

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 19TH MAY, 2020 AT 6.00 PM
THE MEETING WAS HELD REMOTELY IN ACCORDANCE WITH THE PROVISIONS
OF STATUTORY INSTRUMENT 2020/392. THE URL FOR THE LIVE STREAM IS
[HTTPS://TINYURL.COM/Y7COY3JU](https://tinyurl.com/y7coy3ju)**

Present:	Councillors White (Chairman), Bray (Vice-Chairman), Alexander, Cawthron, Codling, Fowler (except item 7), Harris, McWilliams and Placey
Also Present:	Councillors Clifton and J Henderson
In Attendance:	Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), Graham Nourse (Acting Assistant Director (Planning)), Keith Simmons (Head of Democratic Services and Elections), Trevor Faulkner (Temporary Planning Team Leader), Matthew Lang (Planning Officer), Debbie Bunce (Legal and Governance Administration Officer) and Emma Haward (Leadership Support Assistant)

1. CHAIRMAN'S OPENING REMARKS

The Chairman (Councillor John White) introduced and welcomed Members, Officers and members of the public to the meeting/livestream. He stated that as items A.1, A.2 and A.3 of the agenda were deferred items, there would be no public speaking on those items. He would however allow public speaking on item A.4.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

3. MINUTES OF THE LAST MEETING

It was proposed by Councillor Alexander, and seconded by Councillor Bray and:-

RESOLVED that the minutes of the meeting of the Committee, held on Tuesday 10 March 2020, be agreed as a correct record and be signed by the Chairman of the Committee.

4. DECLARATIONS OF INTEREST

Councillor Fowler declared a personal interest in Planning Application 19/00917/OUT – Land to the South of Ramsey Road and East of Mayes Lane due to being a resident in Mayes Lane, Ramsey. She stated that she would withdraw from the meeting at the appropriate juncture and take no part in the consideration of this application or the voting thereon.

Councillor Fowler also declared a non-pecuniary interest in Planning Application 20/00136/FUL – 3 Frobisher Road, Dovercourt insofar as she was a Ward Member for Dovercourt All Saints.

Councillor Codling declared a non-pecuniary interest in Planning Applications 19/1605/FUL – Clacton County High School and 19/1606/FUL – Tendring Enterprise Centre, Clacton-on-Sea insofar as he was a Ward Member for Bluehouse.

Councillor John White declared an interest in Planning Application 19/00917/OUT – Land to the South of Ramsey Road and East of Mayes Lane due to being a former member of LEAP, an alms-house charity, which was an interested party in this application.

In response to a question asked by Councillor Alexander, the Assistant Director (Governance) & Monitoring Officer informed Members that they did not need to declare an interest in any application and not take part in proceedings just because they had been 'lobbied' by any interested party so long as they were still able to consider that application with an 'open mind'.

5. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were no questions on notice on this occasion.

6. A.1 PLANNING APPLICATION 19/00283/FUL - LAND EAST OF HALSTEAD ROAD, KIRBY CROSS

Members were aware that this application had been referred to Planning Committee at the request of Councillor Clifton due to his concerns relating to the affordable housing provision, the design and street scene impact, poor layout and density, highway safety and parking. This application site formed part of a larger piece of land stretching from Halstead Road to Buxton Avenue on the northern side of Kirby Cross.

Members recalled that this application had been deferred at the January 2020 meeting of the Committee in order to allow negotiations to take place with the applicant with a view to securing amendments to the scheme with respect to plots 1-4 inclusive. Members had requested that those plots be pushed southwards and plots 1 and 2 reduced to bungalows. Members had also requested that a landscaping scheme be provided to the northern boundary of the site.

It was reported that to this end the applicant had submitted revised plans indicating that Plots 1 & 2 had been amended to 1 bed bungalows and plots 3 and four had been moved further southwards within the site. A 2.5m high screen fence had now been introduced along part of the northern boundary of the site and additional landscaping had been provided along the northern boundary in the form of hedging and trees. Furthermore, indicative plans demonstrated an affordable housing mix revised to 2 x 1 bed bungalows, 1 x 2 bed houses & 1 x 3 bed houses.

