

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,  
HELD ON THURSDAY, 28TH SEPTEMBER, 2023 AT 6.00 PM  
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,  
CO15 1SE**

<b>Present:</b>	Councillors Fowler (Chairman), White (Vice-Chairman), Alexander, Everett, Harris, Sudra and Wiggins
<b>Also Present:</b>	Councillors Baker (except items 38 – 41) and Land (items 36 - 38 only)
<b>In Attendance:</b>	Gary Guiver (Director (Planning)), John Pateman-Gee (Head of Planning & Building Control), Ian Ford (Committee Services Manager), Kai Aberdeen (Theatre General Manager (Technical)), Madeline Adger (Leadership Support Manager), Joanne Fisher (Planning Solicitor), Alison Newland (Planning Team Leader) (except items 40 and 41), Michael Pingram (Planning Officer) (except items 38 - 41), Bethany Jones (Committee Services Officer), Emma Haward (Leadership Support Assistant) and Jennie Wilkinson (Assets Surveyor) (Except Items 38 - 41).

**33. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies were received from Councillors Bray and Placey (with no substitutes appointed).

**34. MINUTES OF THE LAST MEETING**

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

**RESOLVED** that the minutes of the last meeting of the Committee, held on Thursday 31 August 2023, be approved as a correct record and signed by the Chairman.

**35. DECLARATIONS OF INTEREST**

Councillor Harris declared for the public record in relation to reports **A.2 – Planning Application 22/00979/DETAIL – Land to the South of Thorpe Road, Weeley, CO16 9AJ** and **A.3 – Planning Application 22/01332/FUL – Land South of Verity Gardens, Weeley, CO16 9FA** that he was a Ward Member and that he had called-in those applications at the request of the Weeley Parish Council. Councillor Harris also stated that he had spoken against the original Outline application. However, as some of his concerns on the Outline planning permission had been alleviated, he was not therefore pre-determined and he would take an unbiased, pragmatic approach to these applications and remain in the meeting.

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

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

**37. REPORT OF THE DIRECTOR (PLANNING) - A.1 - PLANNING APPLICATION 23/00929/FUL – HONEYCROFT & 2 WALDEGRAVE WAY, LAWFORD, CO11 2DX**

Committee members were told that this application was before the Planning Committee as Tendring District Council was the applicant.

Members were told that the application proposed the erection of 13 Sheltered Housing properties alongside a communal building. The site fell within the Settlement Development boundary for Lawford, whilst NPPG guidance sought to provide specialist housing for older people.

Committee members heard that the design, scale and layout of the proposal was supported by Officers, and that therefore there would not be significant harm to the amenities of neighbouring properties.

Members also heard that there would not be significant harm to existing trees and that ECC Ecology supported the proposal subject to 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 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 the Unilateral Undertaking and additional representations showing support for the application:

***"23/00929/FUL - Erection of 13 Sheltered Housing bungalows for persons 55 years old or older, and a new community facility building (on the site of recently demolished sheltered housing building).  
Honeycroft & 2 Waldegrave Way, Lawford, Manningtree CO11 2DX  
Unilateral Undertaking***

*The Unilateral Undertaking to secure a financial contribution towards the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) has now been completed.*

#### *Additional Representations*

*A letter has been received from Councillor Giancarlo Guglielmi on behalf of himself, Councillor Terry Barrett and Lawford Parish Council in support of the application, which reads as follows:*

*We write to express our combined strong support for this application, and we are sorry for not having submitted this representation before now.*

*The Chairman of Lawford Parish Council will attend the site visit on Thursday 28th September, but although we would have very much liked to have made our representation in person, regrettably we will not be able to attend the Committee meeting because of previous commitments.*

*We are delighted that this application will now be heard and determined by the Members of the Planning Committee, and we very much hope that they will agree with the Officer's recommendation and approve this scheme that has been long time coming.*

*We would like to thank the Property Team for the huge amount of work they have put into preparing this application, and come with a scheme that will offer first class accommodation for Tendring residents over 55, and as this site previously known as Honeycroft Sheltered Housing, has historically provided accommodation to people who had Lawford, Mistle, and Manningtree connections, we would very much like that this unwritten policy should continue.*

*We are very pleased to see that CONDITION 5 addresses the potential disturbance to neighbouring properties with regards to noise, dust, and the various stages of construction, as well as including a scheme to review issues with neighbours and the registration and details of the Considerate Constructors Scheme.*

*We are likewise very pleased to see that 3 CONDITION addresses 6.40 of the report that talks about Policies PPL10 and SPL3, that require consideration to be given to renewable energy generation and conservation measures. Although actual details have not been submitted with the proposal, we are happy that this will be dealt with by Officers.*

*We very much hope that Members will share our view of support for this proposal and we very much look forward to seeing this site that has sat empty for a very long time, being once again able to provide housing; and in some cases, free up larger council properties to those residents over 55 who would like to have scaled down but because there was nothing available have not been able to.*

*This will be excellent news to so many people on the Housing Register who are waiting for two- and three-bedrooms accommodation.*

*And if this scheme is approved it could become a great model to address other Council owned Housing Schemes that are now coming to the end of their time.*

*We thank you all for reading this and for taking it in consideration when you will debate the application on Thursday 28th September."*

Chris Wragg, an agent for the applicant, spoke in support of the application.

The Portfolio Holder (Housing & Planning), Councillor Andy Baker, spoke in support of the application.

