

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,  
HELD ON TUESDAY, 14TH MARCH, 2023 AT 6.00 PM  
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,  
CO15 1SE**

<b>Present:</b>	Councillors White (Chairman), Fowler (Vice-Chairman), Alexander, V Guglielmi, Harris, Placey and Wiggins
<b>Also Present:</b>	Councillors Coley, McWilliams, Scott, and Turner
<b>In Attendance:</b>	John Pateman-Gee (Planning Manager), Joanne Fisher (Planning Solicitor), Jacob Jaarsmar (Planning Team Leader), Susanne Chapman-Ennos (Planning Team Leader), Matthew Lang (Senior Planning Officer), Emma Haward (Leadership Support Officer) and Hattie Dawson-Dragisic (Performance and Business Support Officer).

**97. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies were received from Councillors Baker and Codling, with no substitutes.

**98. MINUTES OF THE LAST MEETING**

It was moved by Councillor V Guglielmi, seconded by Councillor Wiggins and **RESOLVED** that the minutes of the last meeting of the Committee held on Thursday, 16<sup>th</sup> February 2022 be approved as a correct record.

**99. DECLARATIONS OF INTEREST**

Councillor Harris declared for the public record a personal interest in **A.6 Planning Application 23/00008/TPO, ACORN COTTAGE, STONES GREEN ROAD, TENDRING** due to his being the Ward Member. He stated that he was pre-determined and that therefore he would not participate in the Committee's deliberations and decision making for this application and will be speaking against the application.

Councillor Placey declared for the public record a personal interest in **A.6 Planning Application 23/00008/TPO, ACORN COTTAGE, STONES GREEN ROAD, TENDRING**. She also stated that she was pre-determined and that she would not participate in the Committee's deliberations and decision making for this application.

Councillor Wiggins declared for the public record a personal interest in **A.1 Planning Application 21/00186/FUL – CROSSWAYS CENTRE FRATING ROAD GREAT BROMLEY COLCHESTER** due to being a Ward Member. She advised that she was pre-determined, and that she would withdraw from participation in the Committee's deliberations and decision making for this application.

Councillor Fowler declared for the public record a personal interest in **A.1 Planning Application 21/00186/FUL – CROSSWAYS CENTRE FRATING ROAD GREAT BROMLEY COLCHESTER** due to her knowing the applicant. She advised that she was

not pre-determined and that, she would also withdraw from the Committee's deliberations and decision making for this application.

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

There were none on this occasion.

The Chairman informed the Committee, and the persons present in the public gallery that items A.1 and A.6 on the Agenda would be taken first.

**101. REPORT OF DIRECTOR (PLANNING) - A.1 - PLANNING APPLICATION  
21/00186/FUL – CROSSWAYS CENTRE, FRATING ROAD, GREAT BROMLEY, CO7  
7JW**

Councillor Wiggins had earlier on in the meeting, as recorded above, declared for the public record a personal interest in **this application** due to her being a Ward Member. She thereupon withdrew from participation in the Committee's deliberations and decision making for this application.

Councillor Fowler had earlier on in the meeting, as recorded above, declared for the public record a personal interest in **this application** due to her knowing the applicant. She thereupon withdrew from the Committee's deliberations and decision making for this application.

Members of the Committee were reminded that the Crossways Centre was located within Frating, which was a 'Smaller Rural Village'. Access would not have been via the primary highway network but instead, from the B1029 Frating Road. The site was not a protected or allocated employment site and the proposal was for the expansion and extension of an existing B8 storage and distribution use. The expanded part of the site was located outside of the settlement development boundary.

The Committee recalled that this application had previously been presented to it at its meeting held on 7<sup>th</sup> December 2021. Following a detailed presentation, question/answer session and debate, the Committee had resolved on that occasion to defer the item for 4 reasons which were as follows:

*"1. To allow further dialogue with the Applicant and ECC Highways to discuss a Traffic Management Plan, to include looking at HGV movements/routing plan with particular emphasis on examining/directing traffic to and from the south from the Frating crossroads & any potential improvements to that junction;*

*2. Further explore the highways access arrangements and the potential to demolish the front buildings to facilitate two-way movements;*

*3. Look at hours of operation and if this could be reduced at night time; and*

*4. Explore a temporary planning permission for up to 2 or 3 years with the aim of helping to support the applicant in finding a more appropriate site within the District."*

It was noted that some time had gone by to explore those issues and a number of changes to the proposal had been made. The policy context since Members had considered this development had also altered with the adoption of the Local Plan.

In summary and in response to the 4 reasons for deferral above – in terms of reasons for deferral 2 and 3, it was considered by Officers that those elements had now been addressed through the provision of additional information and the inclusion of necessary, reasonable and enforceable planning conditions restricting nighttime activity and nighttime movement onto the site. It was also considered by Officers that the first part of reason for deferral 1 had also been addressed. In terms of the latter part of reason for deferral 1 ('examining any potential improvements to the Frating crossroads junction'), it was considered by Officers that this existing junction served a very broad variety of traffic, mostly unrelated to this development proposal, and that any potential improvements to that junction were considered to fall outside the scope of being reasonable and necessary to make this development proposal acceptable in highways safety terms. In terms of reason for deferral 4, the Applicant's 'Alternative Sites Assessment for PalletPlus (ASAPP)' had demonstrated that the allocated sites in the administrative area of this Council were either not suitable or available (or both) for the proposed development. To consider a temporary consent in this context would therefore not be justified in this instance because there was a very high likelihood that a temporary consent would not remain temporary due to the significant uncertainty (and resultant unknown timescales) in respect of relocating to a current unknown site, and due to the lack of a suitable or available (or both) site for the proposed development.

