

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 26TH OCTOBER, 2021 AT 6.00 PM
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors White (Chairman), Bray (Vice-Chairman), Alexander, Baker, Casey, Codling, Fowler, Harris and Placey
Also Present:	Councillors Barry, Coley, Chapman, G Guglielmi, V Guglielmi, Turner, Jennie Wilkinson (Assets Surveyor), James Ennos (Coastal Manager)
In Attendance:	Graham Nourse (Assistant Director, Planning), Joanne Fisher (Planning Solicitor), Jacob Jaarsmar (Planning Team Leader), Susanne Chapman-Ennos (Planning Team Leader), Nick Westlake (Planning Officer), Emma Haward (Leadership Support Officer), Matthew Cattermole (Communications Assistant).

154. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

155. MINUTES OF THE LAST MEETING

It was moved by Councillor Alexander, seconded by Councillor Casey and **RESOLVED** that the minutes of the last meeting of the Committee held on 28 September 2021 be approved as a correct record.

156. DECLARATIONS OF INTEREST

Councillor Fowler declared a personal interest in Planning Application **21/00376/DETAIL - LAND TO THE SOUTH OF RAMSEY ROAD AND EAST OF MAYES LANE RAMSEY CO12 5EW** due to her being a resident of Mayes Lane. She stated that she was pre-determined and had therefore not attended the Committee's site visit for this application. Councillor Fowler also stated that she would withdraw from the meeting at the appropriate juncture and would take no part in the Committee's deliberations on this application.

Councillor Fowler also declared a personal interest in Planning Application **21/01395/LBC - THE HARWICH TREADWHEEL CRANE ST HELENS GREEN HARWICH CO12 3NH** due to her holding the role of Secretary of the Harwich Society. She stated that she was pre-determined and had therefore not attended the Committee's site visit for this application. Councillor Fowler also stated that she would withdraw from the meeting at the appropriate juncture and would take no part in the Committee's deliberations on this application.

Councillor Baker declared a personal interest in Planning Application **LAND TO THE SOUTH OF LONG ROAD AND TO THE WEST OF CLACTON ROAD, MISTLEY CO11 2HN** due to formerly being a Ward Member for that location. Councillor Baker also stated that he would withdraw from the meeting at the appropriate juncture and would take no part in the Committee's deliberations on this application.

Councillor Alexander declared a personal interest in Planning Application **21/01104/FUL 4-8 EDITH ROAD, CLACTON-ON-SEA CO15 1JU** due to his being a Ward Member for that location. He stated that he was not pre-determined and that therefore, he would participate in the Committee's deliberations on this application.

157. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were none on this occasion.

158. A.1 PLANNING APPLICATION 21/00197/DETAIL - LAND TO THE SOUTH OF LONG ROAD AND TO WEST OF CLACTON ROAD MISTLEY CO11 2HN

Earlier on in the meeting, Councillor Baker had declared a Personal Interest in this application insofar as he was both a former Ward Member for that location and pre-determined. He therefore withdrew from the meeting whilst the Committee considered and made its decision on this application.

It was reported that the host site had obtained outline approval on appeal for the erection of up to 485 dwellings, up to 2 hectares of employment land (A2/A3/B1/B2; B8; D1 uses), with associated public open space and infrastructure on the 23 December 2019. The outline approval was for all matters to be reserved, other than strategic access points onto the public highway.

The Committee was informed that the current application sought its consent with regards to the reserved matters of landscaping, layout, appearance and scale. Importantly, the application related only to the residential aspect of the development and not the Employment Land in the south east corner, which was expected to be dealt with under a separate Reserved Matters application in the future.

Members were aware that the application had been referred to the Committee for its decision by Councillor Coley for the following reasons:

- *The identification of which dwellings were considered as Affordable Housing & the status of those dwellings;*
- *The developer's commitment to Renewable Energy Facilities;*
- *There was no information at all regarding the Employment Land, although the application title included this area for consideration. It was blank on the maps;*
- *We also had concerns regarding the number of flats proposed (46) and no provision for private amenity space; and*
- *The Design and Access Statement was limited in its content*

All of those concerns had been addressed in the Officer report and updated reports and plans had been submitted.

The Committee was advised that the site was outside the defined Mistley settlement boundary of the saved Local Plan but within the settlement boundary of the emerging Local Plan. The principle of residential development had been accepted by the granting of outline planning permission, which had also established the position of the accesses.

It was considered by Officers that, in respect of Access, Appearance, Layout, Scale and Landscaping, the application had demonstrated that the development would be of high quality, would respond to its surroundings and would be sustainable. The detailed plans had complied with the outline requirements, and the usual design parameters (garden sizes, distance between dwellings and level of parking). The reserved matters were considered acceptable with no material harm to visual or residential amenity, or highway safety.

As such, it was the opinion of Officers that the Reserved Matters could be agreed subject to the completion of a Deed of Variation of the original Section 106 Legal Agreement to secure the extension of the perimeter walking trail all the way round the outside of the site and signposts to the public footpaths beyond plus also the proposed Planning conditions outlined in section 8.2 of the Officer report. The reason the Deed of Variation had been offered was that this would have covered the whole site rather than just the red line area of the host application, ensuring the landscape buffer continued around the whole site.

Members were informed that if the Committee endorsed this recommendation, conditions would be imposed relating directly to the reserved matters under consideration, whilst conditions previously attached to the outline approval would still apply. The legal agreement for the original application which secured affordable housing, education, health and off-site highway contributions, public open space and RAMS would also still apply to the outline approval and the site as a whole.

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 (NW) in respect of the application.

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

Amendment to the Title of the Application as follows:-

"A recent Section 73 application was made and approved to alter the access to the site from Clacton Road. This Section 73 application (ref: 21/00213/OUT), extended the straight entrance road into the site from 15m to 22m. As a result, the title of the current application needs to be amended to reflect this altered approved access arrangement. The description of development should therefore include the Section 73 application, 21/00213/OUT and the original outline approval, and read as follows:

Reserved matters application with details of appearance, landscaping, layout and scale pursuant to the residential element of outline permission (17/01181/OUT - Approved under appeal APP/P1560/W/19/3220201 and separately 21/00213/OUT) including up to 485 dwellings, up to 2 hectares of employment land (A2/A3/B1/B2; B8; D1 uses), with associated public open space and infrastructure"

ECC Urban Design's updated comments as of 19/10/21 as follows:

“Overall, following on from a positive pre-application process, there are no major objections to this application from an urban design perspective. It is clear that feedback provided within previous formal comments have been considered and taken on board in regard to the overall layout, connectivity, materials and boundary treatments of the scheme. As a result, the amended scheme would be supported from a design perspective, and we look forward to seeing how it progresses in the future.”