<b>Matters raised by Members of the Committee:-</b>	<b>Officer's response thereto:-</b>
<i>How long before it is built and the first resident is moved in? Can we have an assurance that it isn't 6 years?</i>	<i>It has to be started within 3 years. Our understanding is that it will be started before Christmas.</i>
<i>Will the new policy around Biodiversity Net-Gain (BNG) coming in have an effect on this application?</i>	<i>There are no biodiversity considerations at this moment. The Council have contacted Essex County Council who have had no objections. We are not at</i>

	<i>the point just yet to have these considerations for this application.</i>
<i>This is a tight site so are we sure it can't be affected?</i>	<i>This application is being determined under present legislation and not future legislation therefore, it is not affected. Any future applications at this site would be subjected to any future legislation.</i>
<i>Can we have an assurance that no other trees will be affected by this other than the 3 trees mentioned in the report?</i>	<i>In Paragraph 6.29 of the report, the loss of three small trees is acceptable. Arboricultural Impact Assessment (AIA) says other trees will be protected.</i>
<i>Is it a community building or gardens? Where is this on the site?</i>	<i>It is a community building – Officer pointed to it on the screens provided.</i>

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

**RESOLVED** that:

- 1) the Head of Planning and Building Control be authorised to grant planning permission, subject to the agreed section 106 agreement and the planning conditions as stated at paragraph 8.2 of the Officer report, or varied as is 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; and,
- 2) the sending of informative notes to the applicant as may be deemed necessary.

**38. REPORT OF THE DIRECTOR (PLANNING) - A.2 - PLANNING APPLICATION 22/00979/DETAIL – LAND TO THE SOUTH OF THORPE ROAD, WEELEY, CO16 9AJ**

Members were told that the application had been referred to the Planning Committee as when Outline planning permission had been granted Members of the Committee had agreed that the Reserved Matters application(s) would be referred to the Planning Committee for its determination. In addition, Councillor Peter Harris, the Ward Member, acting on behalf of Weeley Parish Council had requested that the application be ‘called in’ to the Planning Committee, as the Parish Council had raised its concerns about the provision of Open Space within the development; concerns about the surface water drainage scheme; the design of the railway footbridge; and concerns over traffic management and the proposed vehicular access for the site.

The Committee heard that the current application sought approval of the reserved matters related to outline planning permission 19/00524/OUT, which had granted outline permission for the erection of up to 280 dwellings, a potential new primary school and children’s nursery, up to 3,000sqm of office (B1) floorspace and associated infrastructure and development including the provision of Public Open Space. The development had also approved through the outline planning permission a pedestrian footbridge over the railway line to the south of the application site.

Members were further informed that when the outline planning permission had been approved it had included approval of the vehicular access to the site – a single road leading from a modified priority junction on Thorpe Road. Whilst the access details had

been approved all other matters had been Reserved. The application now in front of Members included details of the appearance, landscaping, layout and scale, of the whole application site, excluding the education land and a relatively small parcel of land immediately to the south of Verity Gardens, as those details had not been included as part of the outline permission and were included for consideration in a current, separate application 22/01332/FUL.

Officers informed Members that, as established through the granting of outline application 19/00524/OUT, the principle of a mixed use, residential led development for up to 280 dwellings, with new education facilities, commercial office space, and pedestrian footbridge had all been found to be acceptable by the Council.

Members also heard that the detailed design, layout, landscaping, and scale were considered acceptable by Officers. The proposal would result in no material harm to residential amenity or highway safety and the application was therefore recommended by Officers for approval subject to the planning conditions listed in the Officer report.

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 (AN) in respect of the application.

An update sheet had been circulated to the Committee prior to the meeting with details of additional representations, change of wording for conditions and additional conditions:

*“Additional Representations*

*Weeley Parish Council: Weeley Parish Council (WPC) considered this application at its meeting on 18 September 2023. It resolved to object to the application. WPC submitted objections to this application previously on 18 July 2022 and again on 20 March 2023. The reasons it objected previously still stand.*

*In considering the application on this occasion, serious concern was expressed about proposed parking provision at the school and business units. It is clearly woefully insufficient in terms of staff parking and parent parking.*

*You only need to look at the amount of vehicles parked in and around the Gorse Lane Industrial Estate to see how many vehicles this type of activity generates and that area was built with far more generous accommodation than this proposal and it is choked with traffic.*

*With regard to the proposed school, its proximity to the business units and parking provision, . Parking has over the years become an increasing problem at many schools. It doesn't make sense to design the problem in before the school is built.*

*WPC requests that the parking provision is reviewed and increased.*

*ECC Highway Authority: Please note this supersedes the previous recommendation dated: 12 May 2023 for this application.*

*In relation to drawing nos. 21/12/70 A - Amended education site access plan and 21/12/51 F - Amended parking layout plan, it is noted that the submitted plan(s) do not fully meet the requirements of Schedule 5 of the s106 dated 13<sup>th</sup> August 2019. The proposed location of the school car park at the front of the school, will create a source of noise and pollution on the school boundary and undermine the principle of making Active Travel the most attractive way to get to the school and there appears to no evidence supporting the need for a car park. It is considered that the access points are not in the correct positions to facilitate the traffic free school frontage that EEC strives to deliver or conform to the requirements as set out in Schedule 5 of the s106 dated 13<sup>th</sup> August 2019. The Highway Authority would welcome further engagement with the applicant, ECC Schools Service and ECC Urban Design to address the issues raised above.*

*Notwithstanding the above, should Members be minded granting planning permission, the Highway Authority would wish to see the following mitigation and conditions applied:*

*[Officer comment: Highways conditions are unchanged from their comments dated 12<sup>th</sup> May 2023 except updated plan numbers].*

*ECC Schools: The Land Compliance Study (LCS) does not cover the whole area of the education site as set out in the s106 Agreement, creating 'gaps' in the information required. The LCS needs to be reviewed and completed in accordance with the site area as set out in the s106 Agreement.*

*Also, the LCS states elements as 'met' yet there has been no information / details provided to support this.*

