

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,  
HELD ON TUESDAY, 20TH DECEMBER, 2022 AT 6.00 PM  
IN THE COMMITTEE ROOM, TOWN HALL, STATION ROAD, CLACTON-ON-SEA,  
CO15 1SE**

<b>Present:</b>	Councillors White (Chairman), Fowler (Vice-Chairman), Alexander, Baker, V Guglielmi, Harris, Placey and Wiggins
<b>In Attendance:</b>	Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Gary Guiver (Director (Planning)), Ian Ford (Committee Services Manager), Barbara Pole (Economic Growth & Enterprise Manager), Amy Lang (Planning Officer), Alison Pope (Planning Officer) and Mark Wilson (Development Technician - Technical)

**70. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies for absence (notices of substitution) submitted but it was noted that Councillor Codling was absent on this occasion.

**71. MINUTES OF THE LAST MEETING**

The minutes of the last meeting of the Committee, held on 24 November 2022, were approved as a correct record and signed by the Chairman.

**72. DECLARATIONS OF INTEREST**

Members of the Committee declared that they had received "lobbying" material by email from Ardleigh Parish Council in relation to Planning Application 22/00467/DETAIL (report item A.2).

Councillor Wiggins stated for the public record that she was a Ward Member for Planning Application 22/00688/FUL (report item A.3). She confirmed, however, that she was not pre-determined on this application and that therefore she would take part in the Committee's deliberations on this matter.

The Chairman stated for the public record that the Council regularly hired Tendring Travel, who were the applicants for Planning Application 22/00854/FUL (report item A.4), to transport the Members of the Planning Committee on their site visits.

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

There were no such Questions on Notice submitted by Councillors on this occasion.

**74. REPORT A.1 PLANNING APPLICATION - 21 01891 FUL - BROADFIELDS, PRIMROSE HILL, WRABNESS**

Members were informed that this application had been referred to the Planning Committee as the proposed development would conflict with the requirements of the Development Plan, principally Policy SPL2 (Settlement Development Boundaries) of the Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022) it being located outside of any defined settlement development boundary.

It was reported that this application sought full planning permission for the change of use of the former forge building to a one bedroom dwelling with parking and private amenity space. Officers were content that, subject to the imposition of reasonable planning conditions and the completed unilateral undertaking, that the change of use on the site was acceptable. The proposal was considered to be in keeping with the site's rural location on the edge of Wrabness; provided ecological mitigation measures and enhancements; would not result in any material harm to designated landscapes or have any detrimental impact on neighbour amenity; and there were no concerns raised in regards to parking and highway matters. Furthermore, Officers felt that the new dwelling would contribute to the generation of renewable energy for sustainable living through solar panels and an air source heat pump.

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

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

Bill Marshall, a member of the public, spoke on the application.

<b>Outline of matters raised by the Committee</b>	<b>Outline of the Officer response thereto</b>
<i>Is this application a departure from the Local Plan?</i>	<i>Yes, it is outside the Settlement Development Boundary but the Council can also take into account the NPPF for guidance e.g. its encouragement for the re-use of redundant rural buildings if such re-use would enhance the local setting.</i>
<i>Referencing the flooding in the road – is this site in the flood plain?</i>	<i>The site is not within Flood Zones 2 or 3 so there was no requirement for a Flood Risk Assessment to be submitted with the application.</i>
<i>Do neighbouring properties have any planning permissions?</i>	<i>Yes.</i>
<i>Will this dwelling be attached to the main sewerage system?</i>	<i>Yes.</i>
<i>Referencing the Members' Referral Scheme – if a Ward Member was in favour of the application could they "call it in" if the Planning Officers were not in favour?</i>	<i>Yes, a Member can "call-in" an application regardless of the Planning Officer's recommendation. Though if the Member and the Officer coincided in their opinion then the member would be asked whether they still wished to proceed with the "call-in".</i>
<i>Can we have an assurance that if this application is approved then there will not be any further applications for development on this site?</i>	<i>That assurance cannot be given. Though if any further applications came forward for this site then they would be considered on their planning merits.</i>
<i>Are there any proposed conditions to protect the Oak Tree on this site from harm whilst the parking spaces are</i>	<i>This is covered by proposed planning condition number 17.</i>

<i>constructed?</i>	
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Following discussion by the Committee:-