It was reported that, following the above deferral, the proposal had been amended so it was now for:-

*"- A loading bay extension (approximately 464m<sup>2</sup> in footprint, measured externally).*

*- The retrospective extension and change of use of the site's service yard area onto adjacent agricultural land.*

*- The scheme also included the proposed demolition of buildings fronting the site to facilitate alterations to the main and only site access and egress point.*

*- A significant landscaping scheme, drainage infrastructure and additional external lighting.*

*Note: The previous warehouse extension no longer formed part of this application."*

Weighing against the proposal, it was considered by Officers that the scheme would continue to harm the living conditions of the occupants of neighbouring dwellings. There would also be a harmful effect on the character and appearance of the area. The expansion of the site had resulted in the loss of agricultural land. Conditions would reduce but would not be fully effective in mitigating the identified elements of harm.

Against that harm, the planning balance considered the benefits of the scheme. There would be benefit to the local and wider economy, benefit to the storage and distribution sector and

all its respective customers. In particular, the scheme, if approved, would result in a local business continuing to operate on, and from, an extended site, and remain in the District of

Tendring, with resultant direct and indirect job retention/creation stemming from this, and substantial weight was attributed by Officers to those benefits.

Members were advised that the previous Officer concerns in respect of highway safety had been fully addressed, subject to conditions and further highways improvement works being secured in a timely manner as part of a section 106 agreement. All other material planning considerations, including the remainder of the points set out above, had been taken into account, and / or addressed/covered in the remainder of the Officer report. Where relevant, it was considered by Officers that where harm arose, these could be mitigated against by way of planning conditions or Section 106 obligations and all those relevant elements, as indicated elsewhere in the Officer report, were neutral in the planning balance.

Ultimately, the weight given to the benefits was considered by Officers to outweigh the weight given to the harm to amenity of neighbouring dwellings and on the character and appearance of the area. For those reasons, it was recommended by Officers that planning permission be granted, subject to the completed Section 106 legal agreement and the recommended conditions.

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 refusal.

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:

- (1) An additional letter of objection from a resident and the Officer's comments thereon;
- (2) The recommended inclusion of an additional condition – Revision to Paragraph 8.2 Conditions and Reasons as follows: -

***"FURTHER APPROVAL: LOADING BAY LIGHTING***

***CONDITION: Prior to the commencement of work on the loading bay extension hereby approved, precise details of all new and existing under canopy loading bay lighting, to include exact position, height, aiming points, lighting levels, screens/baffles and a polar luminance diagram shall be submitted to and approved, in writing, by the Local Planning Authority. The lighting shall be carried out and retained as may be approved prior to first use of the loading bay extension hereby approved. There shall be no other means of external lighting installed and/or operated on the under-canopy areas of the loading bay areas except that approved.***  
***REASON: In the interests of amenity and to reduce the impact of nighttime illumination on the character of the area."***

Gary Rowe, the applicant, spoke in support of the application.

John Bartington, Chair of Residents Against Crossways Expansion (RACE), spoke against the application.

Parish Councillor Fred Nicholls, representing Great Bromley Parish Council, spoke against the application.

Jennifer Spear, representing Frating Parish Council, spoke against the application.

Councillor Lynda McWilliams, the caller-in, spoke against the application.

Councillor Gary Scott, a Ward Member, spoke against the application.

<b>Matters raised by Members of the Committee:-</b>	<b>Officer's response thereto:-</b>
A member of the Committee asked why ECC Highways withdrew their objection.	The Planning Officer advised that the applicant had worked with ECC regarding the expansion of the site which required the demolition of the front of the site. Essex Highways had since removed their objection on these grounds.
A member asked if another site could be sought.	The Planning Officer advised that an alternative site was assessed, but that the sequential tests found that no alternative sites were suitable.
A Committee member asked what traffic measures were considered as part of this application.	A Traffic Management Plan was conditioned to monitor movements to and from the site, with the inclusion of ECC Highways and Section 106 contributions. Discussions had taken place with ECC Highways, officers had advised that there was a mixed use of traffic on the junction.
Would anything stop applicants from putting in an outline planning application for housing on the site in two years' time?	No preventative measures could be placed on the submission of applications. Further applications could be submitted as part of the implementation stage.
Were there plans for fencing to be placed behind the landscaping to prevent light pollution?	The Planning Officer advised that 50% of the northern boundary would be covered by the rear elevations for the proposed loading bay with plans to provide additional landscaping. The Planning Officer referred to page 67 of the report referencing acoustic fencing details.
Could a time restriction be placed as a condition on sanctioning the use of the land?	The Planning Manager advised that if a time restriction was imposed, the condition would be regarded as unreasonable. The applicants' future intentions were not material considerations for the site.
A member of the Committee referred to page 97, how many employees were employed there in the business?	The Planning Officer advised that the existing operation provided 96 jobs and would increase to 100. The applicant would be able to continue to operate with hour restrictions, landscaping conditions and other obligations within the report such as the Section 106 agreement.
How long did the applicants have to make the adjustments to the site?	The Planning Officer advised that the time in which work could be completed depended on the requirements/conditions recommended in

	the report. Feasibility studies and agreements must be submitted prior to any demolition works taking place.
Concerns were raised regarding the expansion of the site, what enforcement action could be taken?	The Planning Officer advised that enforcement action could be taken for the breach of planning control in respect of the expansion if permission was refused but the matter would be referred to the Council's Planning Enforcement Team to consider and is not something that is before members. Enforcement action cannot be taken in respect of the lawful use of the site., The reasons for refusal would dictate the Council's actions.

Following discussion by the Committee, it was moved by Councillor Harris and seconded by Councillor Guglielmi to defer the application to allow officers to consider whether a grant of planning permission in respect of the retrospective element of the application could be granted temporarily, and for officers to discuss this with the applicant given that the applicant indicated that they propose to move to another site in the future. On a vote by show of hands, three members voted against the motion and two voted in favour, and the proposal was lost.