- 1. An archaeology report has not been provided. This is shown as 'met' on the LCS, yet no evidence has been provided. Please could ECC have a copy of this report as this will need to be reviewed by ECC.*
- 2. Has an ecology report / study been provided / submitted? ECC need to understand / know what other species, apart from bats, are on the site and the mitigation strategy. Please could a copy of this report be provided as this will need to be reviewed by ECC.*
- 3. Has a topographical report / study been provided / submitted. Please could ECC have a copy of this report as this will need to be reviewed by ECC.*
- 4. Has a geotechnical report been provided / submitted. Please could ECC have a copy of this report as this will need to be reviewed by ECC.*
- 5. The LCS refers to the removal of an existing hedgerow that is currently on the school site.. Has consent for the removal been obtained? ECC require evidence to support the consent for removal. Will the hedgerow removal occur before the land transfer?*
- 6. There is an additional section of hedgerow shown within the Education Site. Can you confirm that this part of the hedgerow will be removed as well?*
- 7. The Tree Survey covers a different Education Site area than that set out in the s106 Agreement. A revised Tree Survey is required.*

8. *ECC require confirmation that the overhead powerline will be diverted before the land transfer. Has permission been sought, and if so, ECC require evidence to support this.*
9. *The trees and hedgerow shown along the school boundary will reduce the useable space within the Education Site. These need to be excluded from the Education Site and sit outside the school boundary.*
10. *The site contamination report has not been fully completed, therefore it cannot meet the requirement of Annex 1, Note 1 of Schedule 5 of the s106 Agreement dated 13<sup>th</sup> August 2019.*
11. *The Access Plan is NOT accepted. The vehicular access points on the north eastern boundary do not provide for a traffic free / pedestrianised frontage. The vehicular access, for staff, deliveries, emergency vehicles should be located on the eastern boundary, ideally where there is a gap in the fence (unit no's 69 & 70). Only one access point is required ie: not an in-out access. This was communicated to the developer in 2020.*
12. *The Access Plan is NOT accepted. ECC will not provide onsite parking for parents and actively encourage walking and cycling to school. This area within the Education Site should be shown grey like the rest of the education site.*
13. *The Utility Plan is NOT accepted. Please can the surface water drainage discharge connection point be shown on the utility plan along with the discharge rate. The school and EY need to connect into the wider development for surface water as per Schedule 5, Para 4.5 4.5 of the s106 Agreement dated 13th August 2019.*
14. *ECC are currently providing all electric buildings to meet with the net zero aspirations. The current developers guide is under review and the updated version will require 290kva for a 420 primary, no gas. The EYs would require 72kva, no gas, water 50mm 1.5l/s. A 100mm mains connection pressurised system is required, storage tank with pumps to fill the tank in 36 hours, and 2 telecom ducts. Can it be confirmed that this will be provided as there is a requirement for a new substation if the higher electric capacity could be achieved in two feeds? **Please note Alison**, the utility provision is not my area of expertise and this point may need to be further clarified with Infrastructure Delivery.*

*Please note: these comments are not exhaustive and further comments may arise as we enter further discussions.*

*I trust these comments are informative and set out clearly the elements that need to be addressed to meet ECC requirements.*

**Officer comment:** *Points 1-10 and 13-14 all relate to matters that are covered/controlled by Schedule 5 (Education Site) of the S106 agreement and the detailed requirements under Annex 1 (Education Site Specification) which the developer must comply with within set timescales of ECC serving the Education Site Notice. They are not therefore for consideration under this reserved matters application.*

*In relation to Points 11 and 12 the amended Education Site Access Plan removes the parent parking area from the school site. As detailed at paragraph 6.57 of the report,*

Officers consider it is sensible to provide the parent parking area to reduce the on street parking pressure associated with the education land. Additional condition 17 is recommended to ensure its provision and retention. Officer's also favour access into the education site for staff parking from the main highway linking through to the commercial element, rather than omitting Plot 69 as favoured by ECC Schools, due to the associated disturbance to neighbouring dwellings.

Schedule 5 (Education Site) of the S106 contains a wide range of detailed criteria. The required pedestrian and construction grounds maintenance/emergency vehicle access are provided to the Education Site with no objection to these elements from ECC. Their objection relates to the two points of vehicular access outside the northern confines of the Education Site serving the proposed parent parking area and feeding into the Education Site to the indicative staff parking area. Schedule 5 (2.) states "The Owner hereby covenants 2.1 not to use or allow or permit any works or activities to be carried out on the Education Site that may render the Education Site unsuitable for use as an Education Facility in any way or add to the cost or time taken to construct an Education Facility including for the avoidance of doubt storage and or car parking". There is no conflict as no works are to be carried out on the Education Site under this reserved matters application.

Schedule 5 4.4 states "to agree in writing with the County Council the Education Site Utility Plan and the Education Site Access Plan ensuring always that there are no ransom strips that prevent full access to the Education Site or use of Utilities PROVIDED ALWAYS that the Owner shall not submit any reserved matters application for the Development that will impact upon or limit options to access service or supply the Education Site until the Owner has agreed with the County Council all appropriate aspects of the Education Site Access Plan and / or Education Site Utility Plan" Annex 1 Education Site Specification Checklist The Education Site shall be or have:-  
....."Level with surrounding areas and in particular with suitable points of access (vehicular and pedestrian)"....."Accessible from suitable public highways (not a cul de sac) and safe direct walking & cycling routes"... These are requirements on the owner not the Local Planning Authority and do not prevent determination of the reserved matters application. Whether the reserved matters layout impacts upon or limits options to access the Education Site is also considered to be subjective.

#### Alterations to recommended conditions

Alteration to condition 1 Approved Plans: 1) to add amended Education Site Access Plan to the approved plans list as it is referred to in additional condition 17 below. 2) To correct landscaping plans to show the added defensive planting 3) Updated Boundary Treatment Plan to show parent parking within the temporary 1.8m high welded mesh school fencing.

