

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,  
HELD ON TUESDAY, 15TH DECEMBER, 2020 AT 6.00 PM**

<b>Present:</b>	Councillors White (Chairman), Bray (Vice-Chairman), Alexander, Cawthron, Casey, Fowler, V Guglielmi, Harris and Placey
<b>Also Present:</b>	G Guglielmi and P Honeywood
<b>In Attendance:</b>	Ian Davidson (Chief Executive), Paul Price (Deputy Chief Executive & Corporate Director (Place and Economy)), Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), Graham Nourse (Assistant Director (Planning)), Trevor Faulkner (Planning Manager), Susanne Chapman-Ennos (Planning Team Leader), Alison Cox (Planning Officer), Amy Lang (Planning Officer), Keith Durran (Democratic Services Officer), Debbie Bunce (Legal and Governance Administration Officer) and Emma Haward (Leadership Support Assistant)

**78. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were none.

**79. MINUTES OF THE LAST MEETING**

It was moved by Councillor Bray and seconded by Councillor Harris and **RESOLVED** that the minutes of the last meeting of the Committee held on Tuesday 17 November 2020 be approved as a correct record.

**80. DECLARATIONS OF INTEREST**

Councillor Bray declared a personal interest in **Planning Application 19/01598/FUL – CROSSWAYS GARDEN CENTRE THORPE ROAD LITTLE CLACTON CLACTON ON SEA CO16 9RZ** due to being the Ward Member. He was not pre-determined.

Councillor V Guglielmi declared a personal interest in **Planning Application 20/00273/FUL – RIVERSIDE HOUSE RIVERSIDE AVENUE WEST LAWFORD MANNINGTREE CO11 1UN** due to being the Ward Member. She was pre-determined and therefore, did not vote on this application.

Councillor G Guglielmi declared a personal interest in **Planning Application 20/00273/FUL – RIVERSIDE HOUSE RIVERSIDE AVENUE WEST LAWFORD MANNINGTREE CO11 1UN** due to being the Ward Member.

Councillor Bray declared a personal interest in **Planning Application 20/01285/FUL – SPENDELLS HOUSE NAZE PARK ROAD WALTON ON THE NAZE CO14 8JJ** due to being a member of Frinton and Walton Town Council. He was not pre-determined.

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

There were none on this occasion.

**82. A.1 PLANNING APPLICATION - 19/01598/FUL - CROSSWAYS GARDEN CENTRE THORPE ROAD LITTLE CLACTON CLACTON ON SEA CO16 9RZ**

Councillor Bray declared a personal interest in **Planning Application 19/01598/FUL – CROSSWAYS GARDEN CENTRE THORPE ROAD LITTLE CLACTON CLACTON ON SEA CO16 9RZ** due to being the Ward Member. He was not pre-determined.

It was reported that this application had been referred to the Planning Committee as it represented a departure from the adopted Tendring District Local Plan, as the site lay outside of the Settlement Development Boundary and due to viability issues the required contributions had not been fully provided.

The Committee was informed that this application sought full planning permission for the erection of 21 no. dwellings on a site which was a former garden centre. The site, whilst outside the Settlement Development Boundary in the Saved Plan, had been included within the Settlement Development Boundary in the Draft Plan and was therefore considered to be a sustainable location for residential development, which outweighed the potential for loss of employment land.

The design, density, scale and layout of development was considered by Officers to be acceptable and the impact on neighbouring resident’s amenities was not considered sufficient to warrant a reason for refusal.

The proposal did not provide the full financial contributions or affordable housing, however, this had been supported by a Financial Viability Assessment which had been independently assessed. It was therefore considered that the payments proposed were reasonable given the nature of the site.

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

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

Robert Pomery, the agent acting on behalf of the applicant, spoke in support of the application.