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

- 1) On appropriate terms as summarised below and those as may be deemed necessary to the satisfaction of the Planning Manager to secure the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters:

*“• To impose waiting and parking restrictions on Frating Road either side of the site access junction and on the opposite side of the road prior to the first use of the extended loading bay, the extent of the restrictions to be agreed in advance with the LPA with the Highway's Authority. Such a requirement will have to be secured as part of a section 106 legal agreement as the relevant highways authority, via the LPA, will legally require a financial contribution for this to realise. In terms of the successful introduction of waiting/parking restrictions, there is no guarantee that the parking restrictions can be successfully implemented because this element is subject to separate processes and public consultation(s). However the successful introduction of this element has been confirmed by the Highways Authority as entirely necessary for the development to be acceptable in highway safety terms, and the scheme (the introduction of waiting restrictions) shall be agreed in writing by relevant Highways authority prior to commencement of any works on the extended loading bay, and the agreed schemes shall then be implemented in full before the completion of the extended loading bay. The applicant has accepted this risk.*

*• An approved workplace travel plan to be actively implemented for a minimum period of 5 years. It shall be accompanied by a one-off monitoring fee of £6,132 (plus the relevant sustainable travel indexation) to be paid before completion of*

*remainder of the works to cover the 5-year period and incorporated within a S106 obligation.*

*• Before the commencement of any works on the loading bay extension, a Traffic Management Plan (TMP) shall be provided and approved outlining a designated route to and from the premises for all HGV movements to be agreed in advance with the Local Planning Authority in consultation with the Highway Authority and incorporated within a S106 obligation.”*

(2) the Planning Manager be authorised to grant planning permission upon completion of the legal agreement referred to in (1) above and subject to the conditions listed hereunder, or as need to be varied to account for any errors, legal and necessary updates together with any other conditions as may be deemed necessary by the Planning Manager and the informative notes as may be deemed necessary by the Planning Manager

### **Time Limit**

The works yet to be carried out to which this consent relate must be begun not later than the expiration of three years beginning with the date of this consent.

Reason: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

Notes for condition:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the consent becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk of both Enforcement Action and Criminal proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

### **Approved Plans & 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 (except for Listed Building Consents). 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.

- Drawing No: 06 Rev A – Proposed Site Plan
- Drawing No: 07 Rev A – Proposed Loading Bay
- Drawing No: 1433/ENG/001 Rev E – Engineering Layout
- Drawing No: SK13 Rev B – Vehicle Tracking

- Drawing No: SK14 Rev C – Site Access Junction Tracking
- Drawing No: SK16 – New proposed site access junction arrangements
- Drawing No: 2487-LLA-ZZ-00-DR-L-0201 Rev P03 – Detailed Planting Proposals
- ‘Proposed Site Plan’ included on page 5 of the Operational Management Plan dated April 2022,
- Operational Management Plan dated April 2022
- Outdoor Lighting Report dated 16 September 2022
- Drainage Strategy plus appendixes dated September 2021 and micro drainage calculation dated May 2021 by ASD Consultants
- Preliminary Ecological Appraisal dated 10 September 2020

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

Notes for the condition:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

#### **Frontage Building etc to be demolished**

Prior to commencement of any work on the loading bay extension hereby approved, the frontage buildings and part of the office building all indicated in shaded red on drawing number 06 (Proposed Site Plan) shall be first demolished in their entirety, and the 4 car parking spaces along the southern boundary, also indicated in shaded red on drawing number 06 (Proposed Site Plan) shall be removed. All building rubble and material associated with the demolished buildings and areas shall be removed from the site prior to commencement of any work on the loading bay extension hereby approved.

Reason: The existing vehicular access and egress point is unsuitable and unsafe, the demolition of the frontage building is necessary to enable a safe and suitable access



into and out of the extended site, and the removal of the frontage building is necessary to discharge other planning conditions relating to access and highways alterations and mitigation as set out below.

### **Highways Conditions.**

#### **Condition:**

Prior to commencement of any demolition works or works on the loading bay extension hereby approved, including any ground works, a Construction Management Plan shall be submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period and shall provide for:

- i. construction vehicle routing,
- ii. the parking of vehicles of site operatives and visitors,
- iii. loading and unloading of plant and materials,
- iv. storage of plant and materials used in constructing the development, v. wheel and underbody washing facilities.

Reason: A pre-commencement condition is necessary to ensure further construction phase(s) are properly controlled, that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

#### **Condition:**

Prior to completion of the loading bay extension hereby approved, the road junction / access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided 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

#### **Condition:**

Prior to completion of the loading bay extension hereby approved, 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.

#### **Condition:**

Prior to commencement of work on the loading bay extension hereby approved, full design details relating to the required improvements to the main and only vehicular access and exit point off/onto Frating Road and immediate surrounds, shall have first been submitted to and approved by the local planning authority.

Scheme details shall include drawings and documents showing:

- A carriageway measuring no less than 6.75m in width for the first 22 metres.
- A straight section of carriageway to be provided from the entrance junction for 22 metres
- A 1.8-metre-wide footway on the north side of the junction and continued around the kerb radii and to tie-in with the existing footway.
- pedestrian crossing facilities (to incorporate dropped kerbs and tactile paving) on either side of the access.
- A priority junction off the B1029 to provide access to the proposed site as shown in principle on planning application, amended proposed site access and junction arrangement, drawing number: SK16.
- Full details of associated road signage and lining as indicated in principle on drawing SK16.

The approved scheme shall thereafter be implemented, completed in full and made fully operational in accordance with the approved design details before the first use of the loading bay extension hereby approved.