In addition, a revised Drainage Strategy and updated vehicle tracking drawings had also been submitted in order to coordinate with the revised layout however there had been no material change to the technical details.

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 Temporary Planning Team Leader in respect of the application.

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

a) Within 6 (six) months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):

- Financial Contribution towards RAMS
- Financial contribution towards Open Space
- Affordable housing contribution 4 dwellings

b) the following conditions:

Conditions and Reasons:

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2) The development hereby permitted shall be carried out in accordance with the following approved Drawing Nos:

Drawing Lin22259-11c Amended landscaping proposals
Amended appendix 2 - proposed drainage strategy
Drawing P106 e Amended refuse strategy layout
Drawing P122 A12 bungalow semi floor plans
Drawing C102 d Amended coloured street scenes
Amended design and access statement
Drawing P101 l Amended site layout
Drawing P102 e Amended whole site layout
Drawing P103 e Amended buildings materials layout
Drawing P104 e Amended boundary materials layout
Drawing P107 e Amended garden size layout
Drawing P114 c Amended hardwick-mountford elevations
Drawing P121 e Amended illustrative street scenes
Drawing P124 A12 bungalow semi elevations
Drawing Lhe132-sk2 c Amended fire and refuse tracking
Drawing P105 e Amended surface materials layout
Report Lin22259mand Amended soft landscape management and maintenance plan
Drawing P123 A12 bungalow semi elevations
Drawing C101 d Amended coloured site layout

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

3) All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and

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

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

4) Prior to the first occupation of any of the proposed development hereby permitted the internal road and footway layout as shown on the approved plans shall be provided.

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

5) Prior to the commencement of above ground development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

6) The development shall not be occupied until such time as the car parking and turning areas as shown on the approved plans have been provided. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

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

7) No development shall take place until precise details of the provision, siting, design and materials of screen walls and fences have been submitted to and approved in writing by the Local Planning Authority. The approved screen walls and fences shall be erected prior to the dwellings to which they relate being first occupied and thereafter be retained in the approved form.

Reason - To protect the amenities and privacy of occupiers of the adjoining property.

8) No development shall commence until details of a surface water drainage works shall have been submitted to and approved in writing by the local planning authority. The details shall accord with the principles contained in the Updated Flood Risk and Drainage Strategy (October 2015) and the Amended Drainage Strategy Report (September 2019).

The submitted details shall: a. measures to minimise the risk of flooding during the construction works; b. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; c. include a timetable for its implementation; and, d. provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other

arrangements to secure the operation of the scheme throughout its lifetime. No building shall be occupied until the works have been implemented in accordance with the approved details.

Reason - To ensure satisfactory provision of foul and surface water drainage in order to prevent the development from causing increased flood risk off site over the lifetime of the development.

9) No development shall take place before an Environmental Construction Management Plan for the construction of the development hereby approved has been submitted to, and approved in writing, by the Local Planning Authority. Works shall be carried out in accordance with the approved method statement. Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel cleaning facilities during the excavation, site preparation and construction stages of the development to prevent the deposition of mud or other debris onto the highway network/public areas. The method statement shall also include details of safe access to/from the site, the parking and turning of vehicles of site operatives and visitors, loading and unloading of plant and materials, delivery and construction working hours, dust suppression strategy, routing of delivery vehicles, measures to control noise and lighting, the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials, means of safeguarding the public right of way during construction, the erection and maintenance of security hoarding, a scheme for recycling/disposing of waste resulting from construction, and temporary traffic management/signage.

Reason - To ensure that development is carried out in a controlled manner in the interests of highway safety, while minimising impacts on the surrounding residential properties and the natural environment.

10) Prior to the commencement of any piling works which may be necessary, a full method statement - to include a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents – shall be submitted to and agreed in writing by the Local Planning Authority. Piling Works shall be carried out in accordance with the approved method statement.

Reason - To ensure that development is carried out in a controlled manner in the interests of highway safety, while minimising impacts on the surrounding residential properties and the natural environment.