Updates/Clarifications within the officer report as follows:-

“Paragraph 1.2 – The agent has confirmed the site area for the residential aspect including public open space is 92% and the commercial area is 8%

Paragraph 6.7 & 6.8 – The residential element represents approximately 77% of the reserved matters application site

The agent has provided a breakdown of the areas involved which was not available when originally assessed. Including detail calculations of the size of the Suds features.

		As of % of outline scheme
Total size of outline scheme	23.31ha	100%
Commercial area	1.94ha	$(1.94/23.31*100) = 8\%$
		As a % of reserved matters application scheme
Red line application for reserved matters	21.37ha	100%
POS including attenuation	4.83ha	$(4.83/21.37*100)= 23\%$
Attenuation	0.21ha	$(0.21/21.37*100)= 1\%$
POS excluding attenuation	4.62ha	$(4.62/21.37*100)= 22\%$
Development area	16.54ha	$(16.54/21.37*100) = 77\%$

Within the ‘History Section’ there is a pre app 21/30179/PREAPP. This does not relate to the host site and instead relates to the neighbouring Rose Builders site.

Paragraph 6.4 – Correct Timings

- | | |
|-------------------------------|----------------------------|
| 3. Access and Highway Details | Subject to approved plans. |
| 12. Highway Improvements | Prior to Occupation |
| 13. Travel Packs | Prior to Occupation “ |

Anna Chew, the applicant, spoke in support of the application.

Councillor Coley, a local Ward Member, spoke against the application.

Matters raised by Members of the Committee:-	Officer’s response thereto:-
A Member of the Committee raised concerns regarding the number of flats.	The Planning Officer that the application was in line with the strategic market housing view and the mix was in line with policy and sustainable.
What amenities would be included in the plans?	The Planning Officer referred Members to section 6.16 of the report whereby the amenity and garden

	space was of acceptable standard.
What was the minimum requirement of open space for the development?	The Planning Officer confirmed that 10% of the development was required for open space, 22% had been allocated for this development.
A Member also asked if the flats would hold electric charging points for vehicles.	The Planning Officer confirmed that the charging points were a condition of the original outline approval. The condition had been complied with across the site. A suggestion had been put forward to the applicant to provide the local authority with a scheme detailing a minimum of 20% of energy achieved through renewable energy by the developer and secured by planning condition.
Were there any conditions that this amenity (shop) must be built as part of the proposal?	The Planning Officer confirmed that the shops stood at Class E-use. The use-Class could be restricted whereby only a shop would be permitted.
Why had Anglian Water not responded to the drainage aspect of the application?	The Planning Officer referred to section 6.56 where the report covered each phase of the development regarding drainage. Details of the drainage arrangement were approved as part of the appeal process in the outline application.
Were there any road safety issues raised?	The Planning Officer confirmed that there were no objections from Essex Highways with regards to access arrangements or safety, and in the event of a breakdown, there would be a greater chance of vehicles residing in the site. The key primary roads were significantly wider than required in a development.

Following discussion by the Committee, it was moved by Councillor Harris, 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) 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):

- perimeter walking trail all the way round the boundaries of the entire original site
- signposts to the public footpaths beyond

b) Subject to the planning conditions (and reasons) listed below:-

c) That the Head of Planning be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

Conditions and Reasons:

- | | |
|----------------------|--|
| 1. 20-3074-050 rev b | Amended house type 1750 - proposed floor plans |
| 20-3074-054 rev b | Amended house type 2014 - proposed elevations |

20-3074-053 rev b	Amended house type 2014 - proposed floor plans
20-3074-056 rev b	Amended house type 2089 - proposed floor plans
20-3074-057 rev b elevations (weatherboard)	Amended house type 2089 - proposed front and side
20-3074-026 a	Amended house type 1110 - proposed floor plans
20-3074-027 a	Amended house type 1110 - proposed elevations
20-3074-024 a	Amended house type 1016 - proposed elevations
20-3074-029 a	Amended house type 1285 - proposed floor plans
20-3074-034 a	House type 1286 - proposed elevations (detached)
20-3074-032 a	Amended house type 1286 - proposed floor plans
20-3074-033 a	Amended house type 1286 - proposed elevations
20-3074-036 a	Amended house type 1331 - proposed elevations
20-3074-035 a	Amended house type 1331 - proposed floor plans
20-3074-038 a	Amended house type 1465 - proposed floor plans
20-3074-039 a	Amended house type 1465 - proposed elevations
20-3074-043 a	House type 1596 - proposed elevations (brick)
20-3074-045 a (weatherboard)	Amended house type 1683 - proposed elevations
20-3074-047 a	Amended house type 1747 - proposed floor plans
20-3074-048 a	Amended house type 1747 - proposed elevations
20-3074-049 a	Amended house type 1747 - proposed elevations (brick)
20-3074-060 a	Amended house type 2200 - proposed floor plans
20-3074-062 c rear elevations	Amended house type 2200 (brick) - proposed side and
20-3074-063 c side and front elevations	Amended house type 2200 (weatherboarding) - proposed
20-3074-063.1 c side and rear elevations	Amended house type 2200 (weatherboarding) - proposed
20-3074-505 a	House type 1016 - part m4(2) compliance floor plans
20-3074-058 rev b elevations (weatherboard)	Amended house type 2089 - proposed rear and side
20-3074-044 rev b	Amended house type 1683 - proposed floor plans
20-3074-051 rev c	Amended house type 1750 - proposed elevations
20-3074-023 a	Amended house type 1016 - proposed floor plans
20-3074-042 a	Amended house type 1596 - proposed elevations
20-3074-041 a	Amended house type 1596 - proposed floor plans
20-3074-058.1 rev a elevations (weatherboard)	Amended house type 2089 - proposed front and side
20-3074-058.2 rev a elevations (weatherboard)	Amended house type 2089 - proposed side and rear
20-3074-046 rev b	House type 1683 - proposed elevations (brick)
20-3074-021 a	Amended house type 910 - proposed elevations
20-3074-020 a	Amended house type 910 - proposed floor plans
20-3074-061 rev b side elevations	Amended house type 2200 (brick) - proposed front and
20-3074-031	House type 1285 - v1 - proposed elevations
20-3074-030 a	Amended house type 1285 - proposed elevations
20-3074-071 a	Terrace block 4 - proposed floor plans
20-3074-069 a	Terrace block 3 - proposed floor plans
20-3074-067 a	Terrace block 2 - proposed floor plans
20-3074-065 a	Terrace block 1 - proposed floor plans

