

# Public Document Pack

Planning Committee

16 February 2022

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**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,  
HELD ON WEDNESDAY, 16TH FEBRUARY, 2022 AT 6.00 PM  
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,  
CO15 1SE**

<b>Present:</b>	Councillors White (Chairman), Bray (Vice-Chairman), Alexander, Baker, Casey, Codling, Fowler, Placey and V Guglielmi
<b>In Attendance:</b>	Gary Guiver (Acting Director (Planning)), Graham Nourse (Assistant Director (Planning)), Joanne Fisher (Planning Solicitor), Jacob Jaarsmar (Planning Team Leader), Keith Durran (Committee Services Officer) and Matt Cattermole (Communications Assistant)

**200. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

An apology for absence was received from Councillor Harris (with Councillor V Guglielmi substituting).

**201. MINUTES OF THE LAST MEETINGS**

The minutes of the last meetings of the Committee, held on Tuesday 21 December 2021 and Tuesday 18 January 2022, were approved as correct records and signed by the Chairman.

**202. DECLARATIONS OF INTEREST**

Councillor Baker declared an interest in application **A.2 PLANNING APPLICATION – 21/02097/FUL – HOLLAND FOOTBALL CLUB THE CLUBHOUSE DULWICH ROAD HOLLAND ON SEA ESSEX insofar** as it was in his Ward. He stated that he was not predetermined in this application and that therefore he would take part in the debate on this application.

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

There were none on this occasion.

**204. A.1 PLANNING APPLICATION - 19/00851/DETAIL - LAND EAST OF POND HALL FARM STOUR CLOSE HARWICH ESSEX CO12 5EW**

The Committee recalled how this application sought approval of the Reserved Matters associated with the granting of planning permission 19/00917/OUT, which had been a hybrid application for the comprehensive development of the site consisting of outline approval to create employment units (including start-ups), café/restaurant units, public house, drive thru restaurants, cinema, hotel, up to 297 dwellings, landscaping, open space, associated means of access, internal estate road and car parking. The full approval included the creation of retail shop units, food store, petrol filling station, associated highway works and improvements included a new roundabout off the A120 and link road, earthworks, service infrastructure and other associated works & improvements.

Members were reminded that the Committee had resolved to approve the above outline planning permission at its meeting held on 20<sup>th</sup> October 2015 subject to conditions and a legal agreement. A different, albeit relevant, application for the variation of conditions 1 and 19 of approved application 14/01431/OUT to allow up to 80 residential unit occupations prior to completion of associated highway works and improvements including a new roundabout off the A120 as prescribed by condition 19, had been refused planning permission by the Council in March 2021.

The Committee heard how it had been established through the granting of outline permission 14/01431/OUT that the principle of mixed use commercial/employment and residential development for up to 297 dwellings was acceptable on this site (a total of 259 dwelling were proposed under this reserved matters application).

For the reasons outlined in their report, the detailed access, appearance, landscaping, layout and scale were considered by Officers to be acceptable subject to conditions and a unilateral undertaking to secure a RAMS contribution. Specifically, Officers had felt that the proposal would result in a high quality scheme in terms of its overall design and layout, and would result in no material harm to residential amenity or highway safety. There was no conflict with any of the key and most important planning policies and legislation for determining this reserved matters application.

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:-

- 1) A replacement of condition 1.
- 2) A third party objection received on 31.01.2022

Stuart Wilsher, Agent, spoke in favour of the development.

<b>Matters raised by Members of the Committee:-</b>	<b>Officer's response thereto:-</b>
There was concern the southern entrance could be used by cars, but a Bus Gate has been mentioned, could this be explained?	The details of the bus gate will be in the conditions. The applicant is in talks with ECC as to how the bus gate will work, but initially it is thought to be collapsible bollards.
What sort of arrangements are being made to facilitate walkers?	The existing foot path from the south will be kept as well as more to be added. It will be a condition for the application to outline a long term maintenance plan for publically accessible open spaces on the site.
Will emergency vehicles be able to use the Bus Gate?	Yes

Is all the construction traffic for the site going to be going via the A120 access to the site and not the southern entrance?	There is a Construction & Environmental management plan on the REM. The phasing in the plan means the roads will go in first which will greatly assist in the construction traffic using the A120.
Does the proposed pub garden back onto residential properties?	The pub garden is small, with a 3 meter wide landscape bunt between itself and the properties and the applicants have agreed to secure that. The conditions can be strengthened to add an acoustic fence.
Will there be any signage to indicate what the Pill Box is and its history?	Yes.
Can the car park spaces/amounts be explained?	The larger properties (Family homes) have 2 spaces each. Everything is compliant with ECC policy and our Adopted Local Plan.
Does the management plans include the management of traffic due to the construction?	This level of detail should come through with the conditional submissions.
Is it possible that at some point traffic may have to be diverted through Dovercourt?	That would be a matter for ECC Highways to decide.
Where are the affordable homes in the development?	They are 'pepper potted' across the northern arch of the development and some next to the park in the middle and they will be indistinguishable from the other homes.
Will each property have an electric charging point on it.	Yes.

