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Planning Committee

30 March 2022

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON WEDNESDAY, 30TH MARCH, 2022 AT 6.00 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors White (Chairman), Bray (Vice-Chairman), Alexander, Casey, Harris and Placey
Also Present:	Councillor Mark Stephenson and Talbot
In Attendance:	Graham Nourse (Assistant Director (Planning)), Joanne Fisher (Planning Solicitor), Susanne Chapman-Ennos (Planning Team Leader), Jacob Jaarsmar (Planning Team Leader), Emma Haward (Leadership Support Assistant) and Matt Cattermole (Communications Assistant)

222. CHAIRMAN'S ANNOUNCEMENTS

The Chairman informed the Committee and the public present that Item 8 on the agenda, **Planning Application 21/02022/FUL – CHINESE COTTAGE RESTAURANT, HIGH STREET, THORPE-LE-SOKEN, ESSEX**, had been deferred at the applicant's request and that there would be no Officer presentation, deliberations or speakers in relation to this application at this meeting.

223. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillors Baker, Codling and Fowler with no substitutes.

224. MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 16 FEBRUARY 2022

It was moved by Councillor Casey, seconded by Councillor Harris and **RESOLVED** that the minutes of the meeting of the Committee held on 16 February 2022 be approved as a correct record.

225. DECLARATIONS OF INTEREST

Councillor Bray declared a personal interest in **Planning Application A.1 21/01000/FUL – ST JOHNS PLANT CENTRE, EARLS HALL DRIVE, CLACTON ON SEA, ESSEX CO16 8BP** due to his having participated at length, on behalf of the Committee in the Planning Appeal on the previous application For this site. He considered that he was pre-determined and that therefore he would not participate in the Committee's deliberations and decision making on this application.

Councillor White declared a personal interest in **Planning Application A.1 21/01000/FUL – ST JOHNS PLANT CENTRE, EARLS HALL DRIVE, CLACTON ON SEA, ESSEX CO16 8BP** due to his being a Ward Member. He did not consider that he was pre-determined.

226. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were none on this occasion.

227. A.1 PLANNING APPLICATION 21/01000/FUL - ST JOHNS PLANT CENTRE, EARLS HALL DRIVE, CLACTON-ON-SEA, ESSEX CO16 8BP

In line with his previous declaration of interest as reported under Minute 224 above, Councillor Bray temporarily left the meeting whilst the Committee deliberated on this application.

It was noted that the application site comprised 7.6 hectares of horticultural land and was located approximately 300m to the western edge of Clacton-on-Sea, but within the Civil Parish of St Osyth. The site lay to the north of St. Johns Road (B1027), with the majority of the site being to the rear of a ribbon of residential development that fronted onto that road (even nos. 690 – 762).

It was reported that currently the vehicular access to the site was off Earls Hall Drive, a private road which passed along its western boundary. It was proposed to provide a footpath/cycleway within the current curtilage of 762 St Johns Road adjacent to the existing lane. In addition, the application site also included a chalet bungalow and its garden at 700 St Johns Road which it was proposed would be demolished, in order to provide a new, replacement vehicular access to the site, in lieu of Earls Hall Drive.

Members were informed that the site lay within the settlement development boundary for Clacton-on-Sea where there was no objection, in principle, to residential development.

The Committee was informed that this application sought full planning permission for the demolition of the nursery's glasshouses, buildings and structures and No. 700 St Johns Road and the redevelopment of the site with a predominately residential scheme. The proposed residential scheme comprised of: 180 Residential units comprising 10 no. 2 bed houses; 83 no. 3 bed houses; 24 no. 4 bed houses; 15 no. 5 bed houses; 16 no. 1 bed apartments; 24 no. 2 bed apartments and 8 no. live/work units (mixed commercial totalling 1064 square metres with flats above), with associated roads, open space, drainage, landscaping and other associated infrastructure.

Officers reminded the Committee that they were content that, subject to the imposition of reasonable planning conditions and Section 106 planning obligations, that the general principle of this level of development on the site was acceptable. It was in keeping with both the site's location on the edge of Clacton-on-Sea, along with the need to facilitate onsite strategic landscaping, open space and the retention of existing landscape features. Furthermore, the proposal would ensure that the living conditions of existing and future residents would be protected from any materially detrimental impacts.

Members were advised therefore that the recommendation of Officers was to approve planning permission, subject to the completion of a legal obligation under Section 106 of the Town and Country Planning Act 1990, a dormouse survey and the imposition of a number of controlling conditions.