It was moved by Councillor Fowler, seconded by Councillor Alexander and:-

**RESOLVED** that the Planning Manager be authorised to grant planning permission, subject to the prior completion of a Unilateral Undertaking for a financial contribution towards RAMS, and the conditions, as set out below, or as need to be varied (to account for any errors or legal issues et cetera), or otherwise added, or removed, as may be deemed necessary by the Planning Manager:-

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 / documents, and / or such other drawings / documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings / documents as may be subsequently approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard:

- Site Plan 1:2500
- Design and Access Statement
- Drawing No. 74-2019-13PA
- Drawing No. 74-2019-11PB

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

- 3 No vehicle/s connected with the construction works to arrive on site before 07:30 or leave after 19:00. Working hours for construction are restricted to between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no construction working of any kind permitted on Sundays or any Public/Bank Holiday.

Reason - To protect the amenity of nearby residential properties.

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

Reason - To protect the amenity of nearby residential properties.

- 5 There should be no obstruction higher than 600mm above ground level within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before first occupation of the property and retained free of obstruction above 600mm at all times.

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

- 6 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason - To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 7 Prior to occupation of the hereby approved use the vehicular access shall be suitably and permanently altered as shown on Drawing No. 74-2019-13PA, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority.

Reason - To ensure the satisfactory alteration of the vehicular access, in the interests of highway safety.

- 8 The development shall not be occupied until such time as the car parking and turning area, indicated on the approved plans, has been hard surfaced. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking 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.

- 9 Prior to the occupation of the proposed dwelling, the existing private drive shall be constructed to a maximum width of 5.5 metres for at least the first 4.3 metres from the back of Carriageway / Footway / Highway Boundary.

Reason - To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.

- 10 No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement 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
  - iv. wheel and under body washing facilities

Reason - To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm on amenity.

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

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

- 12 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, to have been previously approved in writing by the local planning authority (to include six one day travel vouchers for use with the relevant local public transport operator).

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

- 13 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Assessment (Liz Lord Ecology, July 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason - To conserve and enhance protected and Priority species and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 14 Prior to commencement of the development hereby approved a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:-

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site.

Reason - To avoid, minimise or mitigate any construction effects on the environment.

15 Prior to occupation of the development hereby approved a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:-

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

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

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

16 Prior to occupation of the development hereby approved a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason - To allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

17 Notwithstanding any details submitted in the submitted application, prior to the commencement of development hereby approved, details shall be submitted of a scheme to protect the existing established and early mature Oak Tree located on the southern boundary of the site. The details shall include a scaled plan of the Root Protection Area and shall clearly illustrate the location and width of the proposed driveway, turning area and parking space together with a method of no dig construction and appropriate protective fencing. Upon receipt of acceptable details the Local Planning Authority shall provide written confirmation and the development may progress in accordance with the approved details.

Reason - To ensure that a maximum level of protection in order to safeguard the well-being of the Oak Tree at the southern corner of the application site.

18 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

dwelling 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 minimise and retain control over the amount of development in this rural location.

- 19 Prior to the commencement of above ground works, a scheme of landscaping, which shall include details of both hard and soft landscape works and earthworks, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme as approved shall be carried out in the first planting season following the completion of the development. Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.

Reason - To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area.

- 20 Prior to any above ground works, a scheme for the provision of electric vehicle charging facilities 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.

**75. REPORT A.2 - PLANNING APPLICATION - 22-00467 - DETAIL - LAND NORTH OF BROMLEY ROAD, ARDLEIGH**

Earlier on in the meeting as reported under Minute 72 above, members of the Committee had declared that they had received "lobbying" material by email from Ardleigh Parish Council in relation to this planning application.

It was reported that this application had been brought to the Committee, at the request of the Planning Manager, as the site lay outside the Settlement Development Boundary of Ardleigh within close proximity to the area designated for the new Tendring and Colchester Garden Community. There was a high level of public interest in the site as had been shown by the number of objections submitted regarding the original outline application (including from Ardleigh Parish Council).