7. **A.2 PLANNING APPLICATION 19/00917/OUT - LAND TO THE SOUTH OF RAMSEY ROAD AND EAST OF MAYES LANE, RAMSEY**

Councillor Fowler had earlier in the meeting declared a personal interest in relation to this application insofar as she was a resident of Mayes Lane, Ramsey. She thereupon withdrew from the meeting and took no part in the consideration of this application or the voting thereon.

Councillor White had earlier in the meeting declared an interest in relation to this application insofar as he was a former member of LEAP, an alms-house charity, which was an interested party in this application.

Members were aware that this application had been referred to the Planning Committee as the development site was situated outside of any settlement development boundary

(SDB), but it was adjacent to the SDB of Dovercourt. The development therefore represented a departure from the saved or emerging local plans.

Members recalled that this application had previously been deferred at their request in order to enable an organised Member site visit to take place or if that was not possible for the applicant to supply instead adequate video/photographic evidence of the site and surroundings. Additionally, further information in respect of the method of securing the affordable housing element and details of the alms houses had been requested by Members.

To this end a video showing a walkover of the site, the points of access and all internal boundaries had been provided for Members and the public to view via the Planning Portal on the Council's website. Furthermore, indicative plans of the proposed alms houses had been provided by the applicant.

It was reported that information had also been provided by the applicant confirming that the required legal agreement would provide the certainty with construction and conveyance of the 12 affordable housing units (10 alms houses and 2 dwellings). These would be provided prior to occupation of the 16th dwelling on the remainder of the site. No shared ownership was being proposed and the legal agreement would secure transfer to a Registered Social Landlord subject to a restriction on age of occupancy on the alms house element.

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 (ML) in respect of the application, which included highlighting a suggested amendment to proposed planning condition no.25 in that electric car charging points would be required to be installed on all properties that would be built as a result of this planning application being approved.

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

a) Within 6 (six) months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):

- Financial Contribution towards RAMS
- 30% Affordable Housing Provision (12 units including 10 almshouses and 2 dwellings to be provided prior to the 16th occupation of the market housing)
- NHS contribution

b) the following planning conditions:

Conditions and Reasons:

1) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

2) No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the appearance, landscaping and layout 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.

Reason - The application as submitted does not provide sufficient particulars for consideration of these details.

3) The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

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

4) The access road off Ramsey Road at its centre line shall provide clear to ground visibility splays with dimensions of 2.4 metres by 150 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times.

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

5) For the proposed access road off Mayes Lane, there should be no obstruction above ground level within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the road junction/access is first used by vehicular traffic and retained free of any obstruction at all times.

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

6) Vehicular parking and turning facilities in accordance with current policy standards shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason - To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

7) No unbound material shall be used in the surface treatment of the vehicular accesses.

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

8) The vehicular access road off Ramsey Road shall be constructed at right angles to the highway boundary and to the existing carriageway and at reserved matters stage the following details shall be submitted to and approved in writing by the Local Planning Authority:

- Plans showing carriageways measuring no less than 5.5m in width.
- Plans showing 2x2m Footways on both sides of the access road.
- Plan showing appropriate pedestrian crossing facilities where the new road joins the existing highway.
- Plans showing kerb radii measuring 6m.
- Plans demonstrating the upgrade of the two existing bus stops located in the vicinity of the site access on either side of Ramsey Road and the relocation of the southern bus stop to include: open/cantilever shelter, raised kerbs, flag and timetable frame. The precise location to be agreed with the Highway Authority.
- Plans showing a new footway measuring no less than 2m in width either side of the junction with tactile paving either side off Ramsey Road extending to the relocated bus stop on the south side.
- Plans demonstrating that the vehicular access from Ramsey Road shall be for the sole use of vehicular traffic serving the 31 dwellings only and not for the proposed 10 almshouse type bungalows served by the new access off Mayes Lane.
- Plans showing areas within the site identified for the purpose of loading/unloading/reception and storage of building materials and manoeuvring clear of the highway and retained at all times for that sole purpose as approved in writing by the Local Planning Authority.

