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Planning Committee

7 December 2021

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 7TH DECEMBER, 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 and Harris
Also Present:	Councillors Land, McWilliams, Scott, Turner and Wiggins.
In Attendance:	Gary Guiver (Acting Director (Planning), Graham Nourse (Assistant Director, Planning), Joanne Fisher (Planning Solicitor), Trevor Faulkner (Planning Manager), Daniel Child (Agency Planner), Emma Haward (Leadership Support Officer), Keith Durran (Democratic Services Officer) and Matthew Cattermole (Communications Assistant).

174. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillors Casey and Placey with no substitutes.

175. MINUTES OF THE LAST MEETING

It was moved by Councillor Bray, seconded by Councillor Baker and **RESOLVED** that the minutes of the last meeting of the Committee held on 23 November 2021 be approved as a correct record subject to amending Minute 169 so that, under the record of public speaking, Councillor G V Guglielmi be now recorded as having spoken 'in favour' of application **A.1 21/00650/OUT – LAND EAST OF BROMLEY ROAD LAWFORD CO11 2HS.**

176. DECLARATIONS OF INTEREST

Councillor Fowler declared a personal interest in **A.2 PLANNING APPLICATION 21/00186/FUL – CROSSWAYS CENTRE FRATING ROAD GREAT BROMLEY COLCHESTER ESSEX** as the applicant was known to her. She stated that she had not attended the site visit and that she would not participate in the Committee's deliberations and decision making on this application.

Councillors Scott and Wiggins, who were present in the public gallery, each declared a personal interest in **A.2 PLANNING APPLICATION 21/00186/FUL – CROSSWAYS CENTRE, FRATING ROAD, GREAT BROMLEY, COLCHESTER** due to being the Ward Members.

Councillor McWilliams, who was also present in the public gallery, declared a personal interest in **A.2 PLANNING APPLICATION 21/00186/FUL – CROSSWAYS CENTRE, FRATING ROAD, GREAT BROMLEY, COLCHESTER** due to being the adjacent Ward Member.

Before the meeting, an update sheet had been distributed to the Committee with details of an update in respect of the Planning Inspectors' final report on the legal compliance and soundness of Section 2 of the emerging Local Plan.

The Acting Director (Planning) summarised the status of the Local Plan and advised that the report had confirmed that, with the inclusion of a number of 'Main Modifications' (which had already been the subject of formal public consultation), the Plan was legally compliant and sound and could now proceed for adoption.

The Chairman advised the Committee and the public gallery that agenda item 6 would be taken first, followed by items 5, 7, 8 and 9.

177. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were none on this occasion.

178. A.2 PLANNING APPLICATION – 21/00186/FUL – CROSSWAYS CENTRE FRATING ROAD GREAT BROMLEY COLCHESTER ESSEX

Councillor Fowler reminded the Committee that she earlier declared a personal interest in **PLANNING APPLICATION 21/00186/FUL – CROSSWAYS CENTRE FRATING ROAD GREAT BROMLEY COLCHESTER ESSEX** as the applicant was known to her and that she would not participate in the Committee's deliberations and decision making on this application.

Councillors Scott and Wiggins had earlier in the meeting, declared personal interests in **A.2 PLANNING APPLICATION 21/00186/FUL – CROSSWAYS CENTRE, FRATING ROAD, GREAT BROMLEY, COLCHESTER** due to being the Ward Members.

Councillor McWilliams had also earlier declared a personal interest in **A.2 PLANNING APPLICATION 21/00186/FUL – CROSSWAYS CENTRE, FRATING ROAD, GREAT BROMLEY, COLCHESTER** due to being the adjacent Ward Member.

It was reported that the Crossways Centre was located in the vicinity of Frating which was a 'Smaller Rural Village'. The site was not a protected or allocated employment site and the proposal was for a B8 storage and distribution use. The site was located outside of the settlement development boundary.

The Committee was informed that the proposal was for a warehouse extension (approximately 762m² in footprint, measured externally), and loading bay extension (approximately 464m² in footprint, measured externally), and extension of the site's service yard area onto adjacent agricultural land.

Members were made aware that the proposal did not meet the criteria for being an acceptable location for an expanded B8 storage and distribution use, and that the proposal by Officers was considered to result in unacceptable highway safety impacts. Although it would not harm the landscape character, it was considered also that the proposal would have a harmful effect on the character and appearance of the area. The proposal would also harm the living conditions of the occupants of neighbouring dwellings.

