

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,  
HELD ON TUESDAY, 14TH JULY, 2020 AT 6.00 PM**

<b>Present:</b>	Councillors White (Chairman), Bray (Vice-Chairman), Alexander, Cawthron, Casey, Codling, Fowler, Harris and Placey
<b>Also Present:</b>	Councillors Broderick and King
<b>In Attendance:</b>	Graham Nourse (Acting Assistant Director (Planning)), Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), Trevor Faulkner (Temporary Planning Team Leader), Amy Lang (Planning Officer), Debbie Bunce (Legal and Governance Administration Officer) and Emma Haward (Leadership Support Assistant)

**19. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were none.

**20. MINUTES OF THE LAST MEETING**

It was proposed that the reasons for deferral be explained for Planning Applications 19-00188 – Lower Farm East End Green, Brightlingsea CO7 0SX and 20-00202 - Brick Barn Residential Care Home, Kirby-Le-Soken CO13 0DB.

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

RESOLVED that the Minutes of the last meeting of the Committee held on Tuesday 16 June 2020 be approved as a correct record.

**21. DECLARATIONS OF INTEREST**

Councillor Bray declared a personal interest in Planning Application 20-00119-FUL Oakleigh Residential Park, Weeley since he previously stated publically that this site should not be residential. He would withdraw from the meeting at the appropriate time.

Councillor Harris declared a personal interest in Planning Application 19-01706 Land South West of Horsley Cross Roundabout due to being a Parish Councillor for that locality, and also because he was the Ward Member for the neighbouring ward.

Councillor Harris also declared a personal interest in Planning Application 20-00119-FUL Oakleigh Residential Park, Weeley due to his being the Ward Member. Councillor Harris also declared that he called in this item to the Committee on behalf of Weeley Parish Council. Councillor Harris confirmed that he was not pre-determined regarding the matter and that therefore he would be able to participate in the consideration of the application.

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

There were no questions on this occasion.

23. **A.1 PLANNING APPLICATION 19-01706-OUT - LAND SOUTH WEST OF HORSLEY CROSS ROUNDABOUT**

Councillor Harris had earlier in the meeting declared a personal interest in Planning Application 19-01706 Land South West of Horsley Cross Roundabout due to being a Parish Councillor for that locality, and also because he was the Ward Member for the neighbouring ward.

It was reported that the application site was approximately 11.2 ha in size and presently consisted of open agricultural land, with part of the site having been used for weekly car boot sales during March to October. It was in a rural area in the centre of the District and to the immediate south west of the A120/B1035 roundabout at Horsley Cross. Colchester was about 8 miles to the west and Harwich was about 9 miles to the east.

Members were made aware that an 'extant' consent for outline planning permission (13/00745/OUT) on the site had been approved by the Council on 4 August 2014 (with subsequent approval of reserved matters and Certificate of Lawfulness applications to confirm commencement of works) for "Development of site to provide a new industrial park with up to 28,280m<sup>2</sup> of floorspace for B2 and B8 uses, a bus depot and 30m high telecommunications mast. All with associated access, landscaping, parking and highway improvements".

It was considered that the development of the land would result in harm to the character and appearance of the countryside. However, with sensitive design of the buildings and careful use of 'bundling' and soft landscaping the development could result in the creation of iconic structures in a prominent setting. The development layout showed the retention of boundary trees, so that they were not threatened by the development proposal. Their physical protection during the construction phase of any development, that may be granted planning permission, could be secured by conditions.

With respect to ecology, provided the avoidance, mitigation, compensation and enhancement measures described in the submitted Ecology Assessment were implemented, then there would be no residual effects significant at a local level or above and the scheme should result in a net gain in biodiversity. The development proposals were unlikely to have any significant effect on statutory or non-statutory designated sites.

ECC Highways and Highways England had raised no objections to the application subject to appropriate mitigation measures.

ECC Public Transportation Team were satisfied that with rigorous planning conditions to address the provision of a bespoke minibus service, alongside the provision of a workplace travel plan, that the scheme would deliver an appropriate level of sustainable transport measures to address the relatively isolated nature of the site from a public transportation perspective.