Members were informed that this application related to a parcel of land on the northern site of Bromley Road in the small rural settlement of Crockleford Heath. The site was closely connected to the settlement and the district boundary with Colchester to the west. Adjacent to the site to the east was a development for four dwellings currently under construction, which had been granted planning permission under planning application reference 17/02190/OUT, as had been allowed on appeal (reference APP/P1560/W/18/3200898). To the south of the site lay another development currently under construction for 145 dwellings, planning reference 17/00859/OUT, which had also been allowed on appeal (reference APP/P1560/W/17/3185776).

The Committee was made aware that outline planning permission for four detached dwellings considering access only, on this application site had been approved on 4th February 2022 under application reference 21/01481/OUT. The application now before the Committee sought permission for the reserved matters of the above outline application in respect to scale, layout, landscape and appearance. Revised drawings had been submitted during the course of the application along with an updated Ecology Assessment and a Flood Risk Assessment, and, on balance, the application was considered by Officers to be acceptable in terms of the design, scale, appearance and layout. The proposal was not considered by Officers to have a detrimental impact on neighbour amenity and there were no concerns raised by them in regards to parking and highway matters or flood risk.

Subject to the necessary planning conditions, the proposal was considered by Officers to protect and enhance the biodiversity of the site, along with acceptable tree retention and tree planting, a new hedgerow and a satisfactory soft landscaping scheme.

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 Director (Planning)(Gary Guiver) in respect of the application. An update sheet had been circulated to the Committee prior to the meeting with details of a further letter of objection as follows:-

- "1. It is in conflict to the Adopted Section 2 Local Plan 2013-2033;*
- 2. The development site is 2.7Km from the Ardleigh Settlement Development Boundary, thus classed as Countryside.*
- 3. It should be combined to make a major application with application 17/02190/OUT, approval granted under appeal 18/00086/REFUSE, and thus as a minimum, attract affordable home contributions. The applicants of both sites are associated.*
- 4. The proposed site's natural environment and ecology has been extensively destroyed. The appeal statement 5.11 clearly shows this fact (contains an aerial photo of the site). The 1923 ordnance survey map show the established pond that has been destroyed. The site is adjacent to Salary Brook.*
- 5. The application 22/01690/OHL site plan shows the (now destroyed) pond. Where is the replacement for the overhead power lines to be installed?*
- 6. Nearby applications 21/02164/FUL and 21/01785/OUT have recently been refused by officers. 21/01785/OUT is now at appeal, as 22/00061/REFUSE. The statement of case 6.4 makes the presumption that 22/00467/DETAIL is approved and under construction. (Officer Note, the Appellant's appeal statement is a little ambiguous, whilst the application 22/00467/DETAIL is not mentioned by number specifically, the land is shown generally along with the adjacent site and the larger site opposite and the appeal statement does state that these are 'under construction'.)"*

Bill Marshall, a member of the public, spoke on the application.



Outline of matters raised by the Committee	Outline of the Officer response thereto
<i>Can we have the details of the width of the internal road and how it will link to the adjoining development?</i>	<i>The full details of this will be the subject of a Highways Authority condition. The application indicates that the private roads will be 4m wide with turning head and passing points. The access road into the site would be 5.5m in width.</i>
<i>The rainwater collected from the roof – where will it go?</i>	<i>The application proposes a number of facilities including soakaways from the roof pipes which will go into a ‘creek’ system which will slow the water flow in to the water courses and aid filtration.</i>
<i>Will excess water get into Salary Brook?</i>	<i>The above-mentioned facilities will minimise this and the Lead Local Flood Authority are satisfied with what is proposed though it is accepted that if there is a “monsoon” level event that this may cause run-off into Salary Brook.</i>
<i>Will there be a separate bio-mass facility on this site for processing sewerage and effluent water?</i>	Yes
<i>Will this cope with all sources of foul water?</i>	<i>This cannot be answered for certain as this is a matter that falls to be dealt with under the Building Regulations.</i>
<i>Referencing the proposed Ardleigh Neighbourhood Plan – at what stage is it? How much weight can be given to it?</i>	<i>The Plan has only very recently been submitted to TDC. It will need to be approved by the Cabinet before it can then go out to public consultation. So very little weight can be given to the Plan at this stage. In addition, this site already has an outline planning permission so the principle of the development has already been established.</i>
<i>How far is it from the back of the proposed properties to Salary Brook?</i>	<i>Varies from property to property at between 8.5 to 13 metres.</i>
<i>Who is responsible for the maintenance of the bio-mass system for reducing down the effluent? Need to avoid raw sewerage going into Salary Brook.</i>	<i>Cannot give a definitive answer. Usually a management arrangement would be reached amongst the householders but this is outside of the planning process.</i>
<i>Can the above be conditioned as part of this approval?</i>	<i>Reiterate that this is outside the scope of development control, but this could be covered under the Building Regulations or a private householder arrangement.</i>
<i>Referencing the construction and design of the proposed dwellings – will this be covered under Building Regulations or can this Committee consider this?</i>	<i>Matters relating to structural safety, electric and insulation are covered under the Building Regulations. The dwellings will be inspected at key stages of the construction process</i>