During the Committee’s debate on this application, Members discussed and asked questions on the following matters:-

<b>Matters raised by a Committee Member:-</b>	<b>Officer’s response thereto:-</b>
Reference made to Essex County Council’s Ecology Report.	Reference was made to condition 17 whereby; no development could take place without the necessary assessment.
Concerns were raised regarding pedestrian access.	It was proposed that a condition be made for a pedestrian access as agreed by the applicant.
‘Little Clacton and Weeley’ ward had been noted incorrectly in the Officer report. It	It was confirmed that all figures were calculated according to the current ward

was asked if all figures were correct according to the current ward boundaries for 'Little Clacton'.	boundaries for 'Little Clacton' ward.
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Following discussion by the Committee, it was moved by Councillor Alexander, seconded by Councillor Harris and **RESOLVED**

that the 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 (£2,637.18)
- Primary Education Contribution (£91,456.50)
- Primary School Transportation (£90,744.57)
- Financial Contribution towards future speed reduction measures for Thorpe Road (£10,925)
- Affordable Housing Off-Site Financial Contribution (£120,000)
- Open Space financial contribution (£53,504.95)
- Management of amenity areas and open space by Management Company
- Review mechanism in relation to viability

(b) the following 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:

0493\_A\_DD\_001  
0493\_A\_DD\_010/D  
0493\_A\_DD\_011\_A  
0493\_A\_DD\_012\_A  
0493\_A\_DD\_013\_A  
0493\_A\_DD\_014\_A  
0493\_A\_DD\_015\_B  
0493\_A\_DD\_016\_B  
0493\_A\_DD\_017\_B  
0493\_A\_DD\_018\_B  
0493\_A\_DD\_019\_A  
0493\_A\_DD\_020\_A  
0493\_A\_DD\_021\_B  
0493\_A\_DD\_022\_A  
0493\_A\_DD\_023\_C

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

3. No development shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

Reason - To ensure that materials of an acceptable quality appropriate to the area are used and insufficient information has been submitted in this regard.

4. 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.

5. Prior to commencement of the development the planning application drawings shall be revised and submitted to and approved in writing by the Local Planning Authority to show the following:

- a) A revision to the vehicle access and parking arrangements for Plots 6 to 10.
- b) Kerb radii measuring 6m.
- c) A straight section of carriageway to be provided from the entrance junction for 10 metres.
- d) Special junction detail featuring entrance ramp/table.
- e) 2x2m Footways on both sides of the access road/ bell mouth.
- f) Visibility splays clear of any parking spaces.
- g) 2 x 20 metre visibility splays at all junctions between a private road and adoptable road
- h) 6 metres in front of all parking spaces.
- i) A 0.5 metres no build zone on both sides of the 6-metre road.
- j) No windows, doors or other projections should extend over public areas.

- k) 1.5 x 1.5 metre pedestrian visibility splays at all vehicle accesses and clear of trees.
- l) 13.6 metres centre line bend radius kerbs on the 6-metre road and appropriate forward visibility (25 metres).
- m) The footways tapered to join the shared surface.

The development shall be carried out in accordance with the approved drawings.

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

6. No occupation of the development shall take place until a priority junction off Thorpe Road to provide access to the proposal site has been completed. The junction shall include but not be limited to a 6.0-metre wide carriageway, 2no. 6 metre kerbed radii and a 2.4 x 180 metre visibility splay southbound and 2.4 x 205 metre visibility splay northbound.

Reason - To protect highway efficiency of movement and safety and to ensure the proposal site is accessible.

7. 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. The development shall be carried out in accordance with the approved details.

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

8. Prior to occupation of the development 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.

9. Prior to occupation of the development each vehicular access shall be constructed at right angles to the highway boundary and to the carriageway. The width of the access at its junction with the highway shall not be more than 3.6 metres (equivalent of 4 low kerbs) for an individual access, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

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

10. The proposed boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason -To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

11. No dwelling shall be occupied until such time as the vehicle parking area indicated on the approved plans, for that dwelling, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

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

12. Prior to occupation of the proposed 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 protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

13. No above ground development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which 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 and the character of the area.

14. 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.