The lawful commencement of works on the existing consented scheme - which had kept that 'extant' - and the submission of the current application with a known end-user for the 'Phase 1' component of the site, indicated that there was now a realistic prospect of business activity on the site and it was hoped that this would be the economic catalyst for 'Phase 2' which would bring new businesses into the Tendring area.

It was felt that the proposal would result in no material harm to interests of acknowledged importance and would facilitate substantial economic development within the District. The application had therefore been recommended by Officers for approval.

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

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

An update sheet had been circulated to the Committee prior to the meeting with details of further representations that had been received from Tendring Parish Council together with Officers' comments thereon.

Councillor Giancarlo Guglielmi, a local Ward Member, spoke in support of the application.

David Thompson, the agent on behalf of the applicant, spoke in support of the application.

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

Conditions and Reasons:

1. Application for approval of reserved matters relating to the appearance; landscaping; layout; and scale of the development shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason - The application as submitted does not provide sufficient information for consideration of these details and 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 begun before the expiration of two years from the date of the approval of the last of the reserved matters 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.

3. In conjunction with the submission of the first of the reserved matters, a Strategic Phasing Plan identifying the various elements of the development and the timing of their provision shall be submitted to and approved in writing by the Local Planning Authority. The Strategic Phasing Plan shall include details of the following:

- i) Technical design details and timing of a temporary site access (if applicable) for the construction phases of the development;
- ii) Earthworks and changes in existing ground levels including details of the volumes of any materials that are to be exported from or imported to the site;

- iii) Strategic landscaping/planting belts;
- iv) Surface and foul water drainage strategy incorporating Sustainable Urban Drainage systems and attenuation methods;
- v) The provision of utilities;
- vi) Internal access ways; estate roads; parking and servicing areas; and communal areas;
- vii) Biodiversity enhancements and landscaping works; and
- viii) The order in which the phases are to be developed.

The development shall be carried out in accordance with the details of the Strategic Phasing Plan as approved.

Reason - To ensure that the scheme is brought forward in a timely and comprehensive manner in the interests of proper planning; amenity and the character and appearance of the area and to ensure a satisfactory relationship between the various components of the development and between the site and adjoining land. To ensure that construction is carried out at a suitable level having regard to drainage, access, the appearance of the development, any trees or hedgerows and the amenities of neighbouring properties. To ensure that an adequate and satisfactory means of foul drainage is provided to avoid pollution.

4. In conjunction with the submission of the first of the reserved matters a Design Code shall be submitted to and approved in writing by the Local Planning Authority. The Design Code shall relate to and include details of the following:

- i) Scale;
- ii) Density;
- iii) Massing;
- iv) Height;
- v) Landscape;
- vi) Layout;
- vii) Design and architectural standards;
- viii) Materials and external colours;
- ix) Signage;
- x) Access;
- xi) Land use;
- xii) Parking and servicing areas;
- xiii) Sustainability principles and energy efficiency measures; and
- xiv) Key spaces.

The development shall be carried out in accordance with the details of the Design Code as approved for the lifetime of the development.

Reason - To ensure that the scheme is brought forward in a timely and comprehensive manner in the interests of proper planning; the environment; amenity; the character and appearance of the area and highway safety.

5. No development shall commence in each of the phases identified within the approved Strategic Phasing Plan until reserved matters for that phase relating to the appearance; landscaping; layout; and scale of the development have been submitted to and approved in writing by the Local Planning Authority. The development of each of the

phases identified within the approved Strategic Phasing Plan shall be carried out in accordance with the approved details.

Reason - The application as submitted does not provide sufficient information for consideration of these details; 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; and to ensure that the scheme is brought forward in a timely and comprehensive manner in the interests of proper planning; the environment; amenity; the character and appearance of the area and highway safety.

6. Details of the existing and proposed ground levels of each phase of the development (as approved within the Strategic Phasing Plan referred to in Condition 3) including the finished floor levels; eaves levels; and ridge heights and details of all areas of cut and fill (including details of the importation and exportation of any materials) shall be submitted to the Local Planning Authority. No development within the phase that the details relate to shall begin until those details have been approved in writing by the Local Planning Authority. No building shall be occupied (whether in whole or in part) until all the works to implement the approved details have been fully completed.