20-3074-064 a	Amended terrace block 1 - proposed front elevation
20-3074-066 a	Amended terrace block 2 - proposed front elevation
20-3074-068 a	Amended terrace block 3 - proposed front elevation
20-3074-070 a	Amended terrace block 4 - proposed front elevation
20 - 3074 - 073	Terrace block 5 - floor plans
20 - 3074 - 072	Terrace block 5 – elevations
20-3074-054.1 rev a	1.5 storey - proposed floor plans
20-3074-054.2 rev a	1.5 storey - proposed elevations
20-3074-046.1 rev a	Amended 1.5 storey - floor plans
20-3074-046.2 rev a	Amended 1.5 storey – elevations
20-3074-110 rev a	Amended 1b-fog floor plans
20-3074-111 rev b	Amended 1b-fog elevations
20-3074-043.2	1.5 storey - elevations
20-3074-043.1	1.5 storey - floor plans
20-3074-108 a	Amended flat block d - proposed floor plans
20-3074-109 a	Amended flat block d - proposed elevations
20-3074-105	Amended flat block b - proposed floor plans
20-3074-105.1	Amended flat block b - proposed elevations
20-3074-100 rev e	Amended flat block a - proposed floor plans
20-3074-101 rev e	Amended flat block a - proposed elevations
20-3074-106 rev c	Amended flat block c - proposed floor plans
20-3074-107 rev c	Amended flat block c - proposed elevations
20-3074-104 rev c	Flat block e - proposed elevations
20-3074-103 rev c	Flat block e - proposed floor plans
20-3074-500 a	Flat block b - ground floor part m4(3) compliance plan (flat type 1 & 2)
Eds 07-3102.gp b	Small power and lighting arrangement for single transformer substation
2446-lla-gf-00-dr-l-0003-p01	Tram trail link - dog bin and signage strategy plan
Eds 07-3102.01 b	Unit or padmount substation in grp enclosure
Eds 07-3102.ge a	Earthing arrangements for freestanding substations with grp enclosures
2446-LLA-GF-00-DR-L-0004	POS Calculation
2446-LLA-ZZ-XX-DR-L-0301	Landscape Specifications and details Rev P08
2446-lla-zz-00-dr-l-0201-p04	Amended detailed planting proposals 1
2446-lla-zz-00-dr-l-0202-p07	Amended detailed planting proposals 2
2446-lla-zz-00-dr-l-0203-p06	Amended detailed planting proposals 3
2446-lla-zz-00-dr-l-0204-p06	Amended detailed planting proposals 4
2446-lla-zz-00-dr-l-0205-p04	Amended detailed planting proposals 5
2446-lla-zz-00-dr-l-0206-p02	Amended detailed planting proposals 6
2446-lla-zz-00-dr-l-0207-p03	Amended detailed planting proposals 7
2446-lla-zz-00-dr-l-0208-p05	Amended detailed planting proposals 08
2446-lla-zz-00-dr-l-0209-p05	Amended detailed planting proposals 09
2446-lla-zz-00-dr-l-0211-p04	Amended detailed planting proposals 11
2446-lla-zz-00-dr-l-0212- p02	Amended detailed planting proposals 12
2446-lla-zz-00-dr-l-0108-p02	Detailed hard landscape proposals 8

2446-lla-zz-00-dr-l-0101-p02	Detailed hard landscape proposals 1
2446-lla-zz-00-dr-l-0102-p02	Detailed hard landscape proposals 2
2446-lla-zz-00-dr-l-0105-p02	Detailed hard landscape proposals 5
2446-lla-zz-00-dr-l-0103-p03	Amended detailed hard landscape proposals 03
2446-lla-zz-00-dr-l-0104-p04	Amended detailed hard landscape proposals 04
2446-lla-zz-00-dr-l-0106-p02	Amended detailed hard landscape proposals 06
2446-lla-zz-00-dr-l-0107-p02	Amended detailed hard landscape proposals 07
19403-hyd-00-zz-dr-c-7005 06	Amended proposed external levels - sheet 1 of 4
19403-hyd-00-zz-dr-c-7006 06	Amended proposed external levels - sheet 2 of 4
19403-hyd-00-zz-dr-c-7007 06	Amended proposed external levels - sheet 3 of 4
19403-hyd-00-zz-dr-c-7008 06	Amended proposed external levels - sheet 4 of 4
20-3074-010 rev l	Amended boundary treatments plan
20-3074-005 rev n	Amended massing plan
20 - 3074 - 126	Cycle store
20-3074-128	Car port - version 2
20-3074-127	Car port - version 1
20-3074-120 a	Amended double garage 01 - proposed floor plan and elevations
20-3074-121 a	Amended double garage 02 - proposed floor plan and elevations
20-3074-122 b	Amended single garage - proposed floor plan and elevations
20-3074-123 a	Bin and cycle store - proposed floor plan and elevations
Cc-y321-lp2500	Site plan
2446-lla-gf-00-dr-l-0001-p12	Amended landscape strategy plan
2446-lla-gf-00-dr-l-0002-p10	Amended landscape strategy
20-3074-002 rev l	Amended site layout
20-3074-011 rev g	Amended affordable housing location plan
20-3074-016 rev b	Amended accessibility and adaptability plan
20-3074-006 rev m	Amended refuse and cycle strategy
20-3074-007 rev m	Amended garden areas
20-3074-008 rev l	Amended parking strategy plan
20-3074-009 rev m	Amended materials plan
Preliminary Ecological Appraisal (DF Clark, July 2021)	

2. Prior to the occupation of any unit, the associated internal road, footway layout, turning and parking areas shall be provided in principle and accord with revised drawing numbers:

- 20-3074-002 Rev. L Amended Site Layout Plan.
- 20-3074-008 Rev. L Amended parking strategy plan.
- 20-3074-006 Rev. M Amended refuse and cycle strategy

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

Note: It has been agreed with the developer that the proposed internal road layout, footway layout, turning area surface water drainage or any form of street lighting will not be adopted by the Highway Authority.

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

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

4. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres and each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

5. All single garages should have a minimum internal measurement of 7m x 3m and all double garages should have a minimum internal measurement of 7m x 5.5m

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety.

6. Prior to the occupation of each unit, the associated powered two-wheeler/cycle parking facilities as shown on the approved plans ref. 20-3074-006 Refuse & Cycle Strategy Rev M and 20-3074-123 Bin and Cycle Store Rev A are to be provided and retained at all times.