Whilst the economic benefits of approving the scheme were acknowledged, they were not considered by Officers to outweigh the identified harms. The proposal was considered to be contrary to the development plan, and refusal of planning permission was therefore recommended.

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 refusal.

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

An update sheet had been circulated to the Committee prior to the meeting with details of a letter from the occupants of Junedene to confirm that they had no objection and a further letter of objection received raising concerns which had already been summarised within the Officer report.

Gary Rowe, the applicant, spoke in support of the application.

John Bartington, Chairman of Residents against Crossways Expansion, spoke against the application.

Parish Councillor Fred Nicholls, representing Great Bromley Parish Council, spoke against the application.

Councillor Lynda McWilliams, the adjacent Ward Member for The Bentleys and Frating Ward, spoke against the application.

Councillor Gary Scott, a Ward Member, spoke against the application.

Matters raised by a Committee Member:-	Officer's response thereto:-
A Member of the Committee asked what the lawful use certificate allowed.	The Planning Officer confirmed that not all of the site was covered by the certificate of lawfulness (some parts of a building were excluded), and that some conditions of earlier permissions may continue to apply. Furthermore, the proposal would be more harmful than any fall-back position, and that it should therefore be afforded limited weight.
A member of the Committee raised concerns regarding the use and safety of the premises.	The Planning Officer referred to ER7 requiring satisfactory vehicular access, when replaced by emerging policy highways safety aspects would be covered by other policies of the emerging plan.
Concerns regarding the boundary line was raised by a Member of the Committee. If the site had expanded before the emerging plan was agreed, would it have been drawn around the site?	The Planning Officer confirmed that if the site had already been extended at the time the emerging plan was being prepared, the boundary line would have been drawn around the extended site.

<p>If the site was refused, could the premises keep operating?</p>	<p>The Planning Officer confirmed that if the application were refused enforcement action would logically be taken, but that the site could continue to operate until a Secretary of State appointed Inspector had determined any appeal(s).</p>
<p>Had a traffic plan been considered or negotiated?</p>	<p>The Planning Officer confirmed that no traffic management plan or off-site highway mitigation works had been proposed by the application or discussed with them.</p>
<p>A Member referred to 6.67 where the business appeared to be successful. What were the benefits of the economy and growth compared to the grounds for refusal?</p>	<p>The Planning Officer confirmed that significant weight should be given to the need to support economic growth in accordance with Paragraph 81 of the National Planning Policy Framework. In response to a question it was clarified to the Committee that there was approximately 500m between the development and the junction of the B1029 with the A133.</p>
<p>A Member of the Committee discussed the requirements of the business to see if there were any other suitable sites for this development. Options were mentioned; Horsley Cross who would welcome the opportunity, and land near Beth Chatto Gardens in Alresford.</p>	
<p>Concerns regarding the rural settlement were raised with regards to overdevelopment and infrastructure.</p>	<p>The Planning Officer referred Members to the harms identified in the report, and clarified the position in relation to Flood Risk; following negotiations and revisions to the proposal the Lead Local Flood Authority had no objections, and the Environment Agency had not commented.</p>
<p>A Member of the Committee referred to the loss of agricultural land, disturbance to neighbours and road, resident and pedestrian safety. On the other hand, the business was successful employing 96 employees and increasing by 45% during the pandemic.</p>	

Following discussion by the Committee, it was moved by Councillor Bray, seconded by Councillor Alexander and unanimously **RESOLVED** that consideration of this application be deferred for up to 6 months to allow for further negotiations on the following:

- “• *Dialogue with the applicant and ECC Highways on a Traffic Management Plan, to include looking at HGV movements/routing plan with particular emphasis on examining/directing traffic to and from the south from the Frating crossroads & any potential improvements to that junction;*
- *Further explore the highways access arrangements and the potential to demolish the front buildings to facilitate two-way movements;*

- *Look at hours of operation and if this could be reduced at night time;*
- *Explore a temporary planning permission for up to 2 or 3 years with the aim of helping to support the applicant in finding a more appropriate site within the District.”*

179. A.1 PLANNING APPLICATION – 20/00307/DETAIL – TURPINS FARM ELM TREE AVENUE KIRBY LE SOKEN ESSEX CO13 0DA

It was reported that this application had been referred to Planning Committee in accordance with its previous request that all reserved matters applications for this site were to be determined by the Planning Committee. Councillor Turner had also requested that this application be ‘called in’ to the Committee.