Reason - To ensure a satisfactory relationship between the various components of the development and between the site and adjoining land. To ensure that construction is carried out at a suitable level having regard to drainage, access, the appearance of the development, any trees or hedgerows and the amenities of neighbouring properties.

7. Samples and precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in the construction of each phase of the development (as approved within the Strategic Phasing Plan referred to in Condition 3 and the Design Code referred to in Condition 4) shall be submitted to and approved in writing by the Local Planning Authority. No development shall commence within the phase that the details relate to until the details have been approved in writing by the Local Planning Authority. The materials as may be approved shall be those used in the development unless otherwise first approved in writing by the Local Planning Authority.

Reason - To ensure that materials of an acceptable quality appropriate to the area are used across the application site and for the lifetime of the development.

8. No building on the Phase 1 site shall exceed 21.7 metres in height and no building on the Phase 2 site shall exceed 12 metres, as measured from the finished site levels immediately adjacent to the building to which it relates.

Reason - In the interests of proper planning; amenity and the character of the area.

9. No development shall commence within each phase (as approved within the Strategic Phasing Plan referred to in Condition 3) until full written details of the provision; siting; design and materials of screen walls; fences; and security gates within that phase have been submitted to and approved in writing by the Local Planning Authority. The screen walls; fences; and security gates shall be erected in accordance with the approved details before the first occupation of the building(s) to which they relate and shall at all times thereafter be retained in the approved form.

Reason - To ensure that the materials; design; height and location of the boundary treatments are of an acceptable quality appropriate to the area and that they are used across the application site for the lifetime of the development.

10. No street lighting, floodlighting, or other means of illuminating any part of the site outside any of the buildings hereby approved shall be erected or installed until written details of the illumination works have been submitted to and approved in writing by, the Local Planning Authority. The works concerned shall only be carried out in accordance with the approved details.

Reason - In the interests of residential amenity; the character of the area and highway safety.

11. No part of the development shall be occupied until the roundabout on the B1035 to provide access to the proposal site has been completed to accord with the scheme illustrated by drawing no. HRC-ORM-00-ZZ-DR-A-12002 Revision P06 along with any speed management measures required by the Highway Authority details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason - To protect highway efficiency of movement and safety in accordance with Policy DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

12. No development shall take place until the following have been provided or completed:

Construction Traffic Management Plan, which shall be adhered to during the construction phase of development, shall be submitted to and approved in writing by the Local Planning Authority.

The Plan should include details regarding any temporary traffic management/signage and wheel cleaning facilities for the duration of the construction phase to prevent the deposition of mud or other debris onto the highway network/public areas, turning and parking facilities for delivery/construction vehicles within the limits of the application site together with an adequate parking area for those employed in developing the site.

Reason - In the interests of highway safety and efficiency.

13. No occupation of the development shall take place until the following have been provided or completed:

- The highway works as shown in principle on Proposed Highway layout plan drawing no. 3203 02 RA, dated 13 September 2019.
- A 2-metre wide footway on both sides of Clacton Road on the north side of the proposed roundabout including relocation/ replacement of electricity poles/ lighting, road signs, removal of redundant kerbing and replacement with upstand kerb, tactile paving and footway and any associated drainage works.
- 2x2m footway on the north side of the proposed roundabout as shown in principal on drawing no. 3203 02 RA.
- Any other reasonable items to ensure the access is in accordance with current policy standards.

Reason - To make adequate provision within the highway for the additional pedestrian traffic generated within the highway as a result of the proposed development.

14. Prior to occupation of the proposed development the provision of bus stop infrastructure for the two new bus stops as shown in principal on drawing no. 3203 02 RA, to include but not restricted to bus stop cage markings, bus shelter (x2) Kassel Kerbs and bus timetable information.

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

15. The provision of a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority 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.

16. There shall be no discharge of surface water onto the Highway.

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.