15. No above ground 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 and in the interest of visual amenity.

16. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Extended Phase 1, Bat Emergence and Reptile Surveys (Hillier Ecology, November 2019) 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 Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

17. No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the local planning authority.

The Reptile Mitigation Strategy shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason - To allow the Local Planning Authority to discharge its duties under the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

18. Prior to the commencement of development, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

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

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

19. Prior to any above ground works, 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, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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 Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

20. No works except demolition shall takes 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 1.1l/s for all storm events up to an including the 1 in 100 year rate plus 40% allowance for climate change. If foul water is proposed to be treated and discharged to the watercourse then it should be done so within the 1.1l/s discharge rate in order to ensure that flood risk is not increased.
- 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 all storage features can half empty within 24 hours for the 1:100 plus 40% climate change critical storm event.
- 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 Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. It should be noted that downstream defenders do not provide treatment for soluble metals and therefore, alone, are not a suitable form of treatment.
- 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

- 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.

21. Prior to first occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided. The development shall be maintained in accordance with the approved details.

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

22. 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.

23. Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason: To prevent environmental and amenity problems arising from flooding.

24. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a scheme to assess the nature and extent of any contamination on the site, and any necessary remediation measures. The works shall be carried out in accordance with the approved details.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

25. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be erected or carried out except in

accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of the amenities of the occupants of neighbouring property.

26. Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no provision of buildings, enclosures, swimming or other pool shall be erected except in accordance with drawings showing the design and siting of such building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of the amenities of the occupants of neighbouring property.

Including an additional condition as follows:-

27. No development shall commence until details of a pedestrian footpath to the eastern side of the southern boundary have been submitted to and approved in writing by the Local Planning Authority. The footpath shall provide a link to the neighbouring development approved under application 18/01800/DETAIL. The footpath shall be provided in accordance with the approved details, prior to the first occupation of any development hereby permitted and maintained in perpetuity.

Reason – To ensure adequate pedestrian links, in the interest of highway safety.

Informatives:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. The applicant is reminded that this permission is linked to a planning obligation under Section 106 of the Town and Country Planning Act 1990.
3. Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).
4. Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
5. Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

6. It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

7. On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

8. The area(s) directly adjacent to the carriageway(s) in which the trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway. In paved areas, whether the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.

9. Any work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at: [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

10. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

11. With regard to the proposed landscaping scheme, it is advised that this should include new tree planting and that it would be desirable to retain the established hedgerow along the eastern boundary.

**83. A.2 PLANNING APPLICATION - 20/00273/FUL - RIVERSIDE HOUSE RIVERSIDE AVENUE WEST LAWFORD MANNINGTREE CO11 1UN**

Councillor V Guglielmi declared a personal interest in **Planning Application 20/00273/FUL – RIVERSIDE HOUSE RIVERSIDE AVENUE WEST LAWFORD MANNINGTREE CO11 1UN** due to being the Ward Member. She was pre-determined and therefore, did not vote on this application.

Councillor G Guglielmi declared a personal interest in **Planning Application 20/00273/FUL – RIVERSIDE HOUSE RIVERSIDE AVENUE WEST LAWFORD MANNINGTREE CO11 1UN** due to being the Ward Member.

It was reported that this application had been referred to the Planning Committee at the request of Councillor G Guglielmi as he felt that it was an overdevelopment of the site and there was a lack of residential amenities.

The Committee was made aware that the application related to the first and second floors above a commercial food-preparation outlet which sold fish and chips at the front of the building.

Members were informed that the site was centrally located within the Lawford 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. The principle of residential development in this location was therefore acceptable subject to detailed design and impact considerations. It was also recognised that the site unusually lay on a trading estate which was in this case a 'Principal Business and Industrial Area' within the adopted Local Plan 2007 where employment development was directed and sought to be retained. In this case, it was noted that the existing ground floor business (commercial food-preparation and Fish & Chip Shop), allowed on appeal in 2007, was to be retained and as such an employment generating use would not be lost from this site. Whilst it was unusual to find residential accommodation in such a location, it was material to note that the use of the first floor for residential use had already been established through the 2016 'Prior Approval' application to change the use from B1 (Business) to Residential flat. Furthermore, the site was considered highly sustainable as it was within walking distance of local shops and services and public transport (including Manningtree Railway Station).