	<i>before the final Completion Certificate is issued. Those checks can be done by either TDC Building Control or by a private building control company.</i>
<i>Referencing the steep road within the site – how will refuse vehicles manage that road to collect from the four dwellings?</i>	<i>If it is a problem – then alternative arrangements are usually made such as a having a designated area where all bins etc. would be taken by the householders to be collected and emptied.</i>
<i>Can we confirm that all the trees currently on the site will remain?</i>	<i>Yes, all the notable trees will remain. A tree survey has been carried out and the trees graded by TDC’s Trees Officer. The proposed landscaping scheme will also lead to an increase in the number of trees and shrubs.</i>
<i>Does the proposed amenity space for these four dwellings meet the minimum requirements?</i>	<i>Yes, comfortably.</i>
<i>What does the proposed condition 5 cover as far as lighting within the site?</i>	<i>It relates to the highways lighting for the internal roads only.</i>
<i>Can the access arrangements to the site be changed as it feels as if the proposed access is dangerous?</i>	<i>No – the access was decided under the prior outline planning permission. In addition, the Highways Authority has not objected.</i>
<i>Referencing paragraph 6.40 of the Officer report – how does TDC measure the net gain for biodiversity?</i>	<i>There is no proactive monitoring. TDC relies on the advice of ecologists at Essex County Council plus any submission made by the Applicant’s ecologist.</i>

Following discussion by the Committee:-

It was moved by Councillor Alexander, seconded by Councillor Harris and:-

**RESOLVED** that the Planning Manager be authorised to grant planning permission, subject to the conditions as set out below, or as need to be varied (to account for any errors or legal issues et cetera) or otherwise added or removed as may be deemed necessary by the Planning Manager:-

Conditions and Reasons

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

- 6798/1101 Rev P1 – Site Location Plan
- 6798/1201 Rev P1 – Proposed Floor Plans
- 6798/1301 Rev P1 – Proposed Elevation Plans
- 6798/1104 Rev P4 – Proposed Block Plan

Phase 1 Desk Top Study of Soil Conditions and Flood Risk Assessment – NF Moore, Job No: 4685, dated July 2022

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Preliminary Ecological Appraisal – Skilled Ecology Consultancy Ltd, Dated January 2016 and updated September 2022.  
Surface Water Drainage Layout – Drawing No: 4665/D1 dated March 2022  
Surface Water Drainage Calculations – NF Moore, Job No: 4685, dated March 2022

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

2. Prior to the commencement of development, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including precautionary method statements of nesting bird and small mammals.
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.
  - i) Containment, control and removal of any Invasive non-native species present on site

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

3. Prior to the commencement of any works above slab level, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:
  - a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs to achieve stated objectives;
  - c) locations of proposed enhancement measures by appropriate maps and plans;
  - d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
  - e) persons responsible for implementing the enhancement measures;
  - f) details of initial aftercare and long-term maintenance (where relevant).

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

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

4. All biodiversity mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Update Preliminary Ecological Appraisal (Skilled Ecology, September 2022). This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

5. Prior to the first occupation of the development hereby approved, an external lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

6. Prior to the first occupation of the development hereby approved, the internal layout and off-street parking shall be provided in principle and accord with drawing number:
  - 6798/1104 P4 Proposed block plan

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

7. Prior to the first occupation of the development hereby approved a 1.5 metre x 1.5 metre pedestrian visibility splay, shall be provided on both sides of each vehicular access. 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.