Following discussion by the Committee, it was moved by Councillor Alexander, 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 planning and conditions (and reasons):-

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

Drawing title	Dwg no.	Rev
Masterplan	PH-165-002	B
Detailed Layout	PH-165-003	B
Materials Layout	PH-165-004	B
Storey Heights	PH-165-005	B
Tenure Plan	PH-165-006	B
Boundary Treatment Plan	PH-165-007	B

<b>Drawing title</b>	<b>Dwg no.</b>	<b>Rev</b>
Refuse and Recycling	PH-165-008	B
Open Space Plan	PH-165-009	B
Mistley House Type	PH-165-030	A
Kirby House Type	PH-165-031	A
Oakley House Type	PH-165-032	A
Beaumont House Type	PH-165-033	A
Raven House Type	PH-165-034	A
Bentley A House Type	PH-165-035	A
Bentley B House Type	PH-165-036	A
Bromley A House Type	PH-165-037	A
Bromley B House Type	PH-165-038	A
Thorpe House Type	PH-165-039	A
Horseley House Type	PH-165-040	A
Thorrington House Type	PH-165-041	A
Walton House Type	PH-165-042	B
Lawford A House Type	PH-165-043	A
Lawford B House Type	PH-165-044	A
Weeley House Type	PH-165-045	A
Sutton A House Type	PH-165-046	A
Sutton B House Type	PH-165-047	A
Brantham House Type	PH-165-048	A
Apartment Block Plan	PH-165-050	B
Apartment Block Elevations	PH-165-051	C
Garage	PH-165-070	A
Bin Store	PH-165-071	A
Street Scenes AA B CC *	PH-165-080	
Street Scenes DD *	PH-165-081	
MASTERPLAN*	19186-2043	-
MASTERPLAN	19186-2044	P-04
SITE LAYOUT PLAN – BUSINESS UNITS	19186-2045	P-03
SITE LAYOUT PLAN – WAREHOUSE UNITS 1 & 2	19186-2046	P-02
SITE LAYOUT PLAN – WAREHOUSE UNIT 3	19186-2047	P-02
SITE LAYOUT PLAN – WAREHOUSE UNIT 4	19186-2048	P-02
SITE LAYOUT PLAN – PUBLIC HOUSE	19186-2049	P-03
SITE LAYOUT PLAN – CINEMA	19186-2050	P-02
SITE LAYOUT PLAN – HOTEL	19186-2051	P-02
SITE LAYOUT PLAN - DRIVE THRU	19186-2052	P-04
Drive-Thru Restaurants Vehicle Swept Path	J000313-ATR101	

<b>Drawing title</b>	<b>Dwg no.</b>	<b>Rev</b>
Assessment Out of Hours FTA Rigid HGV (Eastern Unit)		
Drive-Thru Restaurants Vehicle Swept Path Assessment Large Refuse Collection Vehicle (Eastern Unit)	J000313- ATR102	
Drive-Thru Restaurants Vehicle Swept Path Assessment 7.5t Luton Van Servicing (Eastern Unit)	J000313- ATR103	
Drive-Thru Restaurants Vehicle Swept Path Assessment Luxury 4x4 via DriveThru Lane (Eastern Unit)	J000313- ATR104	
Drive-Thru Restaurants Vehicle Swept Path Assessment Out of Hours FTA Rigid HGV (Western Unit)	J000313- ATR105	
Drive-Thru Restaurants Vehicle Swept Path Assessment Large Refuse Collection Vehicle (Western Unit)	J000313- ATR106	
Drive-Thru Restaurants Vehicle Swept Path Assessment 7.5t Luton Van Servicing (Western Unit)	J000313- ATR107	
Drive-Thru Restaurants Vehicle Swept Path Assessment Luxury 4x4 via DriveThru Lane (Western Unit)	J000313- ATR108	