Reason: To ensure appropriate powered two-wheeler and bicycle parking is provided

7. Any new 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.

8. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the On Site Recreational Disturbance Avoidance And Mitigation Strategy (City and Country, August 2021) and the Preliminary Ecological Appraisal (DF Clark, July 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the 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).

9. The Preliminary Ecological Appraisal (DF Clark, July 2021) identifies that a licence will be required for the closure of a badger sett within the Zone of Influence of the development. The following sett closure shall not in in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant Badger Protection Act 1992 authorizing the specified activity/development to go ahead; or
- b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected species and allow the LPA to discharge its duties under and Badger Protection Act 1992 and s17 Crime & Disorder Act 1998.

10. Prior to the occupation of any dwelling, a Biodiversity Enhancement Layout providing the finalised details and locations of the integrated bat and bird boxes, shall be submitted to and approved in writing by the local planning authority.

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

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

11. Prior to the occupation of any dwelling a lighting design scheme based on Appendix 6 of the the Preliminary Ecological Appraisal (DF Clark, July 2021), shall be submitted to and approved in writing by the local planning authority.

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

The scheme shall be devised by a competent person and fully comply with the Code of Practice for the Reduction of Light Pollution issued by the Institution of Lighting Engineers, the DETR document 'Lighting in the Countryside: Towards Good Practice' and all current official guidance. Such light pollution control measures as shall have been approved shall be installed prior to coming into beneficial use and thereafter be retained and maintained to the agreed specification and working order.

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

Reason: To allow the LPA to discharge its duties under the 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). To protect the amenity of and to minimise potential nuisance to nearby existing residents.

12. Prior to the Occupation of any Dwelling a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details."

Reason: To allow the LPA 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)

13. Prior to development above slab level, on each phase, precise details of the manufacturer and types and colours of the external facing and roofing materials for the dwellings and associated boundary treatments to be used in the construction shall be submitted to and approved, in writing, by the Local Planning Authority. Such materials so approved shall be those used in the development.

Reason: To ensure a satisfactory development in relation to external appearance and in the interests of residential amenity.

14. Prior to the occupation of any dwelling the details of the equipment used in the LEAP are submitted to and approved in writing by the Local Planning Authority. The approved details shall be those used in the development and installed prior to the first occupation of any dwelling on site.

Reason: To ensure a satisfactory development in relation to public open space and in the interests of residential amenity.

15. Prior to the occupation of any dwelling within a phase that contains a LAP, details of the equipment used in the LAP are submitted to and approved in writing by the Local Planning Authority. The approved details shall be those used in the development.

Reason: To ensure a satisfactory development in relation to public open space and in the interests of residential amenity.

16. Notwithstanding the details contained within the submitted Energy Statement, prior to the occupation of any dwelling a scheme detailing how a minimum of 20% of the energy needs generated by the development can be achieved through renewable energy sources shall be submitted to and approved in writing by the local planning authority. The scheme shall detail the anticipated energy needs of the scheme, the specific renewable technologies to be incorporated, details of noise levels emitted (compared to background noise level) and how much of the overall energy needs these will meet and plans indicating the location of any external installations within the development. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter

Reason: To ensure the development contributes to minimising the effects of, and can adapt to a changing climate.

17. Notwithstanding the details on the approved plans, only the detailed hard and soft landscaping plans relating to the strategic Public Open Space (Phase 0 as approved via 21/00494/DISCON) has been approved. The details for the residential hard and soft landscaping remain outstanding. Prior to the occupation of any residential dwelling on each phase, the details of the hard and soft landscaping shall be submitted to and approved in writing, by the Local Planning Authority. The scheme of hard and soft landscaping works for that phase, 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 interest of visual amenity and the character of the area.

18. Notwithstanding the details on the approved plans, prior to the occupation of any dwelling on site, a statement shall be submitted to the Local Planning Authority outlining the exact dimension including gradients of the attenuation basins and this could involve additional fencing to protect the public from these features during times of flood.

Reason: To ensure a satisfactory development in relation to public open space and in the interests of residential safety.

c) That the Head of Planning be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a section 106 planning obligation.

**159. A.6 PLANNING APPLICATION 21/01395/LBC - THE HARWICH TREADWHEEL
CRANE ST HELENS GREEN HARWICH CO12 3NH**

Earlier on in the meeting, Councillor Fowler had declared a Personal Interest in this application insofar as she was both Secretary of the Harwich Society and pre-determined. She therefore withdrew from the meeting whilst the Committee considered and made its decision on this application.

It was reported that this application had been referred to the Planning Committee as the applicant was Tendring District Council itself.

The Committee was informed that this application sought Listed Building Consent for repair works, including underpinning, weatherboard and roof covering replacement, and timber and ironwork repairs.

Members were advised that the application site was a Grade II* Listed Building and had been the subject of consultation with the specialist heritage advisors - Historic England and ECC Heritage; neither of whom had raised any objections to the proposed works.

In addition, Harwich Town Council had raised no objections and no letters of representation had been received.

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.

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

-

Conditions and Reasons:

1. The works hereby permitted shall begin before the expiration of three years from the date of this consent.

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

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

- Drawing No. 21214/01 REV B
- Drawing No. 21214/10 REV B
- Drawing No. 21214/11 REV B
- Drawing No. 21214/12 REV B
- Drawing No. 21214/13 REV B
- Drawing No. 21214/14 REV B
- Drawing No. 21214/15 REV B
- Drawing No. 21214/16 REV B

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

160. A.7 PLANNING APPLICATION 21/01450/FUL - THE NAZE PENINSULAR OLD HALL LANE WALTON ON THE NAZE

Members were informed that this application had been referred to the Planning Committee as the development had been proposed by Tendring District Council itself for a section of coastline that was owned by the Council. The site was located outside the Development Boundary within both the adopted Tendring District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

It was reported that the application site was located north of Walton-on-the-Naze at the Naze Peninsular at the point the land and sea met. The proposed works would take place between the current extents of the formal flood wall at the northern extent of the Naze Peninsular.

The Committee was informed that the application sought full planning permission for the installation of temporary measures such as sand filled bags as groynes, gabions to cliff face, and clay fill to the earth embankment in order to slow down/prevent coastal erosion in the area. By protecting the sea wall from further damage, the proposals would also protect the surrounding farmland and Anglian Water sewage treatment works that served the surrounding population and other assets such as Hamford Saltmarshes, which included part of the SPA and Ramsar site.

Officers felt that the proposed development, subject to the suggested conditions, would be of a scale and form appropriate for the intended use. The impact on biodiversity had been closely assessed and deemed acceptable. The proposed development would not result in any significant material loss of residential amenities. The works were expected to be completed in 8 weeks from start to finish. The application was, therefore recommended by Officers 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.