17. No occupation of any phase of the development shall take place prior to the submission of a workplace travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall be actively implemented for a minimum period of 5 years. It shall be accompanied by a monitoring fee of £6,000 (plus the relevant sustainable travel indexation) to be paid before occupation to cover the 5-year period.

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

18. From first occupation of Phase 1 of the development the occupier will provide a private transport service for employees using minibus private hire, taxi or other vehicles or services to transport staff to or from the development as follows:

- operating Monday to Friday at main shift changeover patterns and or at times when the maximum number of staff arrive at or leave the development site;
- the staff pick up drop off catchment will include but is not restricted to towns/villages of Brantham, Manningtree, Mistley, and Lawford;
- pick up and drop off points will be flexible depending on the home location of staff using the service;
- the service will be free to staff for the first six months of occupation of Phase 1. Staff may then be charged to use the service but as a subsidised rate, no greater than the comparable local bus fare;
- the service will be operated from first occupation of Phase 1 for a period of up to five years after first occupation of Phase 1 on the subsidised basis;
- Staff will be made aware of the private transport service as part of their relocation pack, which shall include details of travelling by all active and sustainable modes. Further marketing shall be carried out as required to ensure any new starters to the occupant company are also made aware of the service;

- the service will be first monitored six months after occupation, with further monitoring occurring annually on the anniversary of site occupation for a period of five years. This monitoring is to be provided to Essex County Council as local highway authority as part of the Travel Plan monitoring. The monitoring will provide relevant statistical information such as the number of staff using the service, reasons why staff who live in the catchment do not use the service, details of any issues with the provision of the service; and
- the service shall continue on a subsidised basis for a period of five years unless Essex County Council acting reasonably on the basis of the monitoring conclude there is insufficient staff demand for the service, the service will then operate on a commercial basis with no subsidy at the end of the 5-year period.

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

19. From first occupation of Phase 2 of the development the occupier(s) will provide a private transport service for employees using minibus private hire taxi or other vehicles or services to transport staff to or from the development as follows:

- operating Monday to Friday at main shift changeover patterns and or at times when the maximum number of staff arrive at or leave the development site;
- the staff pick up drop off catchment will include but is not restricted to towns/villages of Brantham, Manningtree, Mistley, and Lawford;
- pick up and drop of points will be flexible depending on the home location of staff using the service;
- for the first six months of occupation of each respective building at Phase 2 the service shall be free to staff based in that building. Staff may then be charged to use the service but as a subsidised rate, no greater than the comparable local bus fare;
- the private transport service provision shall be regularly promoted to all employees on the whole site as part of the occupants commitment to active and sustainable travel, via the occupants individual travel plans;
- the service shall continue on a subsidised basis for a period of five years unless Essex County Council acting reasonably on the basis of the monitoring conclude there is insufficient staff demand for the service, the service will then operate on a commercial basis with no subsidy at the end of the 5-year period; and
- the service will be first monitored six months after occupation, with further monitoring occurring annually on the anniversary of site occupation for a period of five years. This monitoring is to be provided to Essex County Council as local highway authority as part of the Travel Plan monitoring. The monitoring will provide relevant statistical information such as the number of staff using the service, reasons why staff who live in the catchment do not use the service, details of any issues with the provision of the service.

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended or the Town and Country Planning (use Classes) Order 1987 as amended (or any Orders revoking and re-enacting those Orders with or without modification) no building hereby approved shall be used as an office (whether in whole or in part) except as ancillary to the principal use of that building hereby approved.



Reason - In order to ensure that the development is sustainable for its lifetime in accordance with Policy MLM6 of the Tendring District Local Plan: Pre Submission Focussed Changes 2014 and because Class B1 office uses are defined as 'town centre uses' by the National Planning Policy Framework (March 2012) and the accompanying National Planning Policy Guidance: Ensuring the Vitality Viability of Town Centres (March 2014).