Reason: The design details is required prior to commencement of any works on the loading bay extension so as to ensure a safe and suitable access and egress can be achieved and delivered in the interest of highways safety.

**Condition:**

No unbound material shall be used in the surface treatment of the vehicular access within 30 metres of the highway boundary of the B1029 (Frating Road).

Reason: Unbound road surface material create hazards and the condition is required to ensure a safe and suitable highways environment for all road users.

**Condition:**

The vehicle parking area including any parking spaces for the mobility impaired, shall be provided, hard surfaced, sealed and marked out in parking bays in accordance with the approved plans prior to the completion of the loading bay extension hereby approved. 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 unless otherwise agreed with the Local Planning Authority.

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

**Compliance with details – Landscaping**

All changes in ground levels, soft/hard landscaping shown on the approved landscaping drawing number Drawing No: 2487-LLA-ZZ-00-DR-L-0201 Rev P03 – ‘Detailed Planting Proposals’ shall be carried out in full during the first planting and seeding season (October - March inclusive) following the date of the issuing of this planning permission, or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use of the loading bay extension hereby approved. 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.

### **Environmental Protection Conditions**

#### **Acoustic fencing details**

Prior to commencement of work on the loading bay extension hereby approved, precise details of the provision, siting, design, height and materials of the acoustic fences to be located along the northern and southern boundaries of the site access area, and elsewhere as may be required, shall be submitted to and approved, in writing, by the Local Planning Authority. The acoustic fences as may be approved shall be erected prior to the first use of the loading bay extension and thereafter be retained in the approved form.

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

#### **Lighting to be installed in accordance with plan**

All new outdoor lighting shall be installed strictly in accordance with the details shown on Figure 4, and all recommendations and specifications outlined in paragraph 2.6, Section 3 and Section 4 in the Outdoor Lighting Report. All outdoor lighting shall be carried out and retained as per the details shown in Figure 4, and all recommendations and specifications outlined in paragraph 2.6, Section 3 and Section 4 in the Outdoor Lighting Report. There shall be no other means of external lighting installed and/or operated on/at the site except that approved.

Reason: In the interests of amenity to reduce the impact of night time illumination on the character of the area and in the interests of biodiversity, and to mitigate against lighting impact of the cumulative operation on the site in its entirety.

#### **Access restriction (hours)**

There shall be no HGV access or vehicles used for operational purposes to the site between the hours of 9:00pm – 4:00am the following day.

Reason: To ensure the access times as set out in the Operational Management Plan are adhered to in light of the expansion of the site, and to enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity.

#### **Night time restrictions (hours)**

Night time loading and unloading and associated operations between the hours of 9:00pm – 4am the following day shall be restricted to the areas shaded green and

yellow on the 'Proposed Site Plan' included on page 5 of the Operational Management Plan dated April 2022, and the areas shaded green and yellow shall be strictly used for the loading and unloading of goods inside the loading bay and warehouse areas only between the hours of 9:00pm – 4:00am the following day.

Reason: To ensure the night time areas of operation as set out in the Operational Management Plan are adhered to in light of the expansion of the site, and to enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity of the site.

**Restriction – overall number of commercial vehicles on site/in connection with commercial Business**

The overall number of combustible engine commercial vehicles (i.e. not including trailers) operating on and from the site at any one time shall not exceed 47 in total (15 x articulated 44t tractor units, 5 x 26t rigid vehicles, 13 x 18t rigid vehicles, 5 x 12t rigid vehicles, 1 x 7.5t rigid vehicle and 8 x 3.5t vans).

Reason: To ensure the operational requirements as set out in the Operational Management Plan are adhered to in light of the expansion of the site, in the interest of air quality and to enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity of the site.

**Foul and Surface water drainage conditions**

**Condition:**

Full details of foul water drainage shall have been submitted to and approved, in writing, by the Local Planning Authority prior to commencement of works on the loading bay extension and the attenuation basin and drainage ditch along the southern boundary of the site. No part of the loading bay extension hereby approved shall be brought into use until the agreed method of foul water drainage has been fully installed and is functionally available for use of the site in its entirety. The foul water drainage scheme shall thereafter be maintained as approved.

Reason: To safeguard the ground water environment from harm.

Notes for this condition:

This condition shall engage and requires details to be agreed prior to the commencement of works to the building/s approved. 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. This condition as detailed will apply to the development at all times once agreement is obtained unless varied or removed legally.

**Condition:**

The hereby permitted development shall be carried out in accordance with all proposals and recommendations (measures) contained within the approved Drainage Strategy and Appendixes dated September 2021, as well as the Design Calculations as set out in ASD Consultants document dated 19/05/2021 and shall and associated micro drainage calculations as set out in the Anglia Survey & Design documents dated 17/05/2021.

The measures shall be carried out in their entirety in accordance with any timetable approved as apart of the above approved documents, or if not available shall be carried out in their entirety prior to the first use of the loading bay extension hereby approved. All measures shall be maintained thereafter as approved.

Reason: To safeguard the ground water environment and minimise the risk of flooding by ensuring satisfactory storage and disposal of surface water from the site.

**Renewables**

No works on the loading bay extension shall commence until a scheme for the provision and implementation of 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 carbon level
- Details of electric car and lorry charging points
- Agreement of scheme for waste reduction

The scheme shall be fully implemented prior to the first use of the loading bay extension hereby approved 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.

**NOTE/S FOR CONDITION:**

Slab level is normally refers to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visually above ground level or seek confirmation from the Local Planning Authority for your development. The greatest threat to our planet is the belief that someone else will save it and also forgetting that small acts, when multiplied by millions of people, can transform the world. Developments will provide buildings/homes to thousands/millions of people over their lifetime. A well designed sustainable development in the beginning will restrict the contribution each person makes to that threat and help enable them to transform the world.