The Committee was reminded that the current application sought approval of the reserved matters relating to outline planning permission 16/00031/OUT which had granted planning permission for the erection of up to 210 dwellings with access from Elm Tree Avenue, including green infrastructure, children’s play areas, school drop off and parking facility and other related infrastructure. This application included details of the appearance, landscaping, layout and scale which had not been included as part of the outline. Details of the access had been approved as part of the outline consent.

Members were also reminded that, as established through the granting of outline application 16/00031/OUT the principle of residential development for up to 210 dwellings on this site was acceptable.

In the opinion of the Officers, the detailed design, layout, landscaping and scale were considered acceptable. The proposal would result in no material harm to residential amenity or highway safety.

The application was therefore recommended for approval subject to a legal agreement to secure the necessary financial contribution towards RAMS.

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 subject to a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990.

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

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

- (1) Paragraph 6.7 of the Officers Report stated that the proposal included 18 gifted affordable properties, this was not correct. The affordable housing requirement was set out in the Section 106 Agreement linked to the outline consent, but was not to be agreed as part of this application. This matter would be dealt with when discharging the obligations of the Section 106 Agreement.
- (2) Revised plans submitted showing that all plots had garden sizes in accordance with Policy HG9 of the Tendring District Local Plan 2007.

Sam Kazman, the agent acting on behalf of the applicant, spoke in support of the application.

Town Councillor Nick Turner, representing Frinton and Walton Town Council, spoke against the application.

Matters raised by a Committee Member:-	Officer's response thereto:-
A Member of the Committee raised concerns regarding the mundane look of the dwellings compared to the view.	The Planning Officer confirmed that the design had been negotiated and was of a form and quality that was considered acceptable in terms of national and local plan policies..
It was raised by a Member of the Committee the location of the car park and whether this could have been replaced with the children's play area.	The Planning Officer confirmed that the school 'drop off and pick-up car park had been agreed in principle at the outline stage and had been sited as close to the school site as possible to ensure maximum usage by parents.
How big was the open space?	In terms of the adopted policy, 10% of open space was required for a development. In this case, provision was over and above the 10% minimum
Where the properties were located on the southern edge, did they get a view?	Some dwellings will have a view of the estuary but this would be shielded by current foliage and the existing hedgerow to be retained.
Would trees be planted as part of the scheme?	In the edges of the northern end of the site, there were some tree-planting proposals.
	In terms of negotiations, the one proposed point of access was an appropriate form of access from Elm Tree Avenue. From a safety point of view, Walton Road was a concern as it is a derestricted road. A separate access for the school drop off/pick-up car park did not form part of the outline permission and would require planning permission in its own right. A separate access could cause some high issues as a number of other access points nearby and opposite.
A Member of the Committee raised concerns regarding the collection of children from the local school. It was expected that those buying homes from the development would consider this.	
Are there any affordable homes?	The Planning Officer confirmed that this scheme includes 18 gifted units which were agreed as part of the outline approval and are covered by the associated Section 106 agreement.
Will the homes or the car park have electric charging points?	The recommendation includes conditions requiring electric charging points for each dwelling and a requirement for 20% of the sites energy needs to be provided through renewable technologies.

A Member of the Committee asked if the 18 gifted dwellings would be of the same quality and design as the remainder of the development.	The Planning Officer confirmed that the scheme would be tenure blind.
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Following discussion by the Committee, it was moved by Councillor White, seconded by Councillor Baker 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 matter:-
 - Financial Contribution towards RAMS
- b) the conditions stated in section 8.2 of the Officer report and reproduced below.
- c) the Assistant Director (Planning) being 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.