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

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

An update sheet had been circulated to the Committee prior to the meeting with details of an NHS Consultation Response as follows:-

“A developer contribution of £109,900.00 will be required to mitigate against the Healthcare impacts of this proposal. The proposed contribution is to be used for Clacton Community Practice (including branches at Nayland Road and Kennedy Way). This required contribution will be secured as part of the Section 106 agreement. “

Mr Michael Robinson, the consultant acting on behalf of the applicant, spoke in support of the application.

Mr Ray Crosier, a local resident, spoke against the application.

Parish Councillor (and local District Ward Member) Michael Talbot, representing St Osyth Parish Council, spoke against the application.

Matters raised by Members of the Committee:-	Officer’s response thereto:-
Would there be any EV charging points on the properties?	The Planning Officer confirmed that as part of a Renewable Energy scheme, charging points would be conditioned.
The Inquiry Inspector had made recommendations on the previous application, would those recommendations be carried on as part of the new application?	The Planning Officer confirmed that the previous appeal decision was a material consideration.
Members of the Committee raised concerns regarding traffic, had a new survey been carried out under different conditions?	The Planning Officer confirmed that the Transport Assessment had been updated. However, the data gathered related to a survey completed in 2018 as part of a previous application. From ECC Highways, further comments had been received.
It was raised by a member of the Committee concerns relating to the development at Rouses Farm. Could the officer confirm the distance between the access point from Rouses Farm and the proposed entrance road?	The Planning Officer confirmed that the access point into Rouses Farm was 100-150 yards away.
How old were the poplar trees?	The tree specialist had confirmed that the trees were not worthy of retention. Condition 10 required a landscaping scheme to be submitted, Officers considered that if the scheme was acceptable and if the trees died within 5 years of planting, they were replaced with an alternative deemed acceptable by the Council.
Is the site a rural service area?	The Planning Officer confirmed that the development was not a rural service centre and part of the Clacton area.
Could the officer identify the 8	The Planning Officer highlighted the units in

working units?	question and confirmed that there would be a deficit if more affordable homes were proposed.
12m was the highest point of buildings, how did this compare to the chimneys presently on site?	The Planning Officer confirmed that the chimneys were 14m in height.
A member of the Committee asked if a representative from ECC Highways had been invited to attend the meeting.	ECC Highways had been asked to attend, however, they were unable to attend due to Covid-19 related sickness.

Following discussion by the Committee, it was moved by Councillor Harris, seconded by Councillor Placey and **RESOLVED** that consideration of this application be deferred in order to allow ECC Highways officers to attend a future meeting of the Planning Committee whereby they can be present to answer Members' technical and highway specific questions and to clarify traffic data used in the transport assessment. In addition, Officers were instructed to request the applicant to look at their proposal against policies SP7, SPL3, LP4 and LP5 and submit changes if required.

228. A.2 PLANNING APPLICATION 20/00541/OUT - LAND WITHIN CAR PARK, BROOK RETAIL PARK, LONDON ROAD, CLACTON-ON-SEA, ESSEX

Councillor Bray returned to the meeting.

It was noted that this application had been referred to the Planning Committee at the request of Councillor Mark Stephenson, due to his concerns over the sequential test and the effect of the proposal on highways and parking considerations.

It was reported that this application sought outline planning permission with access details to be considered. Appearance, landscaping, layout, and scale details were reserved matters for consideration under a subsequent application.

Members were reminded that the proposal was situated within the settlement development boundary of Clacton-on-Sea, which was a strategic urban settlement in the Local Plan settlement hierarchy. It was therefore an acceptable location for new development in principle. As the proposal was for a town centre use in an out of centre, edge of settlement location, a retail sequential test had been carried out and passed i.e. there was no sequentially preferable location for the development. The proposal was below the locally set threshold above which a retail impact assessment would have been required and it would not therefore conflict with the town centre first policy. Subject to conditions, Officers felt that it would also not conflict with Policy HP1 in terms of health considerations.

Whilst the concerns of Councillor Stephenson and B&Q who object to the proposal were acknowledged by Officers, the Committee was made aware that the technical evidence submitted with the application, together with the consultation responses of the local highway authority, concluded that the proposal would not have an adverse effect upon the road network or result in any unacceptable highway safety impacts. Therefore, in accordance with Policy CP2 and Paragraph 111 of the Planning Policy Framework, officers advised that planning permission should not be refused for reasons related to highway matters.

Subject to conditions Officers believed that the proposal would comply with the requirements of the development plan and material considerations did not indicate that planning permission should be refused in this case. Significant weight would be given to the economic benefits and approval was therefore recommended by the Officers.