**FURTHER APPROVAL: LOADING BAY LIGHTING**

**CONDITION:**

Prior to the commencement of work on the loading bay extension hereby approved, precise details of all new and existing under canopy loading bay lighting, to include exact position, height, aiming points, lighting levels, screens/baffles and a polar luminance diagram shall be submitted to and approved, in writing, by the Local Planning Authority. The lighting shall be carried out and retained as may be approved prior to first use of the loading bay extension hereby approved. There shall be no other means of external lighting installed and/or operated on the under-canopy areas of the loading bay areas except that approved.

REASON: In the interests of amenity and to reduce the impact of nighttime illumination on the character of the area.

**102. REPORT OF DIRECTOR (PLANNING) - A.6 - PLANNING APPLICATION  
23/00008/TPO - ACORN COTTAGE, STONES GREEN ROAD, TENDRING**

Councillor Harris had earlier on in the meeting, as detailed above, declared for the public record a personal interest in this application due to his being the Ward Member. He had also stated that he was pre-determined and would be speaking against the application. He thereupon withdrew and did not participate in the Committee's deliberations and decision making for this application.

Councillor Placey had earlier on in the meeting, as detailed above, declared for the public record a personal interest in **this application**. She had also stated that she was pre-determined and she thereupon did not participate in the Committee's deliberations and decision making for this application.

It was reported this application to fell the Oak tree, situated on land where the ownership was unknown, had been supported by evidence to show that the tree was the primary cause of subsidence related damage to the dwelling.

The Committee was made aware that the issues raised in the representations objecting to the proposal to fell the tree referred to its amenity value and ecological benefits as well as its cultural importance and contribution to carbon sequestration. The representations did not contain any firm evidence that the tree was not the cause of damage to the dwelling. The objections were addressed in detail within the Officer report.

Members were informed that if the application was approved, then the tree would be felled and repairs to the dwelling would be facilitated and funded by the Insurance Company.

Conversely, if the application was refused, then the Council was likely to receive a claim for compensation in the sum of £80,000.

It was recommended by Officers that consent be granted for the felling of the tree and that the replacement planting of a long living but smaller tree species, was secured by a planning condition. Field Maple (*Acer campestre*) would be an acceptable species.

The Committee was asked to consider the evidence submitted in support of the application to fell an Oak where it had been claimed by the applicant that the tree was causing damage to property and to balance the case for the retention of the tree against a potential claim, made to the Council, for compensation.

Members were advised that the application to fell the tree had been received on 3<sup>rd</sup> January 2023 and had been supported by technical reports relating to the moisture content and load bearing capacity of the soil, the damage to the property and the protected tree.

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.

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

- (1) Addition to Section 7, detailing 22 additional representations received; and
- (2) Addition to Section 1, Executive Summary and Recommendation as follows: -

*Should consent be granted to fell the tree then the two conditions below should be attached to the decision:*

1. **"COMPLIANCE: REPLACEMENT TREE**

*A replacement tree shall be planted during the first planting season (1 November to 31 March) following the removal of the tree to which this consent relates. The replacement tree shall be a Field Maple (*Acer campestre*) or other species to be agreed in writing and in advance of the felling, with the local planning authority and have a girth of 10 to 12 cm at time of planting.*

*It shall be planted in the same or as close as possible to the same location as the felled tree. If within a period of 5 years from the date of planting the tree is removed, uprooted, is destroyed or otherwise dies another tree of the same size and species shall be planted at the same place or in accordance with any variation for which the local planning authority gives written approval.*

*REASON: To ensure that a new tree is planted for its amenity value.*

2. **COMPLIANCE: TIME LIMIT**

*The work authorised by this Decision Notice must be completed within two years of the date of this Notice. If the work is not completed within this period, for whatever reason, the authority to proceed expires.*

*REASON: To ensure that the permitted works are arboriculturally appropriate."*

Notes (1) to (4) were also set out in the Update Sheet for the recommended Condition 2.

Jennifer Spear, a local resident, spoke against the application.

Parish Councillor Nick Rippon, representing Tendring Parish Council, spoke against the application.

Councillor Peter Harris, the local Ward Member, spoke against the application.

<b>Matters raised by Members of the Committee:-</b>	<b>Officer's response thereto:-</b>
A member of the Committee asked if the circumstances had been independently	The Planning Manager advised that Tendring District Council's Tree Officer

assessed.	had assessed the application as submitted and had provided comments within the Officer report. The circumstances had not been independently assessed.
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Following discussion by the Committee, it was moved by Councillor Fowler, seconded by Councillor Alexander and unanimously **RESOLVED** that consideration of this application be deferred for the following reason:

- An independent assessment to be secured to consider the evidence presented for the felling of the tree.

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 Alexander and **RESOLVED** that the Committee continue its deliberations.

**103. REPORT OF DIRECTOR (PLANNING) - A.2 - PLANNING APPLICATION  
22/02037/FUL - GARFIELD NURSERIES, THORPE ROAD, KIRBY CROSS CO13 0LT**

Members were informed that this application had been referred to 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 and had a recommendation of approval.

In the opinion of Officers, the proposed dwelling was, on balance, not considered to be materially different in regard to siting or footprint to the development approved under prior approval 22/00045/COUNOT. The overall height of the proposal exceeded that of the existing building, however this was not considered to result in significant harm.

The Committee was reminded that the application had been revised following the previously refused scheme 22/00890/FUL, with the dwelling sited significantly closer to the footprint of the existing agricultural building. The access remained as existing and there were no objections from the Highways Authority.