21. The submission of reserved matters relating to hard and soft landscaping required by Conditions 1, 3, 4 and 5 of this planning permission shall include full written details of strategic landscaping/planting belts. The said details shall also accurately identify the spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS5837: 2012 - Trees in Relation to Design; Demolition and Construction". The said details shall also include other areas of strategic planting belts on the perimeter of and within the site and shall also include details of the planting of new trees and shrubs of species which are indigenous and compatible with the landscape and biodiversity characteristics of the locality.

Reason - To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area and to ensure protection during construction works of trees, shrubs and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired.

22. All changes in ground levels, hard and soft landscaping, planting, seeding or turfing shown on the landscaping details approved pursuant to Conditions 1, 3, 4 and 5 of this planning permission shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other planting season as shall first have been agreed, in writing, by the Local Planning Authority having had regard to the Strategic Phasing Plan.

Reason - To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area and to ensure protection during construction works of trees, shrubs and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired.

23. Unless otherwise formally agreed, in writing, by the Local Planning Authority pursuant to the consideration of the reserved matters, no building on any part of the development hereby permitted shall be constructed (whether in whole or in part) until the carriageway of the said estate access road, which provides access between the buildings and the B1035, has been constructed up to and including at least road base level. Until final surfacing of the estate access road is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageway, footways and footpaths in front of each building shall be completed with final surfacing by no later than 12 months after the first occupation of that building.

Reason - To protect highway efficiency of movement and safety.

24. Prior to implementation of each phase (as approved within the Strategic Phasing Plan referred to in Condition 3) full written details of the areas to be provided for the loading, unloading, turning and parking of vehicles (including adequate cycle and

disabled parking spaces) for that phase shall be submitted to and approved by the Local Planning Authority. No building shall be occupied within that phase until the said areas to which it relates have been constructed in accordance with the details as so approved. The said areas shall be retained and kept available for use as such at all times thereafter.

Reason - To protect highway efficiency of movement and safety.

25. No goods, materials or containers shall be stored, stacked or deposited on the site outside the buildings hereby approved above a height of 3m as measured from the finished site level or outside of those areas of the site the details of which shall have previously been submitted to and approved in writing by the Local Planning Authority. No commercial or manufacturing activities or processes shall be carried on outside the buildings.

Reason - In the interests of residential amenity; the character of the area and highway safety.

26. Full written details of areas for the storage of refuse and/or other waste for each phase of the development (as approved within the Strategic Phasing Plan referred to in Condition 3) shall be submitted to and approved by the Local Planning Authority prior to the implementation of the phase of the development to which the details relate. The said areas and details as so approved shall be provided before the first occupation of each building within each phase and shall thereafter be retained as such at all times.

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

27. Details of a dust management plan for each phase of the development (as approved within the Strategic Phasing Plan referred to in Condition 3) shall be submitted to and approved prior to the implementation of the phase that the details relate to. Such details are to include measures to control the spread of dust and other similar material throughout every construction phase of the development. The dust management plan as so approved shall be fully implemented.

Reason - In the interests of the environment; residential amenity; the character of the area and highway safety.

28. No part of the site shall be used for retail sales (whether in whole or in part) except as directly ancillary to the uses hereby approved.

Reason - In order to ensure that the development is sustainable for its lifetime.

29. No works except demolition 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:

- Limiting discharge rates to 6.6l/s for the entire site as shown in drawing number 0110, revision P04 for all storm events up to and including the 1 in 100 year rate plus 40%

allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.

- 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. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA

Reason -

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- 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.

30. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason - The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

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

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

31. 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.

32. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No buildings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

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

33. No development shall commence on site, until a scheme to minimise the potential impact of the development on wildlife present on site (including details of the timing of their implementation) has been submitted to and approved by the Local Planning Authority. The Scheme shall have regard to the Ecological Assessment prepared by MLM Consulting Engineers Limited (Revision C02 dated 4 October 2019) that form part of the planning application documents and shall include opportunities to enhance the wildlife value of the site. The scheme shall be fully implemented as so approved.

Reason - To ensure that the development incorporates proportionate mitigation measures to address the impact of the development and takes the opportunity to incorporate biodiversity enhancements in accordance with the National Planning Policy Framework and local plan policies.