Following discussion by the Committee, it was moved by Councillor Bray, seconded by Councillor Harris and unanimously **RESOLVED** that the Assistant Director (Planning) (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to 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. The proposed works shall take place between the months of September and March only.

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. In the interest of residential amenity.

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

De01/03/21/100	Proposed plans and sections
De01/03/21/101	Existing plans and sections
Tdc01/03/19/104 a	Location 2 - proposed plans and sections

Tdc01/03/19/107 Block plan
 Tdc01/03/19/100 a Location 4 access works
 Tdc01/03/19/105 a Location 3 - existing plans and sections
 Tdc01/03/19/103 a Location 2 - existing plans and sections
 Tdc01/03/19/106 a Location 3 - proposed plans and sections
 Ecologic 250 unit information (including plans) received 12 October 2021
 Location plan received 16th August 2021

Habitat regulations assessment, Ecology Link 2021
 Outline construction Environmental method plan, Hestur Limited, August 2021
 Outline construction management plan, Hestur Limited, received 13th October 2021
 Ecological method statement, Ecology Link, received 16th August 2021
 Pre-habitat regulations assessment, Ecology Link, August 2020

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

3. The public's rights and ease of passage over public footpath no.39 (Frinton and Walton_164) shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility.

4. No works shall take place until temporary signage is put in place either side of public footpath no.39 at the proposed crossing point to warn walkers and drivers that construction traffic and/or walkers will be crossing at this point.

Reason: To ensure the continued safe passage of pedestrians on the public right of way and accessibility.

5. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Outline Construction Environmental Management Plan (CEMP) (Ecologylink, undated) and Ecological Method Statement for reptiles (Ecologylink, undated), already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the 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).

6. Within Three Months of Consent, 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 LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

7. No external lighting shall be permitted unless agreed in advance with the Local planning authority.

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

8. This permission gives the approval for the Soiltian bags at location 2 to be filled with sand only.

Reason: In the interests of good planning and to allow for a fuller assessment of more permanent sea defence features in this location.

9. Prior to the commencement of the works the applicant should provide a detailed scheme to show that the proposed works will not impact on the integrity of the existing flood defence. This must demonstrate that a weakening of the defence does not occur.

Reason: To protect the existing flood defences and ensure that the existing level of flood protection is maintained

10. Within 3 months of the date of commencement, unless otherwise agreed in writing by the Local Planning Authority. All the plant, machinery, temporary portacabin, security fencing and any excess debris from the development, shall be removed from the site /s and the land restored to its previous natural state.

Reason: In the interests of visual amenity

161. A.2 PLANNING APPLICATION 21/01104/FUL - 4 - 8 EDITH ROAD CLACTON ON SEA CO15 1JU

Earlier in the meeting Councillor Alexander had declared a personal interest in this Planning Application due to his being a Ward Member for that location. He had stated that he was not pre-determined and therefore he participated in the Committee's deliberations on this application.

It was reported that the application was before Members at the request of the Assistant Director (Planning) as there were a minor conflict with policies and guidance relating to what was expected on standards for residential accommodation.

The Committee was advised that the application site was known as Nos. 4, 6 and 8 Edith Road and was located on the east side of Edith Road (Clacton-on-Sea) and close to the junction with Marine Parade. The site lay within the Settlement Development Boundary of Clacton-on-Sea 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). The immediately vicinity was predominantly residential in character and a mixture of residential development comprising two, three and four storey semi-detached, terrace dwellings, the occasional detached dwelling and apartment blocks surrounded the site.

The development proposal consisted of a change of use to a sui generis for 34 supported living units, including infill extension and other external alterations.

Given the current shortage of affordable homes in the District, Officers considered that 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 of Clacton-on-Sea and within easy walking distance of a local convenience store, a café, the beach and other amenities. There were bus stops along Marine Parade West providing regular services to Walton, Frinton, Colchester and indeed other urban centres with ample services and job opportunities. The site was within walking distance of Clacton Railway station providing excellent links to London.

Members were advised that the existing and authorised use on site was a combination of low budget guest houses/hotel, a hostel for the homeless, and some lawful self-contained flats. Collectively and having regard to the existing authorised uses, the site consisted of nos. 4, 6 and 8 Edith Road could provide either low budget guest houses/hotel, or accommodation in the form of a hostel for the homeless, or accommodation in the form of 5 self-contained flats for up to 36 unrelated people or groups of people/families equating to up to 36 individuals.

It was reported that the principle of supported living units being provided in sustainable urban centres close to shops, services, open spaces and other amenities was supported in both local (emerging and adopted) policies as well as in the NPPF. The proposal would homogenise a current incompatible series of residential land uses (low budget guest houses/hotel, a hostel for the homeless, and some lawful self-contained flats), and would bring forward functional and appropriate temporary accommodation for 'at risk' people and the vulnerable, which would be, subject to conditions, well managed and in a suitable and sustainable location.

Having regard to the operational fall-back position the proposal was considered by Officers to be acceptable from a residential amenity perspective (subject to conditions). The scheme would result in significant improvements to the buildings and the wider street scene and there were no highways safety or parking implications, and subject to conditions, the development would result in no net loss in biodiversity.

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

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

An update sheet had been circulated to the Committee prior to the meeting with details of Tendring District Council Housing Department's comments in support of the application.

Richard Priest, the agent on behalf of the applicant, spoke in support of the application.

Matters raised by Members of the Committee:-	Officer's response thereto:-
A Member of the Committee raised that no response had been received from the Police.	The Planning Officer confirmed that no response had been received with regards to the application.
It was raised by a Member of the Committee concerns regarding the anti-social behaviour within the area. What times would the wardens be on duty?	The Planning Officer confirmed that wardens would monitor the area around 14 hours per day where 24/7 management would be available on call. A condition could be imposed for a Site Management Plan to include details of staffing and support.
What assurances could Members have that nobody is put at risk being in the premises?	The Planning Officer confirmed that the operator was successful in providing the service. They would work closely with TDC's Housing Department.

Following discussion by the Committee, it was moved by Councillor Baker, 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 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 plans:

- 2020121/11
- 2020121/13 Rev B
- 2020121/24
- 2020121/25 Rev C
- 2020121/26 Rev A
- 2020121/27
- 2020121/28
- 2020121/29 Rev B
- 2020121/30 Rev A

- 2020121/31 Rev A
- 2020121/32 Rev A
- 2020121/33
- 2020121/34 Rev B
- Document titled 'Circle Housing and Support – Supported Lodging to independent living – Property Specification and Standards
- Document titled 'Proposed conversion of buildings into self-contained studio apartments – 4, 6 & 8 Edith Road, Clacton on Sea for ISSAM Properties – Accommodation Schedule by floor and apartment number

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

3. The use hereby approved shall only be occupied by a maximum of 34 residents at any one time.

Reason – In order to control the intensity of the use in the interests of residential amenities.