The Council's Tree and Landscape Officer had noted that the application site was set back a considerable distance from the highway and consequently did not feature in the public realm. A row of 'coppiced' Willows might need to be removed, however, those trees were not considered to merit retention or formal legal protection by means of a tree preservation order. Soft landscaping was recommended in order to screen the dwelling from views on the northern boundary.

It was felt by Officers that sufficient parking and private amenity space had been provided, and that there would not be significant harm to existing neighbouring amenities, subject to conditions and the adherence to the submitted construction management plan.

Members were informed that conditions had been included within the Officer recommendation to ensure the provision of biodiversity enhancements and a scheme for



the provision and implementation of water, energy and resource efficiency measures for the lifetime of 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 an amendment to recommended Condition 9 as follows: -

*"9. 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:*

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

**NOTE/S FOR CONDITION:**

*Slab level is normally referring to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visually above ground level or seek confirmation from the Local Planning Authority for your development."*

Mollie Foley, the agent acting on behalf of the applicant, spoke in support of the application.

Town Councillor Nick Turner, representing Frinton and Walton Town Council, spoke against 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	The Planning Officer advised that there

were inaccuracies in the presentation and report.	was an ongoing dialogue with the applicant in respect of condition 9, a section of the condition referring to water had been removed due to its being included in the building regulations section of the report.
A Councillor asked if the application fell within Class Q of the NPPF.	The Planning Manager advised that Class Q permissions had been secured and a full planning application had been submitted for the demolition of the agricultural building.
Concerns were raised regarding the long, narrow driveway proposed.	The Planning Manager advised that criteria was required for prior approval where all material considerations were sought. Class Q took into consideration Highway safety matters. However, it did not consider driveways and access points.
A member of the Committee asked how much the footprint had increased as part of plans.	The Planning Manager advised that the footprint of the site had increased by 25%.

Councillor Harris moved that this motion be refused, but having considered advice given by the Planning Manager, he decided to withdraw his motion.

Following discussion by the Committee, it was moved by Councillor Alexander seconded by Councillor Fowler and **RESOLVED** that the Director of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following conditions or as may be varied to account for any errors, legal and necessary updates together with those conditions as may be deemed necessary by the Director of Planning and the informative notes as may be deemed necessary:

Conditions and Reasons:

1. The works to which this consent relate must be begun not later than the expiration of three years beginning with the date of this consent.

REASON: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the consent becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk of both Enforcement Action and Criminal proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2. 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 (except for Listed Building Consents). 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. Location Plan Site Plan, Existing and Proposed Floors Plans and Elevations – Drawing – BGN-02 Rev C Planning Statement – Mollie Folley Stanfords December 2022 Construction Method Statement Klargestor BioDisc Domestic Sewage Treatment Plant details Electric Vehicle Charging details.

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement. Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations. Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

3. Prior to the first occupation of the dwellinghouse, hereby approved, the existing agricultural building (subject of 22/00045/COUNOT) and shown as being demolished on drawing BGN02 Rev C) on the site must be completely 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 building 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.

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

- a. All site works at the position of the suspected contamination will stop and the Local Planning Authority and Environmental Health Department will be notified as a matter of urgency.
- b. A suitably trained geo-environmental engineer should assess the visual and olfactory observations of the ground and the extent of contamination and the Client and the Local Authority should be informed of the discovery.
- c. The suspected contaminated material will be investigated and tested appropriately in accordance with assessed risks. The investigation works will be carried out in the presence of a suitably qualified geo-environmental engineer. The investigation works will involve the collection of solid samples for testing and, using visual and olfactory observations of the ground, delineate the area over which contaminated materials are present.
- D. The unexpected, contaminated material will either be left in situ or be stockpiled (except if suspected to be asbestos) whilst testing is carried out and suitable assessments completed to determine whether the material can be re-used on site or requires disposal as appropriate.
- e. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.
- f. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.
- g. Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.
- h. Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared surface of clay, or on 2000-gauge Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.
- i. Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.
- j. A photographic record will be made of relevant observations.
- k. The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions. After consultation with the Local Authority, materials should either be: o re-used in areas where test results indicate that it meets compliance targets so it can be re-used without treatment; or o treatment of material on site to meet compliance targets so it can be re-used; or o removal from site to a suitably licensed landfill or permitted treatment facility.
- L. A Verification Report will be produced for the work.

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

- (3) The Construction Method Statement submitted 06/01/2022 shall be strictly adhered to throughout the construction period for the development. The construction shall be undertaken with registration and adherence to a Considerate Constructors Scheme.

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.

- (4) Prior to the first occupation of the development hereby approved, the vehicle parking area as indicated on the approved plan BGH-02 Rev C 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 that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that the development is provided with appropriate parking and turning area to facilitate safe access to the Highway, in the interests of highway safety.

7. No development above slab level shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard, soft and boundary treatment landscaping works for the site, which shall include any proposed changes in ground levels. The landscaping works must include 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.

REASON: In the interests of visual amenity and the character and appearance of the area.

NOTE/S FOR CONDITION:

Slab level is normally referring to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visually above ground level or seek confirmation from the Local Planning Authority for your development. Should the landscape works include any new hedgerow, please consider the following planting for a native hedge. Native hedge: 50% hawthorn, 25% blackthorn (but beware – this can spread into adjacent fields), 15% field maple, 2% holly, 2% wild privet, 2% guelder rose, 2% dog rose, 2% buckthorn.

8. All changes in ground levels, soft/hard landscaping shown on the approved landscaping details as submitted and agreed with the Local Planning Authority, 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.

9. 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:

- o Agreement of provisions to ensure the development is zero carbon ready
- o An electric car charging points per dwelling
- o A Water-butt per dwelling
- o Compost bin per dwelling
- o Agreement of heating of each dwelling/building
- o Agreement of a 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.

