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

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

6. Prior to the first burial, the LPA and Environment Agency are to be notified in writing to allow the opportunity for an inspection of the site when the drainage works are completed, and again after the first year of burials has taken place.

Reason: To ensure that the Environment Agency and LPA are satisfied that the drainage system is installed correctly and is functioning as expected and there is no discharge of pollutants from the site.

7. Prior to the first burial a Biodiversity Compensation and Enhancement Strategy must be submitted and approved by the Local Planning Authority. The works are to be implemented as approved and maintained as such at all times.

Reason: To secure the necessary biodiversity compensation required to mitigate the loss of the LoWs.

8. All biodiversity mitigation and enhancement measures and/or works shall be carried out in accordance with the details and timings contained in the:

- Reptile Presence and Absence Report – Syntegra Consulting, June 2021, Ref: 20-6861
- Botanical Survey – Syntegra Consulting, September 2021, Ref: 20-6861 This will 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).



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

**94. REPORT OF THE DIRECTOR (PLANNING) - A.4 - PLANNING APPLICATION – 22/01601/FUL – THE GRANGE, HECKFORDS ROAD, GREAT BENTLEY, CO7 8RR**

The Committee was reminded that this application was before it following a call-in request from Councillor McWilliams due to her concerns that the development did not relate well to its site and surroundings, and caused harm to the nearby listed buildings.

It was reported that the proposal related to a retrospective planning application for a building that had been initially approved under planning reference 19/01462/FUL in February 2020, but which had not been built in accordance with the previously approved plans. The main alterations saw an increase in the size and height of the building, which was to be utilised for ancillary storage and domestic leisure uses.

Members were informed that the increased size of the building would not be materially harmful to the character and appearance of the surrounding area, would not detrimentally impact the setting of the nearby listed buildings, and would result in a neutral impact to existing neighbouring amenities. In addition, Essex Highways Authority had raised no objections.

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 (MP) in respect of the application.

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

- (1) Additional comments received from Great Bentley Parish Council;
- (2) An amendment to Recommended Planning Condition 2;
- (3) An additional Recommended Planning Condition; and
- (4) An additional Letter of Objection Received.

Kevin Coleman, the agent acting on behalf of the applicant, spoke in support of the application.

Parish Clerk Jennifer Spear, representing Great Bentley Parish Council, spoke against the application.

Councillor Lynda McWilliams, the local Ward Member, spoke against the application.

<b>Matters raised by Members of the Committee:-</b>	<b>Officer’s response thereto:-</b>
Are application sites inspected upon completion?	For building control purposes, the properties would be inspected however, this is not necessary for DM Planning

	Services.
Could the officer confirm that there is no new impact from increasing the premises from 6 meters to 9 metres?	The Planning Officer advised that the comparison is against two heritage assets (two listed buildings adjacent to the site).
Would the Committee be setting a precedent for developers to follow?	The Planning Officer advised that each application must be assessed on its own merits including all material considerations and that includes the planning history. The building was built larger than previously approved. It is acceptable despite its increase in size.
Would the larger size cause harm to the character and appearance of the heritage buildings?	ECC Heritage had assessed in line with PPL9 and had concluded that there would be not any more impact than that previously approved.

Following discussion by the Committee on the merits of the application before them, it was moved by Councillor Harris, seconded by Councillor Codling and:-

**RESOLVED** that, contrary to the Officer’s recommendation of approval, the Planning Manager (or equivalent authorised officer) be authorised to refuse planning permission for the development due to the following reasons:-

*“The building if approved, fails to make a positive contribution to the quality of the local environment and character, fails to relate to the site and surroundings, including other buildings, by reason of its excessive height, massing, scale and design, nor does it respect the local landscape views resulting in a visually intrusive form that is not demonstrated to be sufficiently mitigated by landscaping or other measures. For these reasons, the development is contrary to SPL3 and provisions of the NPPF on good design including paragraph 130 b) that provides decisions should ensure developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.”*

**95. REPORT OF THE DIRECTOR (PLANNING) - A.5 - PLANNING APPLICATION – 22/01423/FUL – LAND AT 72 HUNGERDOWN LANE, LAWFORD, CO11 2LX**

It was reported that this application had been referred to the Planning Committee as the proposed development would have conflicted 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.

Members were advised that the proposed dwelling was not considered to be materially different in regard to siting or footprint to the development approved under prior approval 21/00057/COUNOT and was similar in scale and appearance to dwellings and other built form within the wider area. The overall height of the proposal exceeded that of the existing building, however this was not considered to result in significant harm.