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) Comments from Tendring Council Waste Services in relation to refuse collection and;
- (2) A proposed Amendment to Condition 2 as follows:

“2. The landscaping plan has been update to include hedging across the front of plots 1 and 3 and around the site to mitigate the impact of vehicle headlights from cars entering the site. Therefore Condition 2 is updated to reflect the amended plan:-

The development hereby permitted shall be carried out in strict accordance with the following approved plans and reports:

- Drawing No 937/01C – Proposed Site Layout (with Highway visibility splays)*
- Drawing No 937/02 – Plot 1 Proposed Elevations and Floorplan*
- Drawing No 973/03 – Plot 2 Proposed Elevations and Floorplan*
- Drawing No 973/04 – Plot 3 Proposed Elevations and Floorplan*
- Drawing No 973/05 – Plot 4 Proposed Elevations and Floorplan*
- Drawing No 973/06 – Plots 3 & 4 Garage Elevations and Floorplan*
- Drawing No 937/07D – Proposed Landscaping Plan*

*Arboricultural Impact Assessment and Preliminary Method Statements prepared by Tree Planning Solutions dated 20th January 2022 Reference No. TPSarb5511221
Preliminary Ecological Appraisal Version 1 prepared by Hybrid Ecology Ltd, dated December 2021*

Reason: In the interests of proper planning and for the avoidance of doubt.”

Ms Heather Arnell, the agent acting on behalf of the applicant, spoke in support of the application.

Mr Jake Tubb, the agent, acting on behalf of an objector, spoke against the application.

Councillor Mark Stephenson, an adjacent Ward Member, spoke against the application.

Matters raised by Members of the Committee:-	Officer’s response thereto:-
A member of the Committee asked what the footprint was.	The Planning Officer confirmed that there was a condition whereby the site could not exceed 380m.

Concerns relating to disruption of traffic were also raised.	The Planning Officer confirmed that Condition 7 recommended a Construction Management Plan.
It was raised by a member of the Committee the construction element of the proposal, was it covered by the Highways Act 1997?	The Planning Officer advised that the construction was to be contained and form part of the Construction Management Plan and consultation with workers on site.
A member of the Committee asked if there were any material reasons to reject the application.	The Planning Officer advised that as part of the decision, the Committee needed to consider any potential evidence that the car park would become busy over various periods of time.
Concerns relating to traffic were raised in relation to adjacent restaurants.	The Planning Officer advised that there were not Highway safety concerns though issues may occur if the resulted impact was sustained and severe.
A member of the Committee asked why the parking survey was completed at the time that it was.	The Planning Officer advised that an additional survey had been requested.
Highways concerns were raised with regards to the potential impact on the A133.	The Planning Officer informed the Committee that the evidence of surveys were proportionate with the proposals.

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

(a) Planning Conditions and Reasons:

1. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to appearance, landscaping, layout and scale have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: The application as submitted does not provide sufficient particulars for consideration of these details.

4. The development hereby permitted shall be carried out in accordance with the following approved plans (strict accordance with regard to the location, broad accordance with regard to the parameters):

Site Location Plan, Drawing No 0100 Rev C

Parameter Plan – Site Plan, Drawing No 0150 Rev E

Parameter Plan – Site Elevations, Drawing No 0151 Rev C

Parameter Plan – 3D Views, Drawing No 0152 Rev C

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

5. The gross floorspace of the development hereby approved shall not exceed 380m².

Reason: For the avoidance of doubt and in the interests of highway safety.

6. The development shall be occupied by a coffee shop led operator and sales of hot food shall be ancillary only.

Reason: In the interests of public health in accordance with Policy H1, and in the interests of highway safety because the highway implications of the proposal have been considered on this basis.

7. Prior to the commencement of development, a Construction Management Plan shall have been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

i) The parking of vehicles of site operatives and visitors;

ii) Loading and unloading of plant and materials;

iii) Storage of plant and materials used in constructing the development, and;

iv) Wheel and underbody washing facilities.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

8. Prior to the commencement of development, details of electric vehicle charging points and cable enabled parking spaces to be provided shall be submitted to and approved in writing by the local planning authority. The charging points shall be installed in accordance with the approved details prior to first use and thereafter retained for the lifetime of the development.

Reason: In the interests of promoting sustainable travel opportunities and reducing carbon emissions in addressing climate change.

9. Prior to the commencement of development, a scheme for the disposal of foul and surface water shall have first been submitted to and approved in writing by the local planning authority. The scheme shall follow sustainable drainage principles and shall thereafter be installed prior to first use.