The application sought retrospective full planning permission for the conversion of the first and second floors to three flats. Adequate access to a parking/turning area existed forward of the shop-front.

The building benefitted from a Prior Approval notification granted in June 2016 for the conversion of the first floor into one flat. The development which had been undertaken was the sub-division of the one flat in to two flats and a further flat at second floor level. Other alterations undertaken were the re-orientation of the extension to the side, thereby creating a specific entrance to the flats and containing the staircases internally to the original structure and the provision of an external staircase to provide an emergency fire escape/flood evacuation refuge.

Members were advised that the development was in a location supported by Local Plan policies and material considerations and would not, in the opinion of Officers, result in any material harm to the character of the area, residential amenities or highway safety.

The application was therefore recommended for approval subject to conditions and the completion of the required legal agreement.

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 (AC) in respect of the application.

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

(1) Paragraph 6.7 of the report to be corrected to read that the staircase has **not** yet been erected and it will, once erected, not cause harm to the character of the street scene.

Councillor G Guglielmi, a local Ward Member, spoke against the application on behalf of Lawford Parish Council.

During the Committee's debate on this application, Members discussed and asked questions on the following matters:-

<b>Matters raised by a Committee Member:-</b>	<b>Officer's response thereto:-</b>
Reference was made to cycle parking, it was asked where the location of parking was and what the need for this would be.	It was confirmed that cycle-parking allowed any development access to sustainable modes of transport, no location was submitted.
Concerns were raised regarding the staircase.	It was proposed that a condition be submitted with a timescale for the staircase to be erected.
Concerns were raised regarding fire safety and parking.	It was proposed that a condition be submitted for signage to be placed for emergency exits and markings for parking.

Following discussion by the Committee, it was moved by Councillor Cawthron, seconded by Councillor Fowler and:-

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

- (a) the completion of a legal agreement to account for contributions towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and toward improvements at the play area located on Heath Road, Tendring as set out in the table below:

CATEGORY	TERMS
Financial contribution towards RAMS.	£125.58 per dwelling

- (b) the following Conditions (and Reasons):-

1. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason - To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: RMJ/DW/03A, RMJ/DW/04A and RMJ/DW/05A; received 1st December 2020.

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

Including two additional conditions as follows:-

3. Within three months of the date of this permission, four cars parking spaces as indicated on drawing no. RMJ/DB/01 shall be marked out on the ground and signage should be provided which clearly indicates that the spaces are for the residential properties. These spaces shall thereafter be kept available at all times for the parking of vehicles associated with the residential properties.

Reason: To ensure adequate parking space is provided in accordance with the Council's adopted Parking Standards.

4. Within three months of the date of this permission, a safety platform (to provide a safe means of escape in the event of fire/flood) shall be erected and permanently retained in situ for the lifetime of residential occupation of the first and second floor accommodation.

Reason: To ensure adequate safety measures are put in place for the residential occupiers of the approved flats in terms of risks from fire and localised flooding.

Informatives:

Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Positive and Proactive Statement

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

Highways – reduced parking standards

In main urban areas with frequent and extensive public transport, cycling and walking links, the EPOA Parking Standards recommend that a reduced parking standard provision may be applied to residential developments. A reduced parking standard provision level can be applied to this proposal as it is located very close to regular public transport services and public car parking facilities.

Highways – works affecting the highway

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

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The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

**84. A.3 PLANNING APPLICATION - 20/01285/FUL - SPENDELLS HOUSE NAZE PARK ROAD WALTON ON THE NAZE CO14 8JJ**

Councillor Bray declared a personal interest in **Planning Application 20/01285/FUL – SPENDELLS HOUSE NAZE PARK ROAD WALTON ON THE NAZE CO14 8JJ** due to being a member of Frinton and Walton Town Council. He was not pre-determined.

It was reported that this application was before Members as the site was within the ownership of Tendring District Council. The Assistant Director of Housing and Environment had made the application.