34. No development or preliminary ground-works can commence until a programme of archaeological evaluation, following aerial rectification of cropmark features, has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority.

Following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/or preservation in situ, shall be submitted to the local planning authority.

No development or preliminary groundwork can commence on those areas of the development site containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by the local planning authority.

Following completion of the archaeological fieldwork, the applicant will submit to the local planning authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the planning authority), which will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason - To ensure adequate opportunity is provided for archaeological investigation and research on the site which is potentially of archaeological and historic significance in accordance with the National Planning Policy Framework and local plan policies.

35. No development shall commence within each phase until full written details of measures to control odours, including extraction systems, within that phase have been

submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason – To control and limit odour in the interests of nearby local amenity and since the application does not include the necessary details for consideration.

**24. A.2 PLANNING APPLICATION 20-00119-FUL - OAKLEIGH RESIDENTIAL PARK, WEELEY**

Councillor Harris had earlier in the meeting declared a personal interest in Planning Application 20-00119-FUL Oakleigh Residential Park, Weeley due to his being the Ward Member. Councillor Harris had also declared that he had called in this item to the Committee following a direct request from on behalf of Weeley Parish Council. Councillor Harris had confirmed that he was not pre-determined regarding the matter and that therefore he would be able to participate in the consideration of the application.

Councillor Bray had earlier in the meeting declared a personal interest in Planning Application 20-00119-FUL Oakleigh Residential Park, Weeley since he previously stated publically that the application this site should not be residential. He withdrew from the meeting at this time.

It was reported that this application sought permission to remove condition 5 of planning permission ref. APP/P1560/W/17/3183981 and condition 5 of planning permission ref. 19/00707/FUL which restricted the use of the approved caravans to holiday use only. It was proposed to create a retirement park which would allow for residential occupations but restricted to those over the age of 50.

Members were reminded that Paragraph 47 of the NPPF required that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicated otherwise. The site lay outside of the Settlement Development Boundary of both Weeley and Weeley Heath in the Saved and Draft Local Plans and was not allocated for development.

Officers felt that in terms of applying the tilted balance to the planning merits of the case, given that the Council could not currently demonstrate a 5 year housing land supply, there was a need to weigh up the following planning considerations put forward in support of the application; namely:

- Although the permitted caravans could only be occupied for holiday use at present, the caravan units were the same whether they were made available for holiday or residential occupation. Each of the extant permissions allowed for the caravans to remain in place all year round, and this proposal was not for any additional caravans or built development in addition to that which had already been permitted. In physical form, operational and land use terms (this was no longer a green field site), therefore, the development would not introduce any use of land or development that had not already been found to be acceptable, and the land would essentially remain in use as a park home site. The only change would be the form of occupation;
- The proposed development was considered to address the three pillars of 'sustainable development', namely economic, social and environmental sustainability. The proposed use would help contribute to the local economy; in environmental terms, the application did not propose any additional development and would retain the existing

screening; and would be relatively socially sustainable, given that it had been accepted through previous approvals on this site that although it was outside the settlement boundary, there was suitable vehicular and public transport access to the site including local bus stops, and the adjacent railway station. In addition the site was within walking distance of a range of services and facilities;

- There were parallels in this case with a recent appeal decision (Appeal Ref. APP/P1560/W/17/3183981), issued on 22 November 2019, allowing the residential occupation of previously permitted holiday caravans at Sacketts Grove Caravan Park, Jaywick Lane, Clacton-on-Sea. In allowing the appeal the Inspector had stated:

“The delivery of 104 homes would be a benefit of the appeal scheme given the framework’s aim to make a more efficient use of land and significantly boost the supply of housing, which the Council are currently not doing due to the housing supply deficit. The supply of housing under the appeal proposal would be significant, and even were I to accept the level of housing need is as stated by the Council, the delivery of 104 homes affords significant weight in favour of the proposal”.

The Inspector had concluded that “...the proposal would not create adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the application of Paragraph 11 indicates that permission should be granted”.