8. As indicated on drawing no. 6798/1104 P4 and prior to the first occupation of the development hereby permitted, the size 5 vehicular turning facility, shall be constructed, surfaced, and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

9. Prior to the first occupation of the development hereby approved, the vehicle parking, passing place and turning area indicated on the approved plans, has been hard surfaced and sealed. The vehicle parking area, passing place, 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 dwelling.

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.

10. Prior to the commencement of any above ground works, a full scheme of hard and soft landscaping works including a detailed plan, showing species to be used, planting positions, numbers of trees and shrubs and the sizes of the plants at time of planting and include wildlife friendly, native planting and locations for habitat boxes for roosting bats and nesting birds shall be submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of visual amenity, the quality of the development and the character and biodiversity of the area.

11. 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.

12. Prior to the commencement of any above ground works a statement detailing the drainage works for wastewater and foul drainage in relation to the proposed package treatment plant must be submitted to and approved in writing by the Local Planning Authority. These works shall subsequently be carried out in accordance with the approved details.

Reason - To ensure satisfactory drainage/surface water disposal/sewerage disposal is provided.

- 13 Prior to the first occupation of the dwellings hereby approved, full details of the refuse collection and storage facilities to be provided for the dwellings must be submitted to and approved in writing by the Local Planning Authority. The refuse collection and storage must be implemented as per the approved details.

Reason: To ensure adequate provision of refuse storage facilities.

**76. REPORT A.3 - PLANNING APPLICATION - 22-00688-FUL - FARMLAND TO NORTH OF GLENDENNING, TENPENNY HILL, THORRINGTON**

Earlier on in the meeting as reported under Minute 72 above, Councillor Wiggins had stated for the public record that she was a Ward Member for Planning Application 22/00688/FUL (report item A.3). She had confirmed, however, that she was not pre-determined on this application and that therefore she would take part in the Committee's deliberations on this matter.

Members were made aware that this application had been brought before the Planning Committee as the proposed development would conflict with the requirements of the Development Plan, principally Policy SPL2 (Settlement Development Boundaries) of the Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022) as the site was located outside of any settlement development boundary.

It was reported that the proposed dwelling was broadly similar in height, overall scale and footprint compared to the development approved under application 21/02133/COUNOT.

In the absence of any material harm resulting from the development in regards to its individual appearance, its impact on the wider streetscene, its impact on the character of the rural landscape, its impact on neighbours in regards to amenity and the parking provision, the application was recommended by Officers for approval.

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

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

Peter Le Grys, the applicant's agent, spoke in favour of the application.

Bill Marshall, a member of the public, spoke on the application.

<b>Outline of matters raised by the Committee</b>	<b>Outline of the Officer response thereto</b>
<i>Clarify the change in floorspace.</i>	<i>Under the prior approval the floorspace was 93m squared. Under this proposal the floorspace was 104m squared.</i>
<i>Is the proposed condition regarding cycle parking necessary given the size of the application site?</i>	<i>This is a standard highways condition for all new dwellings but it could be foregone on this occasion.</i>
<i>Concern raised with the condition of the</i>	<i>A planning condition relating to the</i>

<i>access road – state of the grass and mud.</i>	<i>surfacing of the access road could be added.</i>
<i>How will the open land beside the access road be protected?</i>	<i>The “red line” on the application site plan does not include that land so any changes to that land would need to be the subject of a further planning application.</i>

Following discussion by the Committee:-

It was moved by Councillor Harris, seconded by Councillor Fowler and:-

**RESOLVED** that the Planning Manager be authorised to grant planning permission, subject to the conditions as set out below, or as need to be varied (to account for any errors or legal issues et cetera) or otherwise added or removed as may be deemed necessary by the Planning Manager:-

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 plan: GDTP-02 A (received 11 May 2022).

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

- 3 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.

- 4 Prior to occupation of the hereby approved development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport.

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

- 5 In the event that contamination is found which was not previously identified, all works shall cease on site and it shall be reported in writing immediately to the Local Planning Authority. No further works of development shall be carried out until an investigation and risk assessment shall have been undertaken and, where remediation is necessary, a new Remediation Scheme shall be prepared 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 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 condition 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.

- 6 No building and/or engineering operations authorised by this permission shall be commenced until the agricultural buildings (subject of 21/02133/COUNOT and shown as being demolished on drawing GDTP-02 A received 11 May 2022) on the site have been completely demolished and all materials resulting therefrom shall be cleared from the site.