Following revisions to a previously refused scheme of a similar nature, namely to utilise the existing vehicular access point to the south-western corner of the site as opposed to forming a new access, Essex Highways Authority had raised no objections.

Members of the Committee were reminded that the Council's Tree and Landscape Officer had also raised no concerns, whilst sufficient parking and private amenity space was provided, and there would not be significant harm to existing 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 Officer (MP) in respect of the application.

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

Prior to the debate the Planning Manager suggested a condition be added for consistency that a renewable and sustainable energy scheme should be secured in accordance with the Local Plan as the application is for the creation of new dwellings and it was realised this had been missed from the recommended conditions in the Officer Report.

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

**RESOLVED** that the Planning Manager (or equivalent authorised officer) be authorised to grant planning permission for the development subject to the conditions in paragraph 8.2 of the Officer Report with the additional of a condition securing a renewable and sustainable energy scheme for the development, as set out below, or as need to be varied and those as may be deemed necessary:

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 drawings / documents, and / or such other drawings / documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings / documents as may be subsequently approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard: Drawing Number WHL-02 Revision D and documents titled 'Visibility Splays Plan' and 'Site Plan', 'Klargester BioDisc Domestic Sewage Treatment Plant', 'Construction Method Statement' and 'Planning Statement'.

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

3 Prior to occupation of the development, the private access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 97

metres to the north-east and 2.4 metres by 95 metres to the south-west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the private access is first used by vehicular traffic from the development 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.

4 The proposed development shall not be occupied until such time as the vehicle parking area on the approved plans, has been hard surfaced and sealed. 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 unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety.

5 Prior to above ground works of the development hereby approved, a hard and soft landscaping scheme shall have first been submitted to and agreed in writing by the local planning authority, including details of any boundary treatment. Thereafter, the hard landscaping and boundary treatment shall be implemented in accordance with the details which may have been agreed prior to first occupation. Soft landscaping shall be implemented in accordance with the details which may have been approved in the first planting season following substantial completion of the development. Any species planted becoming diseased or dying within 3 years of planting shall be replaced to the satisfaction of the local planning authority.

Reason - In the interests of visual amenity, biodiversity enhancement and landscape protection.

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

Reason - In order to soften and mitigate the visual impact of the development on the remaining open fields beyond having regard to the semi-rural setting of the site.

7 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 other alterations to the dwellings shall be carried out 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 and to maintain sustainable development principles.

In addition, condition 8 as follows:-

8 No development shall commence above slab level until) a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development shall be submitted to and approved, in writing, by the Local Planning Authority.

The scheme such include as a minimum to achieve:-

- Agreement of provisions to ensure no more than 105 litres per person per day is used
- Agreement of carbon level
- Agreement of provisions to ensure the development is zero carbon ready
- An electric car charging points per dwelling
- A Water-butt per dwelling
- Compost bin per dwelling
- Agreement of heating of each dwelling/building
- Agreement of scheme for waste reduction

The scheme shall be fully implemented prior to the first occupancy of the development unless otherwise agreed in writing by the Local Planning Authority. The scheme shall be constructed and the measures provided and made available for use as may be agreed and thereafter shall be maintained.

Reason: To enhance the sustainability of the development through better use of water, energy and resources reduce harm to the environment and result in wider public benefit in accordance with the NPPF and policy PPL10.

**96. REPORT OF DIRECTOR (PLANNING) - A.6 - PLANNING ENFORCEMENT UPDATE**

Members were informed that, in accordance with the provisions of the Council's Enforcement Policy, this report was to be provided to the Planning Committee on a quarterly basis for information. No information in this report was considered to be confidential, but personal and site information that might allow identification of the site and/or persons had been not provided given the confidential nature of enforcement activities and consideration of data protection requirements. The report contained live Information that had been taken on 17th January 2023.

The enforcement policy sought to report the following areas:-

- number of complaints received/registered in the quarter;
- number of cases closed in the quarter;
- number of acknowledgements within 3 working days
- number of harm assessment completions within 20 days of complaint receipt.
- number of site visits within the 20 day complaint receipt period.
- number of update letters provided on/by day 21
- number of live cases presented by category, electoral ward and time period since receipt;
- enforcement-related appeal decisions.

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

**RESOLVED** that the contents of the report be noted.

The meeting was declared closed at 9.30 pm

**Chairman**