NOTE/S FOR CONDITION:

Slab level is normally referring to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visually above ground level or seek confirmation from the Local Planning Authority for your development.

10. No development shall commence above slab level until full details of surface and foul water drainage have been submitted to and approved, in writing, by the Local Planning Authority. No part of the building/s shall be first occupied or brought into use until the agreed method of surface and foul water drainage has been fully installed and is functionally available for use for that building/s. The surface and foul water drainage scheme shall thereafter be maintained as approved.

REASON: To safeguard the ground water environment from harm and minimise the risk of flooding.

NOTE/S FOR CONDITION:

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. Slab level is normally referring to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visually above ground level or seek confirmation from the Local Planning Authority for your development.

11. Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and 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, outbuildings, 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.

**104. REPORT OF DIRECTOR (PLANNING) - A.3 - PLANNING APPLICATION  
22/01603/FUL – MEADOWCROFT, STEAM MILL ROAD, BRADFELD, CO11 2QY**

The Committee was reminded that this application was before it following a call-in request from Councillor Fairley due to her concerns that the proposed extension would harm the amenities of neighbouring residents and represent continued overdevelopment of the previous domestic bungalow which was out of keeping with the surrounding dwellings.

It was reported that the proposal related to a part single storey and part first floor extension to the existing care home to provide seven new en-suite bedrooms including lift and new stairs. The residents of Meadowcroft had, since 2000, been people with learning difficulties. It was now the intention of the owners to change the client group to elderly persons, with specialisation in palliative care.

Amended plans had been secured during the processing of the application to reduce the size of the extension and to remove several first floor west-facing windows due to concerns over the impact on neighbours.

Members were made aware that the increased size of the building would not be, in the opinion of Officers, materially harmful to the character and appearance of the surrounding area and would result in a neutral impact to existing neighbouring amenities. Whilst no changes had been proposed to the site access or parking arrangements, Essex Highways Authority had raised no objections in terms of the increased use of the site and the parking provision was considered by them to be acceptable.

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

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

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

- (1) Addition to Section 5, representations received from Bradfield Parish Council and comments; and
- (2) Revised Paragraph 6.26 to read: -

6.26 *"The 3 metre offset of the first-floor element from the northern boundary with 'Sundown' combined with the 12 metre distance from the corner of the first floor element to the rear elevation of that property ensures that any impacts in terms of*

*outlook would be minimal. The hipped nature also assists in reducing the bulk of the extension when viewed from the neighbour's rear garden."*

Mr Tim Snow, the agent acting on behalf of the applicant, spoke in support of the application.

Councillor Alan Coley, on behalf of Councillor Zoe Fairley, the local Ward Member and caller-in, spoke against the application.

<b>Matters raised by Members of the Committee:-</b>	<b>Officer's response thereto:-</b>
A member of the Committee asked what the distance from the rear of the site to the fence would be.	The Planning Officer confirmed that the distance between the fence and the rear of the site was 1 Metre.
If there was a fire to the north-east of the plan, could access be an issue for those with disabilities?	The Planning Officer advised that the access would be detailed in the fire and building regulations.
A member of the Committee asked if comments had been submitted from Bradfield Parish Council.	The Parish Council's comments were combined with the Ward Members comments as part of the update sheet.

Following discussion by the Committee, it was moved by Councillor Harris, seconded by Councillor V Guglielmi and unanimously **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 proposed extension and associated increase in the intensification of the site would, if approved, be out of keeping with the area by reason of the increased use, massing, height, size and overbearing design and therefore result in the adverse harm of neighbouring amenity.
- Contrary to SPL3, SP7 and design principle of the NPPF.

#### **105. REPORT OF DIRECTOR (PLANNING) - A.4 - PLANNING APPLICATION 20/01125/OUT – 45 THE STREET, KIRBY-LE-SOKEN, CO13 0EG**

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval subject to Section 106 agreement.

At the meeting, an oral presentation was made by the Council's Planning Team Leader (SC-E) in respect of the application.

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

- (1) a receipt of confirmation that the Section 106 legal agreement had been completed and;
- (2) Amendment to condition 6 to read:



**“6. AGREEMENT OF MEASURES TO IMPROVE SUSTAINABILITY OF DEVELOPMENT CONDITION:**

*Concurrent with the first reserved matter 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.*

**NOTE/S FOR CONDITION:**

*Slab level is normally refers to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visually above ground level or seek confirmation from the Local Planning Authority for your development.*

*The greatest threat to our planet is the belief that someone else will save it and also forgetting that small acts, when multiplied by millions of people, can transform the world. Developments will provide buildings/homes to thousands/millions of people over their lifetime. A well-designed sustainable development in the beginning will restrict the contribution each person makes to that threat and help enable them to transform the world.”*

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

Town Councillor Nick Turner, representing Frinton and Walton Town Council, spoke against the application.

<b>Matters raised by Members of the Committee:-</b>	<b>Officer's response thereto:-</b>
A member of the Committee asked if the parking arrangements had considered one accessway for both properties.	The Planning Officer confirmed that one access was proposed for both properties with suitable parking arrangements.
Could the indicative plan be refused	The Planning Officer advised that the

preventing permission to build even though there was a detailed application?	application could be refused and as a result, parking arrangements would resort to the original application detail.
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Following discussion by the Committee, it was moved by Councillor Alexander, seconded by Councillor Fowler and **RESOLVED** that the Planning Manager (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the conditions and reasons or as need to be varied and those as may be deemed necessary by the Director of Planning as follows:-

Conditions and Reasons:

**1 COMPLIANCE REQUIRED: TIME LIMIT FOR RESERVED MATTERS APPLICATION CONDITION:**

Application for approval of all outstanding and the final reserved matters for any phase of the development must be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than the expiration of two years from the final approval of the reserved matters for the relevant phase or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**NOTE/S FOR CONDITION:**

The reserved matters need to be received by the Local Planning Authority within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If there is no phasing plan, this condition is considered to apply to the whole site as a single phase. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

**2. APPROVAL OF RESERVED MATTERS CONDITION:** No development in any phase shall commence until approval of the details

of:-

- the Appearance of the building(s) and place,
- Scale of the building(s),
- Layout of the building(s) and site,
- the means of Access,
- Landscaping

(hereinafter called "the reserved matters") for that particular phase have been submitted to

and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and agreed order of phasing.