- The applicant’s aspiration was to deliver a ‘retirement village’ and as such they proposed that, if approved, the park homes would be restricted to people aged 50 or over without children living at home. A Section 106 agreement was being drafted which would include provisions to address the age restrictive nature of the accommodation. Whilst not in itself a reason to justify the approval of this application, the provision of age-restricted park homes was something that complemented the Council’s emerging ‘Housing Strategy’ to cover the period 2020-2025. The draft strategy pinpointed the Council’s approach to delivering the housing necessary for the needs of the area, which included meeting the particular needs for older people around Clacton. The Strategy confirmed that the District had “...the highest proportion of over 65’s in the UK and the prediction was for this age group to continue increasing. Addressing the housing and other needs of the elderly would be paramount over the coming years”.

On balance, given the District’s current housing supply position; the relative sustainability of the site against the three pillars of ‘sustainable development’; the recent appeal decision at Sacketts Grove Clacton for a similar change of use from holiday use to permanent residential occupation; and the Council’s emerging support for meeting the needs of the elderly, it was considered by Officers that this application could be supported.

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 (TF) in respect of the application.

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

8 further letters of support that had been received.

(1) The fact that since the finalisation of the officer report, the referred to Section 106 Agreement had been completed and the Officers' recommendation no longer needed to refer to it still requiring completion.

Ian Roberts, a local resident, spoke in support of the application.

Carol Bannister, a local resident, spoke against the application.

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

Martin Taylor, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Fowler, seconded by Councillor Casey be authorised to grant permission for the development.

Following further discussion by the Committee, it was then moved by Councillor Cawthron, seconded by Councillor Alexander and RESOLVED that the Acting Assistant Director (Planning) (or equivalent authorised officer) be authorised to refuse planning permission for the development, for the following reasons:-

- (1) Outside Settlement/ Unsustainable Development/ Cumulative Impact
- (2) Loss of tourist related facility
- (3) Inadequate financial contributions
- (4) Inappropriate form of development in terms of space standards/parking
- (5) Inadequate information re. sewer infrastructure

**25. A.3 PLANNING APPLICATION 20-00338-FUL - LAND TO THE WEST OF 45 HARWICH ROAD, LAWFORD CO11 2LS**

It was reported that this application followed a previous application that had been refused by Members at their meeting held on February 2020 under planning application reference 16/01667/FUL. The application now before the Committee sought full planning permission for the erection of 2 no. three bedroom, semi-detached dwellings 1.5 storey in scale. The previously refused application had sought permission for 2 no. detached dwellings.

Members were aware that this application was before the Committee again at the request of Councillors Carlo Guglielmi, Val Guglielmi and Coley on the grounds that the revised development was not in keeping with its surrounds; was considered an overdevelopment of the site; would result in a negative impact on neighbours; and the previous refusal on site was a material consideration that must be followed when determining the application.

The Committee was informed that the application related to the land to the west of number 45 Harwich Road, Lawford. The site extended approximately 0.12 hectares in size and comprised an open grassed area of land between numbers 45 and 44 on the southern side of Harwich Road. On the boundary with the highway there was an established coniferous hedge. To the rear of the site were a range of glasshouses and

commercial buildings accessed between the application site and number 45 Harwich Road. Those buildings were mainly redundant or used as storage.

The site was located outside of the settlement development boundary as defined within both the adopted Tendring District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 being almost equidistant from the Ardleigh and Lawford settlements.

Of particular relevance in this instance was the appeal decision for number 43 Harwich Road located approximately 20 metres to the west of the application site (appeal reference APP/P1560/W/18/3218683 allowed on 3rd May 2019). Application 18/00649/FUL for the erection of 1 no. 1.5 storey dwelling had been refused due to the location of the site being outside the defined development boundary and future occupants having to rely on their car to go about their everyday lives. However, the Inspector had concluded that the location of bus stops in close proximity to the site and the frequency of the bus service meant that sustainable travel other than by private car would be reasonably practicable in this location.

It was felt that the spacing around the dwellings, parking and garden provision in accordance with policy and standards demonstrated that the site would not be overdeveloped. The scale, height, design and appearance of the dwellings would not result in any material harm to the character and appearance of the area.