4. Prior to first occupation of any of the 34 supported living units hereby approved, a detailed Site Management Plan (SMP) shall be submitted to and approved in writing by the local planning authority. The SMP shall describe and detail precisely the means by which the Sui Generis supported living facility hereby approved shall be managed on a day to day basis, and shall include details on refuse management and all maintenance of internal and external communal areas. The measures agreed every annual SMP shall be implemented as agreed and retained as such thereafter.

Reason – To ensure the use and facility is appropriately operated and managed in the interests of residential amenities for both existing and future occupants.

5. The development hereby approved shall only be used on the basis of 'Sui Generis' Supported Living units, and the ground floor site office in No. 6 Edith Road shall be retained and used as site office in connection with the management of the supported living facility in perpetuity, in strict accordance with the plans hereby approved. The 34 supported living units hereby approved shall not be used at any times as private self-contained dwelling houses falling under use Class C3 of the [Town and Country Planning \(Use Classes\) Order 1987 \(as amended\)](#). The overall number of residents occupying the buildings at Nos. 4, 6 and 8 Edith Road at any one time shall not exceed 34.

Reason – The application has been assessed on the basis of the proposal for 34 supported living units (sui generis), and in order to prevent the establishment of unmanaged self-contained units for private occupancy, and in view of the limited provision of car parking, to protect the amenity of the area generally.

6. 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.

7. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved cycle parking facilities 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 in accordance with Policy DM8.

8. Prior to first occupation of any of the 'Sui Generis' Supported Living units hereby approved, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per unit, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

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.

9. Each vehicular parking space shall have minimum dimensions of 2.5 metres x 5.0 metres (at approximately right angles to the road).

Reason - To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

10. Prior to first occupation of any of the 'Sui Generis' Supported Living units hereby approved, any new or altered vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3.6 metres (3 metres minimum – 6 metres maximum), shall be retained at that width for 5 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

Reason - To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

11. 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 to ensure accordance with policy DM1.

12. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason - To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

162. A.3 PLANNING APPLICATION 21/00208/FUL - LAND REAR OF STRANGERS WAY CHURCH ROAD BRIGHTLINGSEA CO7 0QT

It was reported that this application had been called in to Planning Committee at the request of Councillor Steady and Councillor Barry for the following reasons:-

- *The proposal was contrary to the Development Plan*

- *Highway and Traffic Impact*
- *Adverse impact on ancient woodland*
- *Was outside the development area*
- *The proposal could impact on highway safety at a difficult location and where school children were regularly walking.*

Members were informed that this application sought planning permission for the erection of 5 no. self-contained residential bungalows with associated parking, landscaping and amenity space at land to the rear of Strangers Way, Church Road, Brightlingsea.

The Committee was made aware that the site was located to the rear of the properties known as Strangers Way and Stronvar in Church Road, Brightlingsea. Church Road comprised generally of large detached buildings set on large plots. To the west of the site was a small development which had been granted permission at appeal in 2017 for the erection of 4 detached bungalows to the rear of Homefield, Church Road, Brightlingsea.

The site was located outside of the Settlement Development Boundary as defined under Policy QL1 of the adopted 2007 Local Plan. However, the publication draft of the Local Plan had included the site within the proposed Settlement Development Boundary, with no change proposed in the most recent modifications. The Local pPlan was at a very advanced stage of preparation, and should be afforded considerable weight.

Members were further informed that the immediate locality was characterised by a mixture of two storey, one and a half storey and single storey dwellings. They were all detached dwellings and located on large plots, with the exception of a small development of bungalows to the rear of 'Homefield', which was considered to set a precedent for in-depth development in the locality.

The design, layout, access, were considered by Officers to be acceptable. The proposal would result in no significant material harm to residential amenity or highway safety.

It was also considered by Officers that the proposal would not adversely affect the Ancient Woodland or any protected species.

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.

An update sheet had been circulated to the Committee prior to the meeting with details of the following proposed condition in addition to those set out in the Officer's Report:

"Prior to the occupation of any dwelling a scheme detailing how a minimum of 20% of the energy needs generated by the development can be achieved through renewable energy sources shall be submitted to and approved in writing by the local planning authority. The scheme shall detail the anticipated energy needs of the scheme, the specific renewable technologies to be incorporated, details of noise levels emitted (compared to background noise level) and how much of the overall energy needs these will meet and plans indicating the location of any external installations within the

development. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter

Reason: To ensure the development contributes to minimising the effects of, and can adapt to a changing climate.”

That condition had been agreed with the applicant’s agent.

Amy Hambling, the agent on behalf of the applicant, spoke in support of the application.

Paula Webb, a local resident, spoke against the application.

Councillor Barry, a local Ward Member, spoke against the application.

Matters raised by Members of the Committee:-	Officer’s response thereto:-
A Member of the Committee referred to LP8, where there was speculative development.	The Planning Officer confirmed that Essex Highways had not submitted any objections to this application. The issue related to the harm of the narrow entry and whether the driveway restricted the privacy of the development.
A Member of the Committee could not see any of the mentioned objections. How could a net gain of biodiversity be measured if trees had been removed?	The Chairman referred Members to section 6.25 of the Officer report whereby ‘at the time the Planning Officers visited the site, it was cleared, there was no potential of any protected species on the site’. Tendring Council’s Solicitor advised Members that the Forestry Commission rulings did not apply to the garden of a property and the site was to be considered as it was before the Committee.
A Member of the Committee referred to issues relating to; dwelling plots appearing cramped, fragmentation of established gardens with a loss of mature landscaping, and infringement of neighbouring amenities.	
Was there a buffer zone in the development?	The developers had utilised the space by including a buffer zone between the development and the ancient woodland.

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

- Loss of privacy to host dwelling
- Light and noise pollution
- Cramped nature out of character
- No tree preservation orders on the site
- The site was not in a conservation area where notice would need to be given to the Council before removing a tree.

The Chairman requested approval from Members of the Committee to continue the meeting past the allowed period of 3 hours as required by Council Procedure Rule 35.1. It was moved by Councillor Bray, seconded by Councillor Baker and **RESOLVED** that the Committee continue its deliberations.

163. A.4 PLANNING APPLICATION 21/00282/FUL - LAND TO THE REAR OF 5 AND 6 SHOP ROAD LITTLE BROMLEY MANNINGTREE CO11 2PZ

It was reported that this application had been referred to the Planning Committee at the Ward Member's request.