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 hard and soft landscaping drawing no's:
  - JBA 21/267 -01 B
  - JBA 21/267 -02 B
  - JBA 21/267 -03 B

- JBA 21/267 -04 B
- JBA 21/267 -05 B
- JBA 21/267 -06 B
- JBA 21/267 -07 B
- JBA 21/267 -08 B
- JBA 21/267 -09 B
- JBA/21/267 -10 A
- JBA/21/267 -11 A
- JBA/21/267 -12 A
- JBA/21/267 -13 A
- JBA/21/267 -14 A
- JBA/21/267 -15 A
- JBA/21/267 -16 A
- JBA/21/267 -17 A
- JBA/21/267 -18 A
- W2335 Hard Landscape Proposals - 1001
- W2335 Hard Landscape Proposals - 1002
- W2335 Infrastructure Landscape Proposals - 1004
- W2335 Infrastructure Landscape Proposals - 1005
- W2335 Industrial Landscape Proposals - 1007
- W2335 Industrial Landscape Proposals - 1008

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 first occupation of any of the phases of the approved Strategic Phasing Plan a landscape contractual arrangement must be in place to ensure the maintenance of all public soft landscaped areas on behalf of the residents, business and users of the development, for the lifetime of the development.

Reason: To ensure appropriate maintenance of the approved landscaping scheme, in the interests of visual amenity, the quality of the development and the character of the area.

4. 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 dwellings hereby approved, 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.

5. Prior to above ground works in any phase identified within the approved Strategic Phasing Plan, a scheme for the provision of electric vehicle charging facilities for the dwellings, commercial, business, hotel, cinema, and industrial buildings 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.

6. No phase of the development identified within the approved Strategic Phasing plan shall be occupied until 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.

7. Prior to the occupation of any phase of the proposed development the internal road and footway layouts shall be provided in principle and accord with Drawing numbers:
  - PH-165-002 Rev. B:- Master Plan.
  - PH-165-003 Rev. B:- Detail Layout
  - 19186-2044 P-04 :- Masterplan

- 19186-2045 P-03 :- Site Layout Plan – Business Units
- 19186-2049 P-03 :- Site Layout Plan – Public House
- 19186-2052 P-04 :- Site Layout Plan – Drive Thru
- 2046 P-02 - Amended warehouse units 1 and 2 - site layout plan
- 2047 P-02 - Amended warehouse units 3 - site layout plan
- 2048 P-02 - Amended warehouse units 4 - site layout plan
- 2051 P-02 - Amended hotel - site layout plan

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM1.

8. Any phase of the proposed development shall not be occupied until such time as the vehicle parking areas indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

9. Notwithstanding the details shown on drawing PH-165-003 Rev. B, prior to occupation, details of a type of bollards/barrier to be located across the private road between plots 15/16, 57/58, 95/96 and 229/230 shall be submitted for approval. The development shall be carried out in accordance with the approved details and shall be maintained for the lifetime of the development.

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 in accordance with policy DM1.

10. Prior to the Drive-Thru Restaurants becoming operational a Delivery and Servicing Plan, and a Car Park Management Plan shall be submitted to, and agreed in writing with, the Local Planning Authority. The Plans to include the following, and be adhered to at all times:
  - i. Deliveries and refuse collection to the development to be managed in advance and limited to outside of operational hours only.
  - ii. An area to be kept clear outside operational hours to facilitate servicing and refuse collection.
  - iii. A parking management strategy to be in place limiting customers to a maximum 60-minute stay only.



- iv. All parking spaces to be provided for customers only. No staff parking to be permitted to park on site.

Reason: In the interests of highway safety to ensure accordance with Policy DM1 and DM19.

11. Prior to the first use of any external lighting / floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety in accordance with Policy DM1.

12. Any gates provided at any vehicular access points shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the footway / cycleway or where no provision of footway/cycleway is present, the carriageway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety in accordance with policy DM1.

13. Prior to first occupation a scheme for the associated extractor / ventilation systems for any business units (where relevant) and or food outlets hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The scheme submitted shall include measures to control noise and odour from any extractor systems. The details shall thereafter be implemented in accordance with the approved details and retained as such

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

14. Prior to above ground works in any phase identified within the approved Strategic Phasing Plan the precise details of the manufacturer and types and colours of all the external facing materials and roofing materials to be used in the construction of all the buildings hereby approved shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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

15. Prior to the occupation of any dwelling the details of the equipment used in the Locally Equipped Play area shall be 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.