#### 1. 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, with the exception of approved drawing 2467-LLA-ZZ-00DR-L-0214 P07 –



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*Detailed Planting Proposals – Sheet 14 of 17 and 2467-LLA-ZZ-00-DR-L-0215 P09 – Detailed Planting Proposals – Sheet 15 of 17.*

*Prior to commencement of development above slab level a scheme for the planting of additional trees around the proposed railway footbridge shall be submitted to and approved in writing by the Local Planning Authority. The planting scheme shall include details of the timing of the planting.*

*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 Location Plan – 21/12/01 Rev.A  
General Layout & Phasing Plan – 21/12/02 Rev.C  
Proposed Block Plan – 21/12/03 Rev.F  
Proposed Site Plan Parcel A – 21/12/04 Rev.F  
Proposed Site Plan Parcel B – 21/12/05 Rev.F  
Proposed Site Plan Parcel C – 21/12/06 Rev.F  
Proposed Site Plan Parcel D – 21/12/07 Rev.F  
House Type Key Plan Open Market Housing – 21/12/08 Rev.F  
House Type Key Plan Affordable Housing – 21/12/09 Rev.F  
House Type A & B Floor Plans & Elevations – 21/12/10 Rev.D  
House Type C & D Floor Plans & Elevations – 21/12/11 Rev.D  
House Type E Floor Plans & Elevations – 21/12/12 Rev.D  
House Type F Floor Plans & Elevations – 21/12/13 Rev.D  
House Type G Floor Plans & Elevations – 21/12/14 Rev.D  
House Type H Floor Plans & Elevations – 21/12/15 Rev.D  
House Type J Floor Plans & Elevations – 21/12/16 Rev.D  
House Type J (Variation) Floor Plans & Elevations – 21/12/17 Rev.D  
House Type K Floor Plans & Elevations – 21/12/18 Rev.D  
The Chloe & The Chloe (Variation) Floor Plans & Elevations – 21/12/19 Rev.D  
The Bettina Floor Plans & Elevations – 21/12/20 Rev.D  
The Cecilia Floor Plans & Elevations – 21/12/21 Rev.D  
The Darcey Floor Plans & Elevations – 21/12/22 Rev.D  
The Olivia Floor Plans & Elevations – 21/12/23 Rev.D  
The Olivia (Variation) Floor Plans & Elevations – 21/12/24 Rev.D  
The Georgia Floor Plans & Elevations – 21/12/25 Rev.D  
The Damask Floor Plans & Elevations – 21/12/26 Rev.D  
The Damask (Variation) Floor Plans & Elevations – 21/12/27 Rev.D  
The Amelia Floor Plans & Elevations – 21/12/28 Rev.D  
The Eleanor Floor Plans & Elevations – 21/12/29 Rev.D  
The Alexander Floor Plans & Elevations – 21/12/30 Rev.D  
The Ruby Floor Plans & Elevations – 21/12/31 Rev.D  
The Anna Floor Plans & Elevations – 21/12/32 Rev.D  
The Victoria Floor Plans & Elevations – 21/12/33 Rev.D  
The Imogen Floor Plans & Elevations – 21/12/34 Rev.D  
The Imogen (Variations) Floor Plans & Elevations – 21/12/35 Rev.D  
The Willow Floor Plans & Elevations – 21/12/36 Rev.D  
The Berkeley Floor Plans & Elevations – 21/12/37 Rev.D  
The Braithwaite Floor Plans & Elevations – 21/12/38 Rev.D  
The Braithwaite (Weeley) Floor Plans & Elevations – 21/12/63 Rev.D*

*Proposed Outbuildings – 21/12/39 Rev.D*  
*Office Unit A Floor Plans & Roof Plan – 21/12/40 Rev.E*  
*Office Unit A Elevations – 21/12/41 Rev.E*  
*Office Unit B Floor Plans & Roof Plan – 21/12/42 Rev.D*  
*Office Unit B Elevations – 21/12/43 Rev.E*  
*Office Unit C Floor Plans & Roof Plan – 21/12/44 Rev.D*  
*Office Unit C Elevations – 21/12/45 Rev.D*  
*Accommodation Schedule – 21/12/49 Rev.H*  
*Footpath Context & Site Layout – 21/12/50 Rev.A*  
*Parking Layout Plan – 21/12/51 Rev.F*  
*Boundary Treatment Plan - 21/12/53 Rev.I*  
*Demolition Plan - 21/12/61*  
*External Works Materials Plan – 21/12/62 Rev.F*  
*Proposed PROW Plan 21/12/67 Rev.D*  
*Cycle/Pedestrian Access 21/12/69 Rev.D*  
*Network Rail Fencing Plan - 21/12/71 Rev E*  
***Education Site Access Plan - 21/12/70 Rev B***

*2467-LLA-ZZ-00DR-L-0001 P07 – Landscape Masterplan*  
*2467-LLA-ZZ-00DR-L-0201 P07 – Detailed Planting Proposals – Sheet 1 of 17*  
*2467-LLA-ZZ-00DR-L-0202 P09 – Detailed Planting Proposals – Sheet 2 of 17*  
*2467-LLA-ZZ-00DR-L-0203 P09 – Detailed Planting Proposals – Sheet 3 of 17*  
*2467-LLA-ZZ-00DR-L-0204 P08 – Detailed Planting Proposals – Sheet 4 of 17*  
*2467-LLA-ZZ-00DR-L-0205 P08 – Detailed Planting Proposals – Sheet 5 of 17*  
*2467-LLA-ZZ-00DR-L-0206 P08 – Detailed Planting Proposals – Sheet 6 of 17*  
*2467-LLA-ZZ-00DR-L-0207 P07 – Detailed Planting Proposals – Sheet 7 of 17*  
*2467-LLA-ZZ-00DR-L-0208 P08 – Detailed Planting Proposals – Sheet 8 of 17*  
*2467-LLA-ZZ-00DR-L-0209 P07 – Detailed Planting Proposals – Sheet 9 of 17*  
*2467-LLA-ZZ-00DR-L-0210 P09 – Detailed Planting Proposals – Sheet 10 of 17*  
*2467-LLA-ZZ-00DR-L-0211 P07 – Detailed Planting Proposals – Sheet 11 of 17*  
*2467-LLA-ZZ-00DR-L-0212 P07 – Detailed Planting Proposals – Sheet 12 of 17*  
*2467-LLA-ZZ-00DR-L-0213 P07 – Detailed Planting Proposals – Sheet 13 of 17*  
*2467-LLA-ZZ-00DR-L-0214 P07 – Detailed Planting Proposals – Sheet 14 of 17*  
*2467-LLA-ZZ-00DR-L-0215 P10 – Detailed Planting Proposals – Sheet 15 of 17*  
*2467-LLA-ZZ-00DR-L-0216 P08 – Detailed Planting Proposals – Sheet 16 of 17*  
*2467-LLA-ZZ-00DR-L-0217 P07 – Detailed Planting Proposals – Sheet 17 of 17*