Reason - To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

9) The vehicular access road off Mayes Lane shall be constructed at right angles to the highway boundary and to the existing carriageway and at reserved matters stage the following details shall be submitted to and approved in writing by the Local Planning Authority:

- Plans showing a combined pedestrian and vehicular surface of 6m.
- Plans showing a straight section of carriageway to be provided from the entrance junction for 10 metres.
- Plans showing priority for pedestrians and cyclists across junction.
- Plans demonstrating that the vehicular access shall be for the sole use of vehicular traffic serving the 10 almshouse type bungalows only and not for the proposed 31 dwellings served by the new access off Ramsey Road.
- Plans showing the combined pedestrian/cycle links to be provided between the two developments.

Reason - To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

10) Prior to first occupation of the development the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, (to include six one day travel vouchers for use with the relevant local public transport operator free of charge).

Reason – To promote the use of sustainable transport modes.

11) Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

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

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

Reason - To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety.

13) No development shall commence, including any groundworks, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Construction Method Statement shall provide for:

- safe access to/from the site;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during demolition and construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- details of hours of deliveries relating to the demolition and construction of the development;
- details of hours of site clearance or construction;
- a scheme to control noise and vibration during the demolition and construction phase, including details of any piling operations.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason - In the interests of residential amenity.

14). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), the dwellings at plots 2, 5 and 6 and the almshouses shall not exceed one storey in height and shall not contain any habitable rooms or windows above ground floor level. The dwellings on all other plots shall not exceed two-storeys in height and shall not contain any habitable rooms or windows above first floor level. The roofs shall not be extended, converted or otherwise altered to provide any habitable space.

Reason - To ensure that the development preserves the character of the area and does not adversely impact on neighbour amenities. In order to ensure that a suitable scale of

density is provided with consideration to a contextual analysis of the surrounding area, as well as to protect amenity of adjacent residents.

15) The garage accommodation forming part of the development shall be retained for parking motor vehicles at all times and shall not be adapted to be used for any other purpose, including other uses ancillary to the residential use, unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason - To retain adequate on-site parking provision in the interest of highway safety.

16) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape/open space areas, other than small, privately owned, domestic gardens, shall be submitted to and approved, in writing, by the local planning authority prior to the first occupation of the development. The landscape management plan shall be carried out as approved in accordance with the details and timescales in the plan.

Reason - To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

17) No works shall take place until all trees, shrubs and other natural features not scheduled for removal on the approved plans have been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority (see BS 5837). All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

Reason - To safeguard existing trees, shrubs and other natural features within and adjoining the site in the interest of amenity.

18) The occupation of the ten almshouses hereby approved shall be limited to persons over the age of 65 years only.

Reason – To secure the almshouses as accommodation for the elderly and to ensure compatibility with the layout proposed.

19) All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (Liz Lord Ecology, December 2018) particularly Appendix 3, and Bat Survey Report (Liz Lord Ecology, September 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason - To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

20) A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within Section 6 of the Ecological Appraisal (Liz Lord Ecology, December 2018), shall be submitted to and approved in writing by the local planning authority.

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

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

21) A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

22) No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that's storage features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 100 year event plus climate change.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy. The scheme shall subsequently be implemented prior to occupation.

Reason -

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- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
 - To ensure the effective operation of SuDS features over the lifetime of the development.
 - To provide mitigation of any environmental harm which may be caused to the local water environment
 - Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

23) The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason - To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

24) No development shall take place on the site until a Written Scheme of Archaeological Investigation shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a. The programme, including phasing, and methodology of site investigation and recording;
- b. The programme for post investigation assessment;
- c. The provision to be made for analysis of the site investigation and recording;
- d. The provision to be made for publication and dissemination of the analysis and records of the site investigation;
- e. The provision to be made for archive deposition of the analysis and records of site investigation; and
- f. The nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason - To allow proper investigation and recording of the archaeological and historic significance of the site.

25) Each dwelling with on-plot garage parking shall be provided with a vehicle charging point. The charging point shall be provided prior to occupation of each such dwelling.

Reason - To enhance the sustainability of the proposed development.

26) No works shall take place until a scheme for the phasing of construction work has been submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved phasing scheme.

Reason - To limit the local impact of construction work in the interests of the amenities of the surrounding area.

27) The development hereby permitted, in respect of access and scale parameters only, shall be carried out in accordance with the following approved plans: 3276:002 Rev A and the submitted Visibility Splay Plan.