Reason - The development hereby permitted has only been supported on the basis that the existing agricultural buildings be removed from the site to justify their replacement with a single dwelling which ordinarily would be contrary to the development plan which directs new development to sites within settlement development boundaries.

- 7 Prior to the occupation of the dwelling hereby approved, the remainder of all buildings shown hatched on unnumbered plan, received 19th July 2022 shall be demolished and all materials resulting therefrom shall be cleared from the site.

Reason - The development hereby permitted has only been supported on the basis that the existing agricultural buildings be removed from the site to justify their replacement with a single dwelling which ordinarily would be contrary to the development plan which directs new development to sites within settlement development boundaries.

- 8 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house or provision of any building within the curtilage of the dwelling-house / alteration of the dwelling-house, as permitted by Class A or Class E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason - To ensure the development does not prejudice the appearance of the locality and to protect the appearance of the rural area. The dwelling given permission is due to the material consideration of a Prior Approval Class Q being available that would otherwise be unsustainable and not supported development if larger than that prior approval provision being available.

9. The access hereby approved shall have a bound material surface and shall be laid out for a minimum distance of 5 metres from the edge of the carriageway prior to first use. The bound material as implemented shall then be retained thereafter.

Reason - In the interests of highway safety to prevent hazards caused by loose materials on the highway.

**77. REPORT A.4 - PLANNING APPLICATION 22 00854 FUL - VALLEY FARM, GOLDEN LANE, THORPE-LE-SOKEN**



Earlier on in the meeting, as reported under Minute 72 above, the Chairman had stated for the public record that the Council regularly hired Tendring Travel, who were the applicants for Planning Application 22/00854/FUL (report item A.4), to transport the Members of the Planning Committee on their site visits.

The Committee was informed that this application was before it at the request of the Planning Manager. The application related to one-half of a former agricultural building and areas of hardstanding to the rear of the site at Valley Farm, Golden Lane, Thorpe-le-Soken. The site under consideration benefited from planning permission under 17/00778/COUNOT for B8 use.

It was reported that this application sought retrospective planning permission for the change of use to a bus depot (sui generis) with associated workshop and hardstanding. The site had been occupied and operating as Tendring Travel since August 2017. The application also proposed new hedgerow and tree planting on top of the existing bunding along the north and east boundaries, in combination with the existing hedgerow along the western boundary.

Members were advised that access was achieved via a 7m wide private entry and exit off Golden Lane to the south of the site. The site was predominantly used for the storage of vehicles when they were not in use but also provided a workshop for maintenance and repairs to be carried out on site. Vehicles were parked on an area of hardstanding to the rear (north) of the building, whilst the workshop was housed within the building itself.

The Committee was made aware that this application followed a previous refusal in 2017 under planning application reference 17/02146/FUL. That application had been refused due to the detrimental impact upon the rural character of the area and highway safety. The applicant had not appealed the Council's decision.

Officers reported that this current application sought to address the previous reasons for refusal by the inclusion of a Landscape and Visual Appraisal which had informed a proposed landscaping scheme for the site and the preparation of a Transport Statement which had addressed and responded to all the requirements outlined by the Highways Officer. That additional information and proposed mitigation scheme was considered by Officers to address the previous reasons for refusal and Officers had also considered the up to date development plan position. No objections had been received from consultees in regards to landscape impact or highway safety. The application was recommended for approval by Officers, subject to conditions securing the necessary mitigation and enhancement measures.

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

At the meeting, an oral presentation was made by the Council's Planning Officer (Amy Lang) in respect of the application. An update sheet had been circulated to the Committee prior to the meeting comprising:-

*"Point of Clarification:*

*For clarity, the applicant is Tendring Travel. As set out at paragraph 9.12 of the officer's report, Tendring Travel provide services used by Tendring District Council and for this reason, and for the reason of transparent decision making, this application is presented to planning committee and has been reviewed by the Council's monitoring officer.*

*Section 4. Consultations - correction to order of LLFA:*

<i>First comments received</i>	<i>15.06.2022</i>	<i>Holding objection</i>
<i>Second comments received</i>	<i>30.09.2022</i>	<i>Holding objection maintained</i>
<i>Latest comments received</i>	<i>17.11.2022</i>	<i>No objection subject to conditions</i>