Conditions and Reasons:

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

TW024-PL-02 F
 TW024-PL-03 B
 TW024-PL-04 B
 TW024-PL-05 B
 TW024-PL-07 B
 TW024-PL-08 B
 TW024-PL-09 B
 TW024-PL-10 A
 TW024-NA20-01 00
 TW024-NA22-01 00
 TW024-PA25-01 00
 TW024-NA34-01 00
 TW024-PA34-01 00
 TW024-PA34-02 00
 TW024-PT37-01 00
 TW024-NT42-01 00
 TW024-NT42-02 00 Page 34
 TW024-NA44-01 00
 TW024-NA45-01 00
 TW024-NA51-01 00
 TW024-NA51-02 00
 TW024-WOOD-01 00
 TW024-ST-01 00
 TW027-SS-01 00

TW027-GR-01 00
TW027-GR-02 00
21.5136.01 B
21.5136.02 A
21.5136.03 A
21.5136.04 B
21.5136.05 B
21.5136.06 A
21.5136.07 A
21.5136.08 A
21.5136.09 A
21.5136.10 B
21.5136.11 A
21.5136.12 B
2101470-002
2101470-003
2101470-006
2101470-007 A

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

2 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.

3 Prior to occupation of any phase of the development a 1.5 metre x 1.5 metre clear visibility, as measured from and along the boundary, shall be provided on both sides of the 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.

4 Prior to the commencement of any phase of the development, details of the estate roads and footways (including layout, levels, gradients, surfacing, traffic calming 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.

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 of any phase shall not be occupied until such time as a car parking and turning areas has been provided in accord with current Parking Standards. 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 Prior to the commencement of any above ground development details of cycle parking for those properties without a garage 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 which 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.

8 Prior to above ground works, a scheme for the provision of electric vehicle charging facilities for the new dwellings 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 dwellings.

Reason: In order to promote sustainable transport.

9 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.

Additionally, that upon completion of the development, the Committee undertakes a site visit.

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.

180. A.3 PLANNING APPLICATION – 21/01411/FUL – LAND ADJACENT THORPE CROSS LODGE 26 FRINTON ROAD THORPE LE SOKEN CLACTON ON SEA ESSEX

It was reported that this application had been referred to the Planning Committee by the Ward Councillor for Thorpe-Le-Soken (Councillor Land) for the following reasons:

- Negative impact on urban design/street scene
- Highways impact and/or other traffic issues
- Negative Impact on neighbours

The Committee was informed that this application sought to alter the wording of Conditions 3, 5, and 6 (occupation conditions) of planning application 21/00028/FUL. The development proposed under application 21/00028/FUL was for the erection of 4 holiday caravans and this had been permitted in August 2021.

The imposed conditions and their reason are summarised accordingly:-

Condition	Reason
3 The use hereby permitted shall be solely for holiday accommodation. No person shall occupy the site for more than 28 consecutive days.	To ensure the site is maintained as a tourist location and not for permanent occupation.
5 No caravan shall be occupied between 1 November and 28 February inclusive in any year.	To ensure that the accommodation remains in holiday use in support of planning policies aiming to encourage tourism and does not become a permanent residential use.
6 Occupation of the caravans is prohibited by those detailed in the Management Strategy (received 14th June 2021); namely no pets are allowed, no children under the age of 16 and no large (6+ people) same-sex groups.	To safeguard the amenities of the adjoining premises.

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 Manager (TF) in respect of the application.

Harriet Vincett-Wilson, the agent acting on behalf of the applicant, spoke in support of the application.

Parish Councillor Martyn Cooper, representing Thorpe Parish Council, spoke against the application.

Councillor Dan Land, the local Ward Member, spoke against the application.

Matters raised by a Committee Member:-	Officer's response thereto:-
A Member of the Committee asked if the condition regarding no large same-sex	The Planning Solicitor advised that the Committee, under Section 149 of the

groups was lawful?	Equality Act 2010, must have due regards to eliminate unlawful discrimination against characteristics, particularly a protected characteristic being gender.
It was raised by a Member of the Committee the condition in relation to occupancy for no more than 28 consecutive days. Was there an option for the period to be staggered?	The Planning Officer recommended removing 'consecutive' to allow for a staggered period.
Was the condition for 28 consecutive days of occupancy fair?	The Planning Officer advised that a total of 56 days is suitable which is very much in-line with current national permitted development allowances for temporary uses
A Member of the Committee advised that the application be beneficial for leisure and tourism.	Agreed, the Council supports tourism related development.

Following discussion by the Committee, it was moved by Councillor Harris, seconded by Councillor Bray 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 2nd August 2024.