16. Prior to the commencement of development in any phase identified within the approved Strategic Phasing Plan a Construction and Environmental Management Plan shall have first been submitted to and approved in writing by the Local Planning Authority. This shall include a method statement for the following (where applicable):

- i) Provision for: the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials storage of plant and materials used in constructing the development, and; wheel and underbody washing facilities
- ii) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- iii) 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 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- iv) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228.
- v) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- vi) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents. 6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.
- vii) Prior to the installation of any external lighting precise details shall have first been submitted to and approved in writing by the local planning authority. Any external lighting shall be designed so as to prevent any unnecessary light spill. Any lighting of the development shall be located, designed and directed or screened so that it does not cause avoidable intrusion to adjacent residential properties/ constitute a traffic hazard/cause unnecessary light pollution outside the site boundary. "Avoidable intrusion" means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Engineers. Thereafter external lighting

shall only be installed in accordance with such details as may have been approved.

viii) All waste arising from any demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

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

x) All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

xi) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Reason: In the interests of residential amenity and highway safety.

17. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that the site is free from contamination.

18. Prior to the above ground works in any phase identified within the approved strategic phasing plan precise details of the decision, siting, design and materials of screen walls and fences shall have been submitted to and approved in writing by the local authority, including the specific boundary treatment details and landscaping between plots 254 and 255 and the pub garden to the north. All approved screen walls and fences shall be erected prior to the dwellings to which they relate being occupied and thereafter be retained in the approved form.

Reason - In the interests of visual and residential amenity.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road.

Reason - In the interests of visual and highway safety.

20. Before any specified plant and/or machinery is used on any of the A3 restaurant units or the Cinema building hereby approved, it shall be enclosed with sound-

insulating material and mounted in a way which will minimise transmission of structure-borne sound in accordance with a scheme that shall first have been submitted to and approved in writing by the local planning authority. The measures implemented as approved shall be retained thereafter.

Reason - In the interests of visual and residential amenity.

21. Oak tree indicated as T11 in the arboriculture impact assessment dated 6 December 2021 (ref JBA 21/267/ AR01 Issue A) shall be retained and incorporated into open space/suds area to north of residential parcel.

Reason - In the interests of environmental, visual and residential amenity.

**205. A.2 PLANNING APPLICATION - 21/02097/FUL - HOLLAND FOOTBALL CLUB THE CLUBHOUSE DULWICH ROAD HOLLAND-ON-SEA ESSEX**

Members heard how this application was before them as Tendring District Council was the land owner and that the proposal involved the construction of an extension to the existing clubhouse building. The proposal would improve the facilities available, supporting the Holland-on-Sea Football Club and the wider community.

The Committee was informed that the proposals were considered by Officers to be of a size, scale and design in keeping with the existing building and there were no concerns raised regarding the impact on the neighbouring residential properties in the surrounding streets given the existing use of the site.

Following discussion by the Committee, it was moved by Councillor Bray, seconded by Councillor Fowler 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 planning 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 drawings:

0925\_A\_SC\_02/A - Proposed site plan

0925\_A\_SC\_04 - Proposed elevations and floor plans

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

**206. A.3 PLANNING APPLICATION - 21/01687/FUL - JUBILEE FIELD NAZE PARK ROAD WALTON-ON-THE-NAZE ESSEX CO14 8JZ**

The Committee heard how this application was before it as Tendring District Council was the land owner and applicant.

Members were informed that the proposal involved the temporary siting of 17 beach huts on Jubilee Fields in Walton-on-the-Naze. The huts had been located there in the summer of 2021 and as such the application was retrospective. The huts would be sited on Jubilee Fields whilst works took place to the sea wall at East Terrace, Walton-on-the-Naze. The huts were to be moved back to their original location on completion of the works which was expected to be in an estimated 12 months' time.

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

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

1. The development hereby permitted shall be retained in accordance with the following approved drawings:

Site Location Plan

Existing Block Plan

Proposed Block Plan

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

2. The period of this permission shall expire on 16.08.2023 at which date the beach huts and fencing hereby permitted shall be removed.

**Reason** – This planning permission has been assessed and granted on a temporary basis. Permanent planning permission would require the circumstances of the development to be assessed on the basis of permanent, rather than temporary, impacts.

3. Upon the cessation of use, all beach huts and fencing shall be removed from Jubilee Ground and the site and its landscape features returned to its condition prior to the commencement of the approved development.

**Reason-** To ensure the reinstatement and protection of coastal views and landscape in the interests of visual amenity and local biodiversity.

The meeting was declared closed at 7.13 pm

**Chairman**

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