*2467-LLA-ZZ-00DR-L-0301 P01 - Landscape Specification and Details*  
*2467-LLA-ZZ-00DR-L-0401 P03 - LEAP Proposals*  
*2467-LLA-ZZ-00DR-L-0402 P03 - Public Open Space to School Entrance Proposals*  
*2467-LLA-ZZ-00DR-L-0002 P08 - Land Plan*

*65203381-SWE-ZZ-XX-DR-R-0001 Rev.B01 - Existing General Arrangement*  
*65203381-SWE-ZZ-XX-DR-R-0002 Rev.B01 – Proposed General Arrangement*  
*65203381-SWE-ZZ-XX-DR-R-0003 Rev.B01 – Proposed Sectional Elevations*  
*65203381-SWE-ZZ-XX-DR-R-0004 Rev.B01 – Proposed Northern Ramp General Arrangement*  
*65203381-SWE-ZZ-XX-DR-R-0005 Rev.B01 - Proposed Southern Ramp General Arrangement*  
*65203381-SWE-ZZ-XX-DR-R-0006 Rev.B01 – Proposed Sectional Elevation North Side*  
*65203381-SWE-ZZ-XX-DR-R-0007 Rev.B01 - Proposed Sectional Elevation South Side*  
*65203381-SWE-ZZ-XX-DR-R-0008 Rev.B01 – Proposed Main Span*

65203381-SWE-ZZ-XX-DR-R-0009 Rev.B01 – Proposed Main Span Details  
65203381-SWE-ZZ-XX-DR-R-0011 Rev.B01 - Proposed Ramp Details – Sheet 2 of 5  
65203381-SWE-ZZ-XX-DR-R-0012 Rev.B01 - Proposed Ramp Details – Sheet 3 of 5  
65203381-SWE-ZZ-XX-DR-R-0013 Rev.B01 - Proposed Ramp Details – Sheet 4 of 5  
65203381-SWE-ZZ-XX-DR-R-0014 Rev.B01 - Proposed Ramp Details – Sheet 5 of 5  
65203381-SWE-ZZ-XX-DR-R-0015 Rev.B01 – Main Deck Trestle Supports  
65203381-SWE-ZZ-XX-DR-R-0016 Rev.B01 - Ramp Trestle Supports  
65203381-SWE-ZZ-XX-DR-R-0021 Rev.B01 - Proposed Ramp Details – Sheet 1 of 5

TPSar6990117TPP - Tree Protection Plan

TPSarQU0018 – Tree Protection Plan and Method Statements

*REASON: For the avoidance of doubt and in the interests of proper phased planning of the development. Details of additional tree planting on both the northern and southern side of the railway track are required to help mitigate the visual impact of the new pedestrian footbridge.*

#### Additional Conditions

#### 17. PROVISION OF PARENT PARKING

*CONDITION: Prior to first use of the education land for education purposes the parent parking area (coloured green on the Education Site Access Plan drawing number 21/12/70 rev B) including associated landscaping and vehicular access shall be laid out in its entirety and made available to the public, unless otherwise agreed in writing by the Local Planning Authority. The parent parking area shall then be retained in its approved form thereafter for the sole purpose of vehicle parking associated with the education land.*

*REASON: To ensure the provision and retention of the approved parent parking area to reduce on street parking pressure associated with the education land.*

#### 18 FURTHER APPROVAL: PROVISION OF OFFICE CYCLE PARKING.

##### CONDITION:

*No development above slab level of the hereby approved office buildings shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority details of secure cycle storage for an additional five cycle spaces to serve the office buildings. The cycle storage as approved shall be provided prior to first occupation of any of the office buildings and shall be retained thereafter.*

*REASON: To ensure that sufficient space for the on site parking of cycles is provided to encourage sustainable means of transport.*

#### Correction to report

*Paragraph 6.78 there are 70 residential visitor parking spaces (not 68 as stated in the report) which accords with the parking standards.”*

Will Vote, the agent for the applicant, spoke in support of the application.

Carol Bannister, a member of the public, spoke against the application.

Parish Councillor Christine Hamilton (Chairman of Weeley Parish Council), spoke against the application.

<b>Matters raised by Members of the Committee:-</b>	<b>Officer’s response thereto:-</b>
<i>How many parking spaces are proposed for the school?</i>	<i>25 outside the education site. Essex County Council Education &amp; Highway authorities would prefer a parking free frontage to the school.</i>
<i>Will the amount of parking planned be sufficient for the nursery and the school uses?</i>	<i>It is a 56-place nursery, there is still separate access and parking. Separate staff parking is provided for the school.</i>
<i>There are concerns around the Section 106 Legal Agreement – are we in a position to condition the use of the 2.4-hectare education site?</i>	<i>Option starts at occupation of 20<sup>th</sup> dwelling and ends at the occupation of the last dwelling. If not used as a school, then it reverts back to the owner. However, the education part of the site is not part of this application. Currently, it remains as agricultural land and will remain so unless a planning permission is granted for a different use.</i>
<i>Is there a way of imposing a Clause that requires the Education Authority to make a firm decision as to whether it wants a school early in the process?</i>	<i>We are tied by the Section 106 Legal Agreement that went with the Outline Planning Permission. The Education Authority sets its own terms and conditions.</i>
<i>Can we have assurance that the parking spaces for the parent parking scheme will be provided regardless of whether the school is provided?</i>	<i>To use the land for anything other than the approved parent parking would require a further planning application.</i>
<i>Can we have an assurance that we can give the residents of Weeley that in 2033 we won’t be getting another application that says the school is not needed and seeks further residential development?</i>	<i>No, Officers cannot give that assurance. The decision is the Education Authority’s to make.</i>
<i>Is there a demonstrated need for another school?</i>	<i>The Outline Planning application documents demonstrated that provision of this development would generate a need for another school.</i>
<i>As this development is being built, children will move onto the site. Where will they go to school in the period before 2032 when the school will be</i>	<i>The Section 106 requires a two-form school and a financial contribution.</i>