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:- Y0344-CS-001 REV D, received 23 Dec 2020; Y0344-CS-1250, received 28 Jan 2021; 205687-A-01 REV A, 205687-A-01-AT01, 205687-A-02 REV A received 07 Jun 2021 and the Management Strategy, received 14th June 2021.

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

3 The use hereby permitted shall be solely for holiday accommodation. No person shall occupy the site for more than 56 consecutive days.

Reason - To ensure the site is maintained as a tourist location and not for permanent occupation.

4 The development hereby permitted shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the site shall maintain an up-to-date register of the names of all occupiers of the holiday let accommodation and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.

Reason - To prevent the use of the site for permanent accommodation in the interests of the tourism economy and local community infrastructure.

5 No caravan shall be occupied for any period of 6 weeks (can be non-continuous) between 1st November and 28th February, in any year.

Reason - To ensure that the accommodation remains in holiday use in support of planning policies aiming to encourage tourism and does not become a permanent residential use.

6 Occupation of the caravans is prohibited by those detailed in the Management Strategy (received 14th June 2021) as submitted and approved by the Council, unless otherwise amended in writing by agreement from the Council.

Reason - To safeguard the amenities of the adjoining premises.

7 Prior to occupation of the development, the road junction / access at its centre line shall be provided with a minimum visibility splay with dimensions of 2.4 metres by 130 metres to the east and 2.4 metres by 121 metres to the west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason - To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest 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 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

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

10 Prior to the occupation of any of the proposed caravans, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of Carriageway / Footway / Highway Boundary (no radius kerbs).

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.

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.

12 At no point shall gates be provided at the vehicular access. The access shall remain open and free for use thereafter.

Reason - To give vehicles using the access free and unhindered access to and from the highway in the interest of highway safety.

13 The existing access into the site as indicated on block plan (DWG. no. Y0344-CS-001 Rev. D) shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge / footway / cycleway / kerbing immediately the proposed new access is brought into first beneficial use.

Reason - To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

14 The public's rights and ease of passage over public footpath no. 14 (Thorpe le Soken_180) 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.

15 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay. The planting should be retained free of obstruction above 600mm either side of public footpath no. 14 (Thorpe le Soken_180) for the first 5 metres where the internal driveway crosses the PROW.

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.

16 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and if required 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.

17 Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

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

18 Prior to the occupation of the development hereby approved a scheme of soft landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including plant/hedgerow types and sizes.

Reason: To enhance the appearance of the development and in the interests of amenity and privacy.

19 No building hereby permitted shall be occupied until a waste management plan setting out how waste (sewage and refuse) will be stored and collected has been prepared, submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved waste management plan for the lifetime of the development.

Reason: To ensure appropriate waste management facilities are provided to accommodate all waste generated by the development.

Additionally, that condition 5 amended to remove reference to 'continuous' and winter months to be specified by dates rather than generically.

181. A.4 PLANNING APPLICATION – 21/01747/ADV – STARLINGS BLOCK LAND TO THE SOUTH OF HIGH STREET HARWICH ESSEX

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

The Committee was made aware that the application involved the display of four non-illuminated artistic-impressions of the proposed re-development of the site, as approved under application 21/01145/FUL.

Members were informed that the site was within the Dovercourt Conservation Area and an area subject to regeneration. The principle of development was acceptable subject to the detailed consideration below.

The proposal would not result in any material harm to 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.

Following discussion by the Committee, it was moved by Councillor Bray, seconded by Councillor Baker and **RESOLVED** that the Assistant Director (Planning) (or equivalent authorised officer) be authorised to grant advertisement consent, subject to the following conditions and informatives:-

Conditions and Reasons:

1 All advertisement consents are subject to five standard conditions specified in Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 which are as follows: -

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

2. No advertisement shall be sited or displayed so as to:

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Additionally all advertisement consents are for a fixed term of 5 years unless this period is varied on the formal decision notice.

Informatives

Application Approved Without Amendment

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.

The Highway Authority reserves the right under Section 152 of the Highways Act, 1980 to remove or alter any sign overhanging or adjacent to the highway which is considered to be an obstruction or a hazard to the safe and convenient passage of the public in 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.

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

SMO1 - Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
CO7 7LT

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.

The proposed works, particularly to the external surface area, directly abuts to the back of the footpath. This is public highway and the construction work must be carried out

The meeting was declared closed at 9.25 pm

Chairman