REASON: To enable the Local Planning Authority to secure an orderly and well-designed development in accordance with the character and appearance of the neighbourhood and in accordance with the Development Plan. This condition is required

to be agreed prior to the commencement of any development in accordance with proper planning principles to allow public engagement on the outstanding reserved matters and ensure no significant adverse harm results.

**NOTE/S FOR CONDITION:**

This condition requires approval of all reserved matters as may be listed to agreed in writing prior to any commencement of the approved development. Failure to comply with this condition may result in the permission becoming lapsed and unable to be carried out. If there is no phasing plan, this condition is considered to apply to the whole site as a single phase.

The reserved matters that may be listed above are further defined under government guidance as follows:-

**ACCESS:** The accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

**APPEARANCE:** The aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

**LANDSCAPING:** The treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features.

**LAYOUT:** The way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

**SCALE:** The height, width and length of each building proposed within the development in relation to its surroundings.

**3. APPROVED PLANS & DOCUMENTS CONDITION:**

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 (except for Listed Building Consents). 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.

Site Plan received 19th August 2020.

**REASON:** For the avoidance of doubt and in the interests of proper phased planning of the development.

**NOTE/S FOR CONDITION:**

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

#### 4. FURTHER APPROVAL - CONSTRUCTION MANAGEMENT TO BE AGREED (PRE COMMENCEMENT) CONDITION:

Prior to the commencement of development details of the construction methodology 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 portaloo's.
- 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).

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 in amenity.

NOTE/S FOR CONDITION:

You are strongly advised to discuss this condition with the Local Planning Authority and if possible/available local residents likely to be affected by this development prior to submission of details.

5. FURTHER APPROVAL - SURFACE AND FOUL WATER DRAINAGE DETAILS  
CONDITION:

Full details of surface and foul water drainage shall have been submitted to and approved, in writing, by the Local Planning Authority prior to the commencement of any works to the building/s it would serve. No part of the building/s shall be first occupied or brought into use until the agreed method of surface and foul water drainage has been fully installed and is functionally available for use for that building/s. The surface and foul water drainage scheme shall thereafter be maintained as approved.

REASON: To safeguard the ground water environment from harm and minimise the risk of flooding.

NOTE/S FOR CONDITION:

This condition shall engage and requires details to be agreed prior to the commencement of works to the building/s approved. 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.

6. AGREEMENT OF MEASURES TO IMPROVE SUSTAINABILITY OF  
DEVELOPMENT  
CONDITION:

Concurrent with the first reserved matter 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 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.

NOTE/S FOR CONDITION:

Slab level is normally referred to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visually above ground level or seek confirmation from the Local Planning Authority for your development.

The greatest threat to our planet is the belief that someone else will save it and also forgetting that small acts, when multiplied by millions of people, can transform the world. Developments will provide buildings/homes to thousands/millions of people over their lifetime. A well-designed sustainable development in the beginning will restrict the contribution each person makes to that threat and help enable them to transform the world.

**106. REPORT OF DIRECTOR (PLANNING) - A.5 - PLANNING APPLICATION  
23/00051/FULHH – 24 BAY VIEW CRESCENT, LITTLE OAKLEY, CO12 5EG**

It was reported that this application was before Members as an Ownership Certificate had been served on Tendring District Council as it owned the freehold of the flats.

The Committee was informed that the proposed porch would be located to the front of the property and therefore publicly visible. Officers believed that the single storey nature of the proposal as well as its significant set back from the main highway would reduce its prominence and the presence of other similar additions to nearby houses allowing it to be consistent with the character of the locale. The proposed addition was, in the opinion of Officers, of a suitable size and design in relation to the host dwelling and the use of grey boarding would act as a suitable contrast between the host dwelling and enlargement as well as being in keeping with the range of materials within the area.

Officers therefore felt that the proposed porch would not result in any significant loss of light or undue loss of privacy to the adjacent (and above) neighbouring properties and was considered to be acceptable in terms of residential amenities.

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

At the meeting, an oral presentation was made by the Council's Planning Team Leader (SC-E) in respect of the application.

Councillor Bush, the local Ward Member, had previously advised Officers that he would not attend the site visit or speak on this application as he had not referred this application to the Committee and that he had no objection to this application being granted approval.

Following discussion by the Committee, it was moved by Councillor Harris, seconded by Councillor Placey and unanimously **RESOLVED** that the Director of Planning r (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following conditions and reasons and those as may be necessary by the Director of Planning and the informative notes as may be deemed necessary:

Conditions and Reasons:

1. COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The works to which this consent relate must be begun not later than the expiration of three years beginning with the date of this consent.

REASON: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the consent becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk of both Enforcement Action and Criminal proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2. APPROVED PLANS & DOCUMENTS

CONDITION: 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 (except for Listed Building Consents). 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. 2101.3 - Site Plan Amended Proposed Elevations and Floor Plans (not including drawing title "Option 2) - Received 10.02.2023 Email dated 10th February providing details of materials proposed.

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

Informatives

Positive and Proactive Statement

Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

The meeting was declared closed at 10.34 pm

**Chairman**