Reason – For the avoidance of doubt.

c) that any subsequent 'Reserved Matters' application for this site be referred back to the Planning Committee for its determination.

8. **A.3 PLANNING APPLICATION 20/00136/FUL - 3 FROBISHER ROAD, DOVERCOURT**

Councillor Fowler had earlier in the meeting declared a non-pecuniary interest in this application insofar as she was a Ward Member for Dovercourt All Saints.

Members were aware that this application had been referred to the Planning Committee at the request of Councillor Jo Henderson due to her perceived concerns about the potential loss of this open, soft landscaped area resulting in a negative impact on the street scene, due to the poor layout and density of the development and the negative impact on neighbouring amenity that would result.

Members recalled that this application had previously been deferred at their request in order to enable an organised Member site visit to take place or if that was not possible for the applicant to supply instead adequate video/photographic evidence of the site and surroundings.

To this end a video showing a walkover of the site, the points of access and all internal boundaries had been provided for Members and the public to view via the Planning Portal on the Council's website.

The Committee was reminded that the proposed development required a financial contribution toward play space and recreational disturbance. Members were informed that a completed Unilateral Undertaking had now been received securing the required financial contributions.

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 Temporary Planning Team Leader in respect of the application.

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

(1) How the shared private driveway is to be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority (including dated photographs of the condition of the road prior to the commencement of development).

Following discussion by the Committee, it was moved by Councillor Cawthron, seconded by Councillor Bray and unanimously **RESOLVED** that, and contrary to the Officer's recommendation for approval, Acting Assistant Director (Planning) (or equivalent authorised officer) be authorised to refuse planning permission for the development, for the following reasons:-

- 1) Paragraph 8 of the National Planning Policy Framework 2019 (NPPF) sets out the overarching objectives for achieving sustainable development, one being the environmental objective which requires the planning system to contribute to protecting and enhancing our natural, built and historic environment. Paragraph 127 of the NPPF states that planning decisions should ensure that developments add to the overall quality of the area and are sympathetic to local character and history, including the surrounding built environment. Policy QL9 and QL11 of the Tendring District Local Plan (2007) seek to ensure that all new development makes a positive contribution to the quality of the local environment and is of a suitable scale and nature appropriate to the locality. These sentiments are carried forward within Policy SPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed development would be sited on an existing landscaped area, originally set aside as open space, to the frontage of dwellings in Frobisher Road. The site and adjacent landscaped area currently contribute positively to the spaciousness of this cul-de-sac and to the quality and character of the development overall. The introduction of a dwelling on the site will appear cramped due to the close proximity to neighbouring dwellings, close proximity to Low Road and the shallow front and rear garden. Overall, the proposal is considered to represent overdevelopment, eroding the pleasant and spacious character of the cul-de-sac. The development is inappropriate in this locality and fails to make a positive contribution to the quality of the local environment contrary to the aims of the above-mentioned national and local plan policies.

- 2) Paragraph 127 of the National Planning Policy Framework 2019 states that planning should always seek to secure a high standard of amenity for existing and future users. Policy QL11 of the adopted Tendring District Local Plan (2007) states that development will only be permitted if it will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. Emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 supports these objectives.

In this instance the proposed dwelling would result in a materially harmful impact on the outlook from the windows of number 3 Frobisher Road directly opposite due to the close siting of the dwelling retaining only 9.2 metres between frontages. The close siting will appear dominant and oppressive and together with the loss of open space diminishes the outlook for both existing and future occupants contrary to the aims of the above-mentioned national and local plan policies.

9. **A.4 PLANNING APPLICATIONS - 19/01605/FUL - CLACTON COUNTY HIGH SCHOOL AND 19/01606/FUL TENDRING EDUCATION CENTRE, CLACTON-ON-SEA**

Councillor Codling had earlier in the meeting declared a non-pecuniary interest in application 19/01606 insofar as he was a Ward Member for Bluehouse.

The Committee was informed that these two planning applications were linked and were necessary in order to secure a school site of adequate size to allow for the expansion of Clacton High School Academy. Essex County Council required confirmation that a school site of adequate size could be created by increasing the size of the campus. The

applications were before the Planning Committee due to Tendring District Council's interest in the two parcels of land in question.