<i>provided? Can we impose a Clause whereby at a certain level of take up, the school is provided otherwise further development is stopped?</i>	
<i>Is there an assurance that the financial contribution will benefit the residents of Weeley?</i>	<i>It will be down to the Education Authority to decide where that money is spent, though under the Section 106 Legal Agreement, there is a requirement that it will be spent at the Weeley School or schools in the District.</i>
<i>Is putting a condition where phasing is linked to the development of the school possible?</i>	<i>Yes, at the Outline or Full Application stage this is agreeable, but it does not form part of this application, so it is a moot point.</i>
<i>Where are the commuting and foraging routes for Bats on this site?</i>	<i>Officers shared the relevant areas on the aerial photograph on the screen.</i>
<i>There are concerns that putting a hole through the hedge at the front of the site for access would interrupt a bat commuting route.</i>	<i>Essex Place Services have not objected to this aspect of the planning application.</i>
<i>What was the condition on the Outline planning permission that referred to the lighting and effect on wildlife?</i>	<i>Condition 17 on the outline planning permission – there will be a need for a further condition on this application to meet the requirements of Essex Place Services.</i>
<i>There are concerns that the external lighting proposed for dwellings near the Bat commuting route will not meet the recommendations of Essex Place Services.</i>	<i>Officers could put a condition on, that would remove external lighting of dwellings. The justification would be the duty to protect wildlife.</i>
<i>Can you confirm what the Healthcare Provision money would be spent on and where?</i>	<i>The amount is £97,000 +, it will be spent on the Thorpe-le-Soken Surgery.</i>
<i>With the 57% increase of Weeley, were the Fire Brigade consulted on this or on the outline application?</i>	<i>No – they are a non-statutory consultee. Their role would be part of the Building Regulations process.</i>
<i>Can we consult them now?</i>	<i>Number of dwellings at outline stage are the determining principle of whether the Fire Brigade is consulted.</i>
<i>Why was there not a financial contribution included within the Section 106 Legal Agreement?</i>	<i>Consultees decide at what point in the process they are consulted. Can take away the point of whether the Fire Brigade is consulted as part of major applications. This site is within the Local Plan for which an Infrastructure Delivery Strategy was required. The Fire Brigade was consulted on that Strategy and the grant required. The Fire Brigade play a key role in the Building Regulations process.</i>
<i>Can we have clarity on any flooding or drainage issues within this application?</i>	<i>We've dealt with this by conditions imposed on the outline planning</i>

	<i>application.</i>
<i>What happens to the original footpath when it is diverted over the new railway bridge?</i>	<i>It will be available for public to still access the woodland.</i>
<i>What amendments will be made to the access road and when? Is there a Traffic Management Plan (TMP) for construction traffic? Especially a need to avoid using Crow Lane.</i>	<i>In Condition 24 of the Outline application permission, it sets out all the requirements for the access road. Condition 9 covered the TMP.</i>
<i>Has the TMP been agreed yet?</i>	<i>No.</i>
<i>Can we prevent use of Crow Lane in the TMP by construction traffic?</i>	<i>Yes, we can.</i>
<i>Referred to raw sewage leakage issue in rear vicinity, what assurances are being given?</i>	<i>This development must deal solely with its own burden. Anglia Water has the duty and responsibility to solve all issues with the sewage provision of this site and the surrounding area.</i>

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

**RESOLVED** that:

- 1) the Head of Planning and Building Control be authorised to grant reserved matters approval subject to the conditions as stated at paragraph 8.2 of the Officer, or as amended or added to in the Planning Officers Update Sheet, or as added to the meeting in respect of an additional condition to exclude lighting on the external appearance of the dwellings or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of conditions as referenced is retained;
- 2) the sending of any informative notes to the applicant, as may be deemed necessary; and,
- 3) the Head of Planning and Building Control be required to note and take on board the Committee’s wish that any traffic management plan be approved under the relevant planning condition attached to planning permission 19/00524/OUT ensure that construction traffic is not permitted to use Crow Lane.

**39. REPORT OF THE DIRECTOR (PLANNING) - A.3 - PLANNING APPLICATION 22/01332/FUL – LAND SOUTH OF VERITY GARDENS, WEELEY, CO16 9FA**

Members were told that this application had been referred to the Planning Committee as when Outline planning permission had been granted for the larger site, which had included this application site, Members of the Committee had agreed that the Reserved Matters application(s) would be referred to the Planning Committee for determination. In addition, Councillor Peter Harris, the Ward Member, acting on behalf of Weeley Parish Council, had also requested that the application be ‘called in’ to the Planning Committee for its determination, the Parish Council having raised its concerns about the access to the site not being suitable, the inability of emergency vehicles to access all dwellings; and the dwellings being too close to existing dwellings, and the adverse impact this would have on residents’ privacy.

The Committee was told that the application sought full planning permission for the erection of three dwellings on a small parcel of land that formed part of a much larger site which the Council had granted outline planning permission for. The outline planning permission (19/00524/OUT) allowed for the erection of up to 280 dwellings, a new primary school and children's nursery, up to 3,000sqm of office (B1) floorspace and associated infrastructure and development including the provision of Public Open Space.