Members were aware that this application involved the erection of a two-bedroom dwelling together with parking and associated landscaping.

The Committee was informed that the site was located within the defined Settlement Development Boundary of Little Bromley in the emerging Local Plan and the proposed modifications had not changed this, and that very significant weight should therefore be afforded this emerging spatial policy consideration. In addition, the proposal would not, in the opinion of Officers, result in harm to the existing character of the area or wider street scene in general with regards to the design, siting, scale and external appearance of the development. The proposal would also have no detrimental impact on residential amenity or highway safety.

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

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

Alistair Mugford, the agent on behalf of the applicant, spoke in support of the application.

Parish Councillor and Chairman John Buxton, representing Little Bromley Parish Council, spoke against the application.

Matters raised by Members of the Committee:-	Officer's response thereto:-
A Member of the Committee suggested the development was out of character. The Committee Member referred to Item F, LP8.	
Another Member of the Committee raised ownership issues with regards to the right of way.	The Planning Officer confirmed that whether the farmer would provide access would be a civil matter. If the land owner refused access, the matter would become a legal matter. The Planning Officer referred to the Parish Council's comment regarding the width of the access lane.
The Committee asked where in the plan	The Planning Officer advised that

the third bedroom or office was.	amendments had been made to the application to reduce the plans to two bedrooms.
----------------------------------	--

Following discussion by the Committee, it was moved by Councillor White, seconded by Councillor Placey and **RESOLVED** that the Assistant Director (Planning) (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to a financial contribution towards RAMS and 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 plans and document:

- Drawing No. 20 1705 LOC Rev A – Location and Block Plan
- Drawing No. 20 1705 01 Rev B – Landscaping Plan
- Drawing No. 20 1705 02 Rev B – Proposed Floor Plans and Elevations
- Planning Statement
- Ecological Impact Assessment

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

3. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Glaven Ecology, July 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

Reason - To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the 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).

4. Prior to commencement of above ground works, 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 LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

5. Prior to commencement of 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 so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

Reason - To allow the LPA to discharge its duties under the 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)

6. 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 - To enhance the visual impact of the proposed works

7. 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 that the landscaping scheme is suitably implemented within an appropriate timescale

8. In order to minimise potential nuisance caused by construction works, Environmental Protection recommend that the following below is conditioned;
-No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any

kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.

-No materials produced as a result of the site development or clearance shall be burned on site.

Reason - Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

9. Prior to occupation of the dwelling a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be retained on both sides of the vehicular access at all times. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason - To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with policy DM1.

10. Prior to occupation of the dwelling 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 in accordance with policy DM1.

11. Prior to occupation of the dwelling the surface treatment at the existing vehicular access with Shop Road shall be resurfaced for at least the first 6 metres from the existing drop kerb, to be approved in writing by the Local Highway Authority with no unbound material to be used.

Reason - To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

12. Prior to the occupation of the proposed dwelling, the existing private drive shall be constructed to a minimum width of 5.1 metres for at least the first 6 metres from the back of Carriageway / Footway / 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 in accordance with policy DM1

13. Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason - To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

14. The Cycle / Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason - To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

15. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack 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 - In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

16. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason - To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

17. Prior to above ground works, a scheme for the provision of electric vehicle charging facilities for the new dwelling hereby approved shall have first been submitted to and approved in writing by the local planning authority. Thereafter the charging facilities shall be installed in a working order prior to first occupation of the dwelling.

Reason: In order to promote sustainable transport.

164. A.5 PLANNING APPLICATION 21/00376/DETAIL - LAND TO THE SOUTH OF RAMSEY ROAD AND EAST OF MAYES LANE RAMSEY CO12 5EW

Earlier on in the meeting, Councillor Fowler had declared a Personal Interest in this application insofar as she was both a resident of Mayes Lane and pre-determined. She therefore withdrew from the meeting whilst the Committee considered and made its decision on this application.

It was reported that this application sought approval of the Reserved Matters associated with the granting of planning permission 19/00917/OUT for the construction of 31 dwellings and 10 almshouse type bungalows for older persons and associated open space.

Members had previously resolved to approve the outline planning permission at the Planning Committee's meeting held on 19 May 2020 and had requested that the 'Reserved Matters' application be brought before the Committee.

As established through the granting of outline planning permission (19/00917/OUT) the principle of residential development for up to 41 dwellings (including 10 almshouses) on this site was acceptable.

The detailed design, layout and landscaping were considered by Officers to be acceptable. The proposal would result in no material harm to residential amenity or highway safety and was considered acceptable in urban design terms.

The various details and technical reports submitted to meet the requirements of certain conditions placed on the outline permission (as outlined within the application description) had been reviewed by consultees and were acceptable in the opinion of the Officers.

The application was therefore recommended for approval by Officers subject to the conditions outlined at section 8.2 of the Officer report.

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

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

An update sheet had been circulated to the Committee prior to the meeting stating that following the publication of the committee report, it had been brought to the officer's attention that contaminated land reports and information previously submitted to the LPA by the Applicant had, due to staff turnover, not been made available to Environmental Protection (EP) colleagues to review.

Environmental Protection (EP) had provided updated comments which included the following:

"As per the Groundsure report, dated 21st April 2021; conclusions of the risk assessment indicated there was a LOW/MODERATE risk associated with the site; Given the references made to PAH's found on the adjoining site, the aforementioned conclusions of the Groundsure report, and in accordance with our standard guidelines, we would request further investigations be undertaken. Consideration have been given to the attached letter and the request for a Watching Brief to be imposed, however given the historical contamination with the locality and the conclusion of the Groundsure report, we are requesting further assessment be undertaken.

Therefore, the EP team requested the following be conditioned on any associated approval or request prior to determination:

Contaminated Land: *In light of the conclusion highlighted in the Groundsure report and in line with our previous comments in April 2021, the EP Team requested a further assessment be performed (Phase Two, Intrusive site investigation), to confirm the presence / absence of contaminants on the site, the relevant risk associated with any presence, and any relevant remediation strategies. Results of which should be submitted for approval to the LPA.*

Asbestos: *An asbestos survey should be carried out prior to any construction works, by a suitably qualified person. A copy of this survey shall be submitted to the LPA and ensure that any asbestos containing materials must be safely removed by a qualified contractor.*

REASON: *to protect the health of site workers and end users.*

TDC Officer Comment: All buildings and structures on site have already been cleared on site and such work is controlled under the Construction Design Management (CDM) regs 2015, and this included matters to do with asbestos handling, as such the asbestos condition was not considered to be necessary."