It was reported that the proposals included the following:

- Change of use of land at Clacton Leisure Centre from public open space to school playing fields in order to facilitate the creation of additional school playing fields at Clacton High School Academy, which would enable planned expansion of the school, and address deficiencies in school places (Planning Reference 19/01605/FUL); and as a land swap deal
- Change of use of school playing fields to public open space at Tendring Education College in order to facilitate the creation of replacement new public open space at Rush Green Playing fields, leaving adequate school grounds (19/01606/FUL).

Members were made aware that further mitigation measures included the following:

- A financial contribution by Essex County Council of approximately £910,000 for refurbishments and improvements to Clacton Leisure Centre and the recreation ground, including the refurbishment of the Artificial Grass Pitch and Cricket Nets and improvements to the Clacton Leisure Centre parking area; and
- A Joint User Agreement between Essex County Council and Tendring District Council (TDC) in order to ensure the area of land being disposed of would be available to the public for formal booking outside of school hours and also outlining TDC's commitment to allow the school to continue utilising the all-weather playing pitch at Clacton Leisure Centre.

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 recommendations of approval.

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

Mr Peter Biggs, the agent acting on behalf of the applicant, spoke in support of the applications.

Following discussion by the Committee, it was moved by Councillor Bray, seconded by Councillor Placey and unanimously **RESOLVED** that the Acting Assistant Director (Planning) (or equivalent authorised officer) be authorised to grant planning permission for the developments, subject to:

19/01605/FUL - Clacton County High School Walton Road Clacton-On-Sea Essex CO15 6DZ

The following conditions:

Conditions and Reasons:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2) The development hereby permitted shall be carried out in accordance with the following approved plans; L-1458, L1463, 70-001 P1, PS/CCHS/LP/101 and 4.2 Rev C.

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

3) The tree planting shown on the approved landscaping drawing no's. 70-001 P1 shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

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

4) Following commencement of the development hereby permitted the site shown on the approved Site Plan (Drawing No: L1458) shall be laid out for a senior football pitch with dimensions of 100 x 64 metres for the duration of each football season unless otherwise agreed in writing with the Local Planning Authority after consultation with Sport England.

Reason - To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with Development Plan Policy.

5) Within 3 months of commencement of development a schedule of playing field maintenance for the site shown on the approved Site Plan (Drawing No: L1458) including a programme for implementation shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The approved schedule and implementation programme shall be complied with in full.

Reason - To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with Development Plan Policy.

6) Within 6 months of commencement of development a community use agreement prepared in consultation with Sport England shall be submitted to and approved in writing by the Local Planning Authority and a copy of the completed approved agreement shall be provided to the Local Planning Authority. The agreement shall apply to the football pitch transferred to Clacton County High School as a minimum and include details of hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The football pitch shall not be used at any time other than in strict compliance with the approved agreement.

Reason - To secure well managed safe community access to the football pitch and to accord with Development Plan Policy.

7) Within 12 months of commencement of development (unless otherwise agreed in writing with the Local Planning Authority after consultation with Sport England):

- a) A detailed assessment of ground conditions of the land proposed for the relocated cricket square (as shown on Drawing number 4.2 -12 December 2019) shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
- b) Based on the results of this assessment to be carried out pursuant to (a) above of this condition, a detailed specification to ensure that the new cricket square will be provided to an acceptable quality; and
- c) A programme for the implementation of the detailed specification shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The works shall be carried out in accordance with the approved specification and implementation programme.

Alternatively, subject to it being satisfactorily demonstrated to the Local Planning Authority after consultation with Sport England that there is insufficient demand for the relocated cricket square, within 12 months of commencement of development (unless otherwise agreed in writing with the Local Planning Authority after consultation with Sport England), details of the siting, design and layout of a non-turf cricket pitch on the land proposed for the relocated cricket square (as shown on Drawing number 4.2 -12 December 2019) shall be submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England] together with a programme for the implementation of the non-turf cricket pitch. The non-turf cricket pitch shall not be constructed other than in accordance with the approved details and implementation programme.