Officers informed Members that because it was proposed that the three dwellings were accessed across land that was outside the 'red line' of the outline planning permission the applicant had submitted the application for full planning permission, so it was not pursuant to the outline planning permission. A separate application which sought approval for the Reserved Matters for development (22/00979/DETAIL), including the erection of 277 dwellings on land to the south of the application site, had just been determined by the Committee under Minute 38 above. If both applications were approved a total of 280 dwellings would be erected within the area that had outline planning permission. That would be consistent with the maximum number of dwellings that had been allowed under the outline planning permission.

The Committee was made aware that there was no objection to the principle of residential development as the land already had outline planning permission for residential development. Furthermore, the site was located within the Weeley Settlement Development Boundary and was specifically designated to be part of a mixed-use development in the adopted Tendring District Local Plan. The detailed design, layout, landscaping and scale were considered acceptable by Officers. There were no objections from consultees and Officers considered that the proposal would not result in harm to residential amenity of a level that would warrant refusal of planning permission. The application was therefore recommended by Officers for approval subject to the legal agreement and planning conditions listed.

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 (AN) in respect of the application.

An update sheet had been circulated to Members of the Committee prior to the meeting regarding additional representations and an update on the report:

*“Additional Representations*

*Weeley Parish Council: Weeley Parish Council (WPC) considered this application at its meeting on 18 September 2023. It resolved once again to object strongly to these proposals.*

*WPC previously considered this application on 28 September 2022 and again on 20 March 2023. On both previous occasions, it resolved to object to this application.*

*Reviewing the plans via a desktop exercise indicates that these proposed properties are being squeezed in to an area that is patently too small to accommodate them. However, a site visit make highlights the cramped nature of the area.*

*Concern was raised previously about access by emergency vehicles, there is no evidence to indicate that the Fire Service has been consulted. If it hasn't then in these particular circumstances, it should be.*

*A separate application for 277 dwellings on this site has been lodged. The Parish Council is baffled that the developer would jeopardize the success of this large development by submitting a separate application for three dwellings that most local people see as wholly unsuitable in terms of access.*

**Officer comment:** *The fire service are not consulted on 'minor' applications and are not a statutory consultee. The private drive is of sufficient width to accommodate a fire pumping appliance as detailed within the Building Regulations.*

*Waste Manager: Looking at the mapping system and the layout of the development if the highway of Verity Gardens has been constructed to a suitable standard to allow full access and sustain the weight of a 26 tonne, 2.5 metre wide collection vehicle then households should be able to present their waste and recycling for collection outside of their properties and not need to present on the neighbouring road of Barleyfield Drive. I suspect that the alleged actions are taking place as a sole purpose of ease to the collection driver rather than out of necessity due to design and moving forward happy to take this up with Veolia if needed.*

**Officer comment:** *Condition 4 requires submission and approval of a waste strategy.*

Report Update

*Update in relation to paragraph 6.35 and the Construction Management Plan condition. The agent has verbally confirmed that these dwellings would be built from the main site to the rear, retaining everyday access to the existing bungalows. Condition 3 requires submission and approval of a detailed Construction Management Plan which includes details such as protection measures for roads adjoining the site, security hoarding, and directional signage."*

Will Vote, the applicant's agent, spoke in support of the application.

Anthony Burrows, a member of the public, spoke against the application.

Parish Councillor Christine Hamilton, Chairman of the Weeley Parish Council, spoke against the application.

<b>Matters raised by Members of the Committee:-</b>	<b>Officer's response thereto:-</b>
<i>What is the distance between the properties and the dividing fence?</i>	<i>The width drive is 3.8m. It is 5.5m wide at the access. The separation of the properties is 11.4m – 12.4m.</i>
<i>Are you satisfied that there is enough space for vehicle movements? Whose responsibility is it to maintain this private road?</i>	<i>There have been no objections from the Highway Authority. The existing bungalows have it in their Deeds to maintain the roads.</i>



<i>What happens when new bungalows are built?</i>	<i>That is down to the developer. That is outside the Council's control.</i>
<i>What did the indicative plan show for this site on the Outline Planning Permission?</i>	<i>It was approved under Condition 4 of the outline and showed properties fronting those in Verity Gardens.</i>
<i>Does the fence match the red line in the outline application?</i>	<i>That is correct.</i>
<i>What would the gap be if the access had not been changed?</i>	<i>Under the Essex Design Guide, it would have been 25m as it would necessarily have been a back garden. The access road to the new properties would have been deeper into the site.</i>
<i>Can you clarify if it is a parking space or a passing bay?</i>	<i>Under the approved plan, it is a visitor parking space. This can be changed by a Condition.</i>
<i>Regarding SPL 3 (a), (b) and (c), do you think that this meets the Local Plan Policy?</i>	<i>Yes, it does but it is down to Members as to what weight to apply in deliberations.</i>
<i>What is the reason for this switch around in terms of access?</i>	<i>The approved plan showed this sort of access but the access the applicant has chosen was not within the outline permission. The applicant chose not to go with a 1.8m back fence and an 'inactive frontage'.</i>
<i>Have we got an Ecology statement from Place Services for this application?</i>	<i>This site was covered in the Ecology Statement that covered the whole site of the wider development and this was felt to be sufficient.</i>
<i>Do you agree that we need a specific statement from Essex Place Services for this application to fulfil legal requirements as to ecology matters?</i>	<i>The ecology statements for the Outline and Reserved Matters are a material matter for this application and the Planning Officers were satisfied that this was sufficient.</i>
<i>Is the splay from the garages paved or bricked?</i>	<i>Off the private drive but within the plots.</i>
<i>What is the width of the entrance?</i>	<i>5.5m wide for the first 6 metres then goes down to 3.8m. This goes with the private drive provision in the Highways Guidance.</i>
<i>Is 5.5m width enough for two vehicles to pass each other?</i>	<i>That is the requirement under the Guidance.</i>
<i>Regarding the Open Plan, what about the impact of pedestrians?</i>	<i>That is the provision under the Highway Guidance.</i>
<i>Is the house going to be served by the main road (Plot 1)?</i>	<i>There is no access to the roundabout.</i>
<i>Could the bungalows be moved back to facilitate a turning point on both sides of the road?</i>	<i>There are many options available, but this is what the applicant has chosen to propose. In terms of the standards, this application is 'tight' but it fits.</i>
<i>Is there anywhere else on the wider site that has similar face-to-face separation?</i>	<i>No.</i>
<i>Did the Highways Authority conduct a desktop survey rather than a site visit?</i>	<i>Yes, that is correct.</i>

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

**RESOLVED** that, contrary to the Officers' recommendation of approval, application 22/01332/FUL be refused for the following reasons:-

"The proposed development if approved, by reason of its siting, layout, access would be out of keeping with the prevailing spacing and pattern of development of the existing surrounding development. The development fails to enhance the character of locality.