Members were advised that a legal agreement was required for this application in order to secure a financial contribution towards the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). A completed legal agreement to secure the required contribution had been received on 1st July 2020.

Officers considered that the principle of residential development in this location had been established by the recent appeal decision. The application provided a development that was acceptable in terms of design, access, residential amenity and visual impact and was therefore recommended for approval subject to the necessary conditions and legal agreement requirements.

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 (AL) in respect of the application.

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

(1) Additional information in relation to other nearby delegated approvals for new dwellings that had been added to the presentation slides as follows;

- 19/01911/OUT One detached dwelling – Land Adj. 48 Harwich Road
- 19/01909/OUT One detached dwelling – Land Adj. 44 Harwich Road
- 20/00053/OUT One detached dwelling – Land Adj. 58 Harwich Road



(2) Application 19/01496/OUT for one detached dwelling at Land Adj. 56 Harwich Road was already included as part of the presentation.

(3) A slide showing the previously refused layout under application reference 19/01667/FUL had also been added to the presentation.

Bill Marshall, a local resident, spoke in support of the application.

Councillor Valerie Guglielmi, a local Ward Member, spoke against the application.

Philip Morphy, the agent on behalf of the applicant, spoke in support of the application.

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

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: PMA/516 AB100b, PMA/516 AB101, PMA/516 AB102f, PMA/516 AB103c and PMA/516 AB104c.

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

3. Prior to the commencement of any above ground works, precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction of the development have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

Reason - The development is publicly visible and therefore sympathetic materials are a visually essential requirement and insufficient information has been provided within the application.

4. Prior to the commencement of any above ground works, a scheme of hard and soft landscaping works for the site shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction".

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

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

Reason - To ensure the adequate retention and maintenance of the approved landscaping scheme for a period of five years in the interests of visual amenity, the quality of the development and the character of the area.

6. No above ground level works 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 occupation of the development and thereafter be retained in the approved form unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the development is appropriate within its setting as insufficient details have been provided with the application.

7. Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of fences, walls or other means of enclosures shall be erected forward of the front elevation of the dwellings hereby approved.

Reason - In the interests of visual amenity.

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

Reason - To ensure that sufficient private amenity space for the dwelling is retained in the interests of residential amenities.

9. 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.

10. No unbound materials shall be used in the surface treatment of the existing or new vehicular accesses throughout.

Reason - To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

11. Prior to the first occupation of the proposed dwellings, the existing vehicular access to the private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of the Highway Boundary.

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

12. Prior to the occupation of the proposed development the private drive, vehicular turning facility and access shall be provided in principal and accord with Drawing Number AB102f.

Reason - To ensure sufficient off-street parking provision is provided in the interests of highway safety.

13. Prior to the commencement of development, a Construction Method Statement shall be 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;
- 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 and highway safety and to reduce the likelihood of complaints of statutory nuisance.

14. Prior to the occupation of the development, full elevation details of the proposed cycle stores 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 prior to occupation and retained in the approved form unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity as insufficient details have been provided with the application.

**26. A.4 PLANNING APPLICATION 20-00387-FUL - 64A LADYSMITH ROAD, BRIGHTLINGSEA CO7 0JD**

Members were informed that this application had been referred to the Planning Committee as the applicant was an employee of Tendring District Council, in the position of Planning Team Leader.

It was reported that the proposed first floor extension would be located at the front of the property and would be visible from the street scene. However, its modest size was considered to be of a scale and nature appropriate to the site and the surrounding area. The use of matching materials would blend the development with the host dwelling.

Given the modest depth of the extension it was not considered to result in any material loss of light or outlook to the neighbouring properties.

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 (AL) in respect of the application.

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

(1) Correction to Agenda:

Paragraph 6.3 of the officer report described the dimensions of the proposed extension as 2.8 metres in width and 3.4 metres in depth with an overall height of 6 metres. The proposed extension was in fact 2.8 metres in width and approximately 1 metre in depth with an overall height of 6 metres.

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 development, subject to:

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: Drawing No.1.

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

The meeting was declared closed at 9.59 pm

**Chairman**