Reason: In order to ensure satisfactory drainage details, in the interests of reducing the risk of flooding elsewhere and to protect the water environment.

10. Prior to the commencement of development, the bollards at the KFC loading bay shall be relocated further from the kerb in order to provide additional overhang space for

delivery vehicles, and amendments shall be made to the lining of the loading bay, in accordance with a scheme which shall have first been submitted to and approved in writing by the local planning authority. Thereafter, the scheme shall be implemented prior to the commencement of works.

Reason: In the interests of highway safety.

11. Prior to the above ground works, details of all external plant and equipment shall have first been submitted to and approved in writing by the local planning authority. The details shall include expected noise levels. Thereafter, external plant and equipment shall be installed only in accordance with the approved details.

Reason: In the interests of visual and aural amenity.

12. Prior to the first use, details of any external lighting shall have first been submitted to and approved in writing by the local planning authority. The scheme shall be so designed to ensure that lighting is shielded, and that users of the highway are not affected by dazzle and/or glare. Thereafter, external lighting shall be installed only in accordance with the approved details.

Reason: In the interests of highway safety and so as to prevent unnecessary light pollution.

13. As part of any reserved matters submission for the layout, any consequential changes required to kerbed parking islands shall be shown. Thereafter, kerbed parking islands shall be amended in accordance with the approved layout prior to first use.

Reason: In the interests of highway safety.

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

Reason: In order to promote sustainable transport.

15. Prior to first use, a Delivery and Servicing Plan and a Car Park Management Plan shall have first been submitted to and approved in writing by the Local Planning Authority.

The Plans shall include the following and be adhered to at all times thereafter:

- a. Service vehicles servicing the site of maximum length 11.52 metres shall be used to service the coffee shop;
- b. Deliveries and refuse collection to the development to be managed in advance and limited to outside of operational hours only;
- c. An area to be kept clear outside operational hours to facilitate servicing and refuse collection for the coffee shop;
- d. A parking management strategy to be in place limiting customers to a maximum 90-minute stay only;
- e. All parking spaces to be provided for customers only. No staff parking to be permitted to park on site, and;
- f. Directional signage within the retail park.

Reason: In the interests of highway safety and protecting the amenity of the locality.

(b) That any Reserved Matters application in relation to this development be submitted to the Planning Committee for its determination.

229. A.3 PLANNING APPLICATION 21/00738/FUL – HIGH BEECH, TURPINS LANE, KIRBY CROSS, FRINTON ON SEA

Members were advised that this application had been called in by Councillor Anne Davis.

The Committee was informed that this application was for the demolition of the existing dwelling and the construction of four detached bungalows with associated parking and landscaping. It was also proposed to increase the width of the main access way from Turpins Lane. The site was located within the defined Settlement Development Boundary of Frinton-on-Sea and was considered to be an existing backland site.

The proposal was considered by Officers to be of a size, scale and design in keeping with the overall grain of residential development in the surrounding area. There were no concerns raised regarding the impact on the neighbouring residential properties and subject to conditions it was considered by Officers to be acceptable in regards to Highways and Parking impacts.

Members were reminded that the application had been deferred from the November 2021 Committee meeting due to concerns raised by Councillors regarding the ecology impacts of the development and more information had been requested in regard to the protection measures proposed for the existing TPO tree located adjacent to the proposed access way. An Arboricultural Impact Assessment and Preliminary Method Statement, Preliminary Ecological Assessment and a Construction Management Plan had been now submitted to support the 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.

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

Mr Harry Shearing, a local resident, spoke against the application.

Councillor Anne Davis, a local Ward Member, had submitted a written representation objecting to the application, which was read out by Councillor Mark Stephenson who was present in the public gallery. (Councillor Davis had been unable to attend the meeting due to Covid-19 related illness.)

Matters raised by Members of the Committee:-	Officer’s response thereto:-
A member of the Committee asked the Planning Officer to confirm the requirements in relation to a long narrow driveway (LP8).	The Planning Officer advised the Committee to consider the altered existing access way, the Officer referred to LP3 whereby, ‘safer means of access must be provided’. This justification was important

	in determining the application. There was no objection from ECC Highways.
It was raised by a member of the Committee concerns on parking and amenity space.	The Planning Officer confirmed that the parking and amenity space was acceptable.
A member of the Committee asked the Planning Officer to confirm the refuse arrangements.	The Planning Officer advised that the refuse collection point would be Turpins Lane for the residents according to the waste schedule.
What was proposed for the existing hedge?	Condition 13 would be deleted so that the hedge was now to be kept.