Furthermore, if approved, it would likely generate a significant increase in noise levels and disturbance including impact on privacy due to the construction process and subsequent occupation of the three dwellings. By reason of the layout, siting, landscaping and scale of the development this impact would directly affect the quality of life for the neighbouring residents in close proximity, with due regard given to known persons with protected characteristics defined under the Equality Act 2010 who relies on a quiet environment for their well-being and amenity.

On this basis the proposal is considered to be contrary to Local Plan Section 1 Policy SP6 part C and Section 2 SPL3 as a whole and including part C and NPPF including Section 8. Promoting healthy and safe communities and Section 12 Achieving well-designed places highlighting Para 130F."

**40. REPORT OF THE DIRECTOR (PLANNING) - A.4 - REVISED PLANNING ENFORCEMENT POLICY AND HARM RISK ASSESSMENT PRIORITISATION SCHEME**

The Committee heard that the National Planning Policy Framework (NPPF) required local planning authorities to consider publishing a local planning enforcement policy or plan, which described how the Council would manage planning enforcement in a way which was appropriate to their specific area. The NPPF also made clear that planning enforcement was discretionary and that local authorities should act proportionately in responding to breaches of planning control.

Members were told that the purpose of the Enforcement Policy was to provide elected Members and the wider public with a clear understanding of how planning enforcement would be delivered, and the criteria used in making assessment of potential breaches of planning law.

The Committee was informed that the Council's current Planning Enforcement Policy had been adopted, by decision of the Planning Committee following its meeting on 1 September 2022. The revised version now before it incorporated specific changes recommended by the Resources and Services Overview and Scrutiny Committee following the report of the Task & Finish Working Group looking at the Council's Planning Enforcement Function, which had subsequently been endorsed by the Cabinet.

The Committee had before it the published Officer report containing the Policy details for Planning Enforcement with the recommendation to adopt the revised version of the Planning Enforcement Policy 2023 and the associated Harm Risk Assessment Prioritisation Scheme.

At the meeting, an oral presentation was made by the Council’s Director (Planning) (GG) in respect of the Policy.

<b>Matters raised by Members of the Committee:-</b>	<b>Officer’s response thereto:-</b>
<i>On page 128, section 4 of the report, should it include ‘Protected Species’ with a score of 2?</i>	<i>This can be added but I would suggest a criteria of “Harm to Biodiversity”.</i>
<i>Is an unlawful “change of use” included or covered?</i>	<i>It is covered sufficiently within the Planning Enforcement Policy as it covers everything that requires permission. This is covered on page 145 of the Agenda.</i>

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

**RESOLVED** that the

1. the revised version of the Planning Enforcement Policy 2023 and the associated Harm Risk Assessment Prioritisation Scheme be adopted, subject to the inclusion of a criteria of “Harm to Biodiversity” with a score of 2, under Point 4 of the Harm Risk Assessment Prioritisation Scheme.

**41. FUTURE MEETINGS OF THE COMMITTEE - COMMENCEMENT TIME**

Members were informed that, at the request of the Chairman of the Committee, Members were to consider whether to amend the start time of future meetings of the Planning Committee.

An update sheet had been circulated to Members prior to the meeting with advice from the Council’s Monitoring Officer as follows:

*“Advice has been received from the Council’s Monitoring Officer that the Planning Committee does not have the delegated power and that only Full Council can amend the permanent start time of a Committee’s meetings under the Council’s Constitution (Council Procedure Rule 35.1 (Ordinary Meetings of Committees)).*

*The Monitoring Officer has therefore suggested that the Committee instead considers passing the following resolution at its meeting on 28 September:-*

**“That –**

- (a) the meetings of the Planning Committee due to be held on Tuesday 24 October 2023 commencing at 6.00 p.m. and on Tuesday 21 November 2023 commencing at 6.00 p.m. be cancelled;**
- (b) the Chairman of the Planning Committee be requested to exercise their delegated power under Council Procedure Rule 35.2 (Special Meetings) and to call special meetings of the Planning Committee to be held on the following dates:-**

**Tuesday 24 October 2023 commencing at 5.00 p.m.**

***Tuesday 21 November 2023 commencing at 5.00 p.m.***

- (c) ***Full Council be requested to change the permanent commencement time of meetings of the Planning Committee from 6.00 p.m. to 5.00 p.m.””***

It was moved by Councillor Everett, seconded by Councillor Fowler and:-

**RESOLVED** that:

- (a) *the meetings of the Planning Committee due to be held on Tuesday 24 October 2023 commencing at 6.00 p.m. and on Tuesday 21 November 2023 commencing at 6.00 p.m. be cancelled;*

- (b) *the Chairman of the Planning Committee be requested to exercise their delegated power under Council Procedure Rule 35.2 (Special Meetings) and to call special meetings of the Planning Committee to be held on the following dates:-*

*Tuesday 24 October 2023 commencing at 5.00 p.m.*

*Tuesday 21 November 2023 commencing at 5.00 p.m.*

- (c) *Full Council be requested to change the permanent commencement time of meetings of the Planning Committee from 6.00 p.m. to 5.00 p.m.”*

The meeting was declared closed at 10.09 pm

**Chairman**