As a result of this it was recommended by Officers that proposed condition 11 be replaced with a revised condition 11, plus a requirement to include a watching brief to be adhered to throughout the construction phase.

In addition, to form part of the 'watching brief', the Developer also had been made aware of the minimum requirements for dealing with unexpected ground conditions encountered during construction.

A late objection letter had also been received with the officer's response thereto included on the aforementioned update sheet.

In addition, a further two conditions were also recommended by Officers in order to secure electric vehicle charging points for the new dwellings and scheme detailing how a minimum of 20% of the energy needs generated by the development can be achieved through renewable energy sources.

Adam Jackson, the agent on behalf of the applicant, spoke in support of the application.

Matters raised by Members of the Committee:-	Officer's response thereto:-
A Member of the Committee asked what almshouses were.	The Planning Officer confirmed that the almshouses element was defined in the Section 106 agreement that was attached to the outline approval. In summary, it was housing accommodation for occupancy of those aged 65+ years. They would be given to an almshouse provider.
Would the properties have disabled access?	The Planning Officer confirmed that 5% would be available to wheelchair users.

Following discussion by the Committee, it was moved by Councillor Casey, 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 the following:

Conditions and Reasons:

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

- IA20/168/1110-P1 – Drainage Details
- IA20/168/1010-P1 – Drainage Details 1
- IA20/168/1000-P1 – Drainage Layout
- IA20/168/1011-P2 – Drainage Details 2

0825_A_SC_01A – Construction/Phasing Plan
0825_A_SC_17B – Tenure Plan
0825_A_SC_14B – Phasing Plan
0825_A_SC_10C
0825_A_SC_9C
0825_A_SC_8C
0825_A_SC_7C
0825_A_SC_6C
0825_A_SC_5C
0825_A_SC_4C
0825_A_SC_3C
0825_A_SC_2C
0825_A_SC_21
0825_A_SC_19A
0825_A_SC_16C
0825_A_SC_15C
0825_A_SC_13C
0825_A_SC_07F
0825_A_SC_01E
0825 – Accommodation Schedule
IA20/168/1140/P4 - Amended Mayes Lane Section 278 Works
IA20/168/1130 P3 - Amended Ramsey Road Section 278 Works
IA20/168/1122 P2 - Amended Adoptable Highway Long Sections
IA20/168/1121 P3 - Amended Adoptable Highway Contours Plan
IA20/168/1120 P3 - Amended Adoptable Highway Setting Out
IA20/168/1100 P3 - Amended Externals Layout
254_404 P04 - Amended Planting Plan – West
254_402 P03 - Amended Planting Plan - South
254_400 P03 - Amended Structure Planting Plan
254_401 P03 - Amended Planting Plan - North
North Essex Homes – Construction Method Statement
Written Scheme of Investigation (June 2021 as prepared by L-P : Archaeology)
Aboriginal Report – (as prepared by greenlight environmental consultancy)
0825_A_SC_20 – Tree Protection Plan
254_D_001 Landscape Management Plan

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

2. All changes in ground levels, hard landscaping, planting, seeding or turfing shown the approved landscaping details drawing no's; 254_404 P04 - Amended Planting Plan – West, 254_402 P03 - Amended Planting Plan – South, 254_400 P03 - Amended Structure Planting Plan and 254_401 P03 - Amended Planting Plan – North 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 implementation of the approved scheme and adequate maintenance of the landscaping for a period of five years in the interests of amenity.

3. Prior to the occupation of any of the proposed development the internal road site access and footway layout shall be provided in principle and accord with Drawing Numbers:

- IA20/168/1100 Rev. P3 Externals Layout.
- IA20/168/1120 Rev. P3 Adoptable Highway setting out
- IA20/168/1130 Rev. P3 Ramsey Road - section 278 works
- IA20/168/1140 Rev. P4 Mayes Lane - section 278 works
- Construction Method Statement.

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

4. Prior to occupation of the development a 1.5 metre x 1.5 metre clear visibility above a height of 600mm, as measured from and along the boundary, shall be provided on both sides of all vehicular accesses. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

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

5. Any 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.

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

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

7. 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.

8. 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.

9. The tree protection measures outlined on drawing no. 0825_A_SC_20 shall be adhered to throughout the construction phase.

Reason - To ensure the retention of the mature trees/hedges located within the application site in the interests of amenity.

10. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A, B and E of the Town and Country Planning (General Permitted Development) Order 2016 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling and no outbuildings 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 interest of amenities of the occupants of the neighbouring and proposed properties.

11. No development hereby permitted shall commence until the specific requirements of paragraphs numbered 1 to 3 below have been satisfied. If unexpected contamination is found after development has commenced, no further development shall be carried out on that part of the site affected by the unexpected contamination until the requirements of paragraph 4 have been complied with in relation to such contamination.

1. Site Characterisation - An investigation and risk assessment, in addition to any assessment provided within the planning application, shall be carried out in accordance with a scheme to assess the nature and extent of any contamination of the site. The investigation and risk assessment shall be undertaken by a competent person and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments; and
- (iii) an appraisal of options for remediation and a proposal with preferred option(s). This appraisal shall be conducted in accordance with the Environment Agency Model Procedures for the Management of Land Contamination (CLR 11).

2. Submission of Remediation Scheme - A detailed Remediation Scheme to ensure that the site is suitable for the intended use by removing unacceptable risks to human

health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works of remediation to be undertaken, remediation objectives and criteria, timetable of works and related site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the use of the land after remediation.

3. Implementation of Approved Remediation Scheme - The Remediation Scheme required under paragraph 2 above shall be carried out in accordance with its terms prior to the commencement of any works of construction on site unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be notified in writing a minimum of two weeks prior to commencement of the remediation scheme works of the date that the remediation works will commence. Following completion of the measures identified in such approved Remediation Scheme, a verification report to demonstrate the effectiveness of the remediation carried out shall be submitted to the Local Planning Authority.

4. Reporting of Unexpected Contamination - In the event that contamination is found which was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken in accordance with the requirements of paragraph 1 above and, where remediation is necessary, a new Remediation Scheme shall be prepared in accordance with the requirements of paragraph 2 above and submitted to and approved in writing by the Local Planning Authority. Following completion of all necessary measures identified in such Remediation Scheme as may be approved, a verification report shall be submitted to and approved in writing by the Local Planning Authority in accordance with paragraph 3 above. In such circumstances, no further works of development shall be carried out to that part of the site until such time as the requirements of this paragraph have been satisfied.

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

The meeting was declared closed at 10.26 pm

Chairman