Reason - To ensure that the development is fit for purpose and sustainable and that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with Development Plan Policy.

- 8) Within 3 months of commencement of development a schedule of playing field maintenance for the Primary Cricket Square outfield area (as shown on Drawing number 4.2 Rev C -12 December 2019) including a programme for implementation shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The approved schedule and implementation programme shall be complied with in full.

Reason - To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with Development Plan Policy.

- 9) Within 6 months of commencement of development, details of the siting, design and layout of the 3G artificial grass pitch proposed on the Clacton Leisure Centre site including a programme for implementation shall be submitted and approved, in consultation with Sport England, in accordance with the following specification:
 - Design and Layout: The 3G artificial grass pitch design and layout (including the surfacing, line marking, goal storage recesses, fencing and spectator areas) should accord with Football Association guidance contained in the FA's Guide to 3G Football Turf Pitch Design Principles and Layouts;
 - Dimensions: The overall area of the 3G artificial grass pitch shall be 106m x 70m and the football pitch line markings should be agreed with the Football Foundation and Essex County FA;

- FIFA Quality Accreditation: The pitch will need to be designed to meet the FIFA Quality standard <http://quality.fifa.com/en/Football-Turf/Install-Football-Turf/Certification/> and will need to be tested on completion;
- Floodlighting: The proposed floodlighting will need to meet BS 12193 Class 2 and have an average maintained lux reading of at least 200 to accord with recommendations for full size 3G artificial grass pitches. The floodlighting design will need to accord with the FA's Guide to Floodlighting. The 3G artificial grass pitch shall not be constructed other than in accordance with the approved siting, design and layout details and implementation programme.

Reason - To ensure the satisfactory quantity, quality and accessibility of compensatory provision within an acceptable timescale and to accord with Development Plan Policy.

10) Within 6 months of commencement of development, details of the siting, design and layout of the cricket practice net system proposed on the Vista Road Recreation Ground including a programme for implementation shall be submitted and approved, in consultation with Sport England, in accordance with the following specification:

- Design and Layout: The cricket practice net system should accord with England & Wales Cricket Board's Guidance Notes for the Provision and Installation of Non-Turf Cricket Pitches and Net Cage Facilities and with England & Wales Cricket Board's Performance Standards for Non-Turf Cricket Pitches Intended for Outdoor Use;
- Quantity: A minimum of 2 cricket practice pitches shall be provided;
- ECB Approved System: The cricket practice net system will need to be an ECB approved non-turf pitch system (details on the ECB's website <https://www.ecb.co.uk/be-involved/club-support/club-facility-management/surfacetypes>)
- Security Fencing: Details of security fencing to enclose the cricket practice net system will need to be provided. The cricket practice net system shall not be constructed other than in accordance with the approved siting, design and layout details and implementation programme.

Reason - To ensure the satisfactory quantity, quality and accessibility of compensatory provision within an acceptable timescale and to accord with Development Plan Policy.

19/01606/FUL - Tendring Education Centre, Jaywick Lane, Clacton-On-Sea, Essex, CO16 8BE

The following conditions:

Conditions and Reasons:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans;

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

3) The tree planting shown on the approved landscaping drawing no's. 70-001 P1 shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

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

4) Within 3 months of commencement of development, a schedule of playing field maintenance, based on the maintenance works programme set out in section 5.1 of the approved Equivalent Quality Assessment Report (January 2020), for the site shown on Drawing number 3.2 Revision B -12 December 2019, including a programme for implementation shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The approved schedule and implementation programme shall be complied with in full.

Reason - To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with Development Plan Policy.

5) Within 3 months of commencement of development, a line marking plan for the artificial grass pitch on the Tendring Education Centre site together with an implementation programme shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The approved line marking plan and implementation programme shall be complied with in full.

Reason - To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with Development Plan Policy.

6) Within 6 months of commencement of development, the pedestrian access enhancement works shown on Drawing number 3.2 Revision B -12 December 2019, including the improved footpath, new steps and removed earth bund shall be implemented in full.

Reason - To ensure the satisfactory quantity, quality and accessibility of compensatory provision.

The meeting was declared closed at 9.02 p.m.

Chairman