The Committee was informed that this application related to Spendells House Sheltered Housing Scheme located on the southern side of Naze Park Road, Walton-on-the-Naze. The site lay within the Settlement Development Boundary of Walton-on-the-Naze as defined within both the adopted Tendring District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). A mixture of residential development comprising single and two storey dwellings, with five storey blocks of flats to the west, surrounded the site.

On 23rd March 2018 the decision had been made by Cabinet to close Spendells House due to very low demand from those eligible to live in sheltered housing; whilst homelessness applications and temporary accommodation placements had been increasing over recent years. Temporary accommodation was currently sourced externally via local property owners and bed and breakfast establishments.

Members were made aware that the development proposal consisted of a change of use from C3 (dwellinghouse) to a Sui Generis (Hostel accommodation). The building would provide council owned and managed temporary accommodation to households to whom the Local Housing Authority owed a statutory duty to accommodate under homelessness legislation. The development did not propose any significant external changes to the building. Internal alterations would consist of changes to the layout and accommodation including some new bathrooms, a fully accessible flat and staff/office areas, but overall the layout would remain largely unchanged.

Given the current shortage of affordable homes in the District, facilities such as this played a vital role in providing short-term accommodation for sections of society in need, which was supported by national policy. Furthermore, the site was located in a highly sustainable, built up area within easy walking distance of a local convenience store, a café, the beach and other amenities. There was a bus stop to the front of the site providing regular services to Walton, Frinton and Clacton.

The proposal was for a residential use comparable to the residential use currently permitted within Spendells House. Whilst it was recognised that the proposed use would

adopt a more transient nature and include younger residents and families, officers did not consider that any material harm to the character of the area, residential amenities or highway safety would result.

It was felt that the development would ensure a vacant premises was brought back into use as council owned and managed temporary accommodation providing a better quality and more versatile provision than was currently available externally, thus providing a valuable contribution to the housing mix for the District in a sustainable location. The application was therefore **recommended for approval subject to conditions**.

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

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

Councillor Paul Honeywood, Portfolio Holder for Housing, spoke in support of the application.

Tim R Clarke, the applicant, spoke in support of the application.

During the Committee's debate on this application, Members discussed and asked questions on the following matters:-

<b>Matters raised by a Committee Member:-</b>	<b>Officer's response thereto:-</b>
It was asked whether there would supervision present out of office hours.	It was confirmed that out-of-hours contact would be available from Tenancy Management staff; including Careline services.
Access to laundry and play facilities raised.	It was confirmed that play facilities for children living in the accommodation were within walking distance. Internal alterations included wash facilities also.
What was the timescale in which the alterations would be completed?	It was unknown when alterations would be completed, based on the application, a matter of months.

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

**RESOLVED** that the 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.

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

A2020/20/01 P	Proposed First Floor Plan
A2020/20/01 P	Proposed Ground Floor Plan
A2020/20/04 P	Proposed Elevations
A2020-02-03	Amended Site Plan and Block Plan
A2020/20/PARK	Parking Provisions and Public Transport Links

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

2. Prior to the beneficial use of the development details of public transport facilities (timetables and locations of bus stops etc), walking and cycling routes to shops and local amenities shall be made available to residents and prominently displayed and regularly updated and maintained in perpetuity within the site.

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

4. The development shall not be occupied until such time as the car parking provision and cycle store shown on the approved drawings have been hard surfaced, sealed and made available. The parking and cycle parking provision shall be retained in this form at all times for the sole purpose of parking in relation to the approved use.

Reason – To ensure parking provision for the site is maximised and retained in the interests of highway safety.

5. All new hardstanding and parking areas shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.

Reason - In the interests of sustainable development and to ensure that run-off water is avoided to minimise the risk of surface water flooding.

6. No vehicle connected with construction works shall arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours shall be restricted to between the hours of 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

Reason – In the interests of residential amenities and noise sensitive premises in close proximity of the application site.

7. Prior to the occupation of the development hereby approved, precise details of the siting and appearance of the refuse and recycling 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 and retained in the approved form.

Reason – In the interests of visual amenity as insufficient details have been provided with the application.

Informatives:

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

The meeting was declared closed at 8.25 pm

**Chairman**