The Chairman, at this time, 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 Harris, seconded by Councillor Placey and **RESOLVED** that the Committee continue its deliberations.

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

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 strict accordance with the following approved plans and reports:

Drawing No 937/01C – Proposed Site Layout (with Highway visibility splays)

Drawing No 937/02 – Plot 1 Proposed Elevations and Floorplan

Drawing No 973/03 – Plot 2 Proposed Elevations and Floorplan

Drawing No 973/04 – Plot 3 Proposed Elevations and Floorplan

Drawing No 973/05 – Plot 4 Proposed Elevations and Floorplan

Drawing No 973/06 – Plots 3 & 4 Garage Elevations and Floorplan

Drawing No 937/07C – Proposed Landscaping Plan

Arboricultural Impact Assessment and Preliminary Method Statements prepared by Tree Planning Solutions dated 20th January 2022 Reference No. TPSarb5511221
Preliminary Ecological Appraisal Version 1 prepared by Hybrid Ecology Ltd, dated December 2021

Reason: In the interests of proper planning and for the avoidance of doubt.

3. Prior to the commencement of development hereby permitted, the specific requirements of paragraphs numbered 1 to 3 below must have been undertaken. 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.

4. Prior to the commencement of development the tree protection measures outlined in the submitted AIA must be in place. All other requirements of the Arboricultural Impact Assessment (AIA) and Preliminary Arboricultural Method Statement (AMS) must be complied with fully, prior to, during and after construction of the development hereby approved.

Reason - To ensure that the roots of the preserved tree are not harmed by the development.

5. The submitted Construction Method Statement dated Jan 2022 shall be adhered to throughout the construction period for the development.

Reason - In the interests of residential amenity and highway safety and to reduce the likelihood of complaints of statutory nuisance.

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

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

7. Prior to first occupation of the development hereby approved, all mitigation and enhancement measures and/or works must be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Hybrid Ecology dated December 2021) submitted with the application.

Reason: To conserve and enhance the biodiversity of the site

8. Prior to the commencement of above ground works precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction must be 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 the development is carried out in accordance with the consent sought, has an acceptable design, having regard to Policy SPL3 of the Tendring District Local Plan 2013-33 and Beyond.

9. Prior to above ground works, a scheme for the provision of electric vehicle charging facilities for each dwelling 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 respective plot.

Reason: In order to promote sustainable transport.

10. Notwithstanding the provisions of Schedule 2 Part 1 Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

(or any Order revoking and re-enacting that Order with or without modification), no extensions, additions, porches or alterations to the dwellings or their roofs shall be carried out and no outbuildings, enclosures, swimming or other pools shall be erected except in complete accordance with details which shall previously have been approved, in writing, by the Local Planning Authority following the submission of a planning application for such development.

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

11. All new driveways 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 dwelling.

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

12. There should be no obstruction above ground level within a 2.3 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway either side of the existing vehicle access from Turpins Lane as shown on Site Plan 937/01 Rev C. Such vehicular visibility splays shall be provided before the road junction/access is first used by any vehicular traffic associated with the development hereby approved, including construction traffic, and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety

13. Prior to occupation of the development the vehicular turning facility, as shown on Approved Plan: 951/01A 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

14. No unbound material shall be used in the surface treatment of the vehicular access

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance

15. Prior to the occupation of any of the proposed dwellings hereby approved, the proposed private drive shall be constructed to a minimum width of 5.0 metres for at least the first 6 metres back the Highway Boundary with Turpins Lane, as shown on plan and agreed with the Highway Authority.

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

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

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety

17. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been hard surfaced, and sealed. The vehicle parking area and garages shall be retained in this form at all times and not used for any purpose other than the parking of vehicles that are related to the use of the development.

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

18. All single garages should have a minimum internal measurement of 7m x 3m

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

19. The ground floor windows and door on the flank elevations of the dwellings hereby approved, must be obscure glazed to a minimum of Level 4 on the Pilkington scale of privacy or equivalent, and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason: To protect the residential amenities of the neighbouring occupiers.

230. A.4 PLANNING APPLICATION 21/02022/FUL – CHINESE COTTAGE RESTAURANT, HIGH STREET, THORPE LE SOKEN, CLACTON ON SEA, ESSEX

The Chairman, had earlier in the meeting, informed the Committee and public present that Item 8 on the agenda, **Planning Application 21/02022/FUL – CHINESE COTTAGE RESTAURANT, HIGH STREET, THORPE-LE-SOKEN, ESSEX**, was deferred at the applicant's request.

The meeting was declared closed at 9.42 pm

Chairman