*8.2 Conditions and Reasons – amendments to recommended conditions*

*Condition 2 – amendments to allow flexibility for airport runs and private hire*

*2. The working hours hereby permitted shall only operate between the following hours, unless otherwise agreed, in writing, with the Local Planning Authority:*

- Monday to Friday 06:00 to 20:00*
- Saturday ~~06:00 to 14:00~~ 06:00 to 18:00*
- Sunday / Bank Holiday: ~~06:00 to 14:00~~ 10:00 to 16:00*

~~*Outside of these hours, no staff shall be working on site nor any vehicle shall enter or exit the site for any reason.*~~

*Outside of these hours, no more than 1 member of staff shall be working on site for any reason.*

*Reason - For the avoidance of doubt, protection of local residential amenity and in the interests of proper planning.*

*Condition 8 – amendments to allow flexibility for the submission and approval of S278 Minor Works application with ECC Highways.*

- 8. Within 3 6 months from the date of this decision, four formal passing bays (size: 2.5m x 15m) shall be provided, completed and made available for use within Golden Lane to the east of the site access as indicated on drawing no. DR2 Rev. A accompanying the Technical Note Ref. JTP255 October 2022 and retained in this approved form in perpetuity.*

*Reason - To make adequate provision within the highway for the additional traffic generated within the highway as a result of the proposed development.*

*Condition 9 – amendments to allow flexibility for the submission and approval of S278 Minor Works application with ECC Highways and correction to numbering:*

- 9. Within 3 6 months from the date of this decision, a vehicle turning warning sign on the west bound approach to the access to Valley Farm shall be provided, as*

*indicated on drawing no. DR2 Rev. A accompanying the Technical Note Ref. JTP255 October 2022.*

*40. Reason - To notify drivers in advance of the potential of slow turning vehicles, ensuring the continued safe passage of the public, in the interests of highway safety.*

*Correction to condition numbering:*

*Conditions 11 to 15 should be Conditions 10 to 14”*

Seth Williams, the applicant’s agent spoke in support of the application.

<b>Outline of matters raised by Members of the Committee</b>	<b>Outline of Officer response thereto</b>
<i>When was the original planning application refused?</i>	<i>June 2018</i>
<i>Can you confirm that therefore the applicant has been operating without the benefit of planning permission since then?</i>	<i>Yes</i>
<i>Can you confirm that the requirements of condition 13 will remove the risk of flooding?</i>	<i>Yes. The Lead Local Flood Authority has accepted this.</i>
<i>What are the details of the pond and its covering and discharge?</i>	<i>1.5m in depth with grass and matting on top. Discharge will be to a culvert ditch. Existing drainage on the site will also be enhanced.</i>
<i>The agreement with ECC Highways as to the passing points – how soon will they be built after permission has been granted? Is the Council aware of any accidents involving buses from this site?</i>	<i>The “swept road” survey has demonstrated that the road can accommodate the larger buses. The provision of passing points will be the subject of a legal agreement between ECC and the applicant. The permission would allow six months for this to happen. The Council is aware of one accident but this did not involve any of the buses as far as is known. The results of the speed, visibility and routing surveys all met the Highways Authority’s requirements.</i>
<i>How many employees does Tendring Travel have?</i>	<i>30 full time.</i>
<i>Will the granting of permission for this planning application regularise matters and end the need for any enforcement?</i>	<i>Yes. It would also allow the Council to ensure that the mitigation measures are implemented and maintained.</i>

Following discussion by the Committee:-

It was moved by Councillor Harris, seconded by Councillor Baker and:-

**RESOLVED** that the Planning Manager be authorised to grant planning permission, subject to the conditions as set out below, or as need to be varied (to account for any

errors or legal issues et cetera) or otherwise added or removed as may be deemed necessary by the Planning Manager.

#### Conditions and Reasons

1. The development hereby permitted shall be carried out in accordance with the following approved drawings / documents, and / or such other drawings / documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings / documents as may be subsequently approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard:
  - Site Plan 1:1250 Valley Farm Site Plan dated 20 October 2022
  - Location Plan 1:3500 Valley Farm Location Plan dated 2 November 2022
  - DR2 Visibility Splay and Highway Land Plan
  - SuDS Surface Water Drainage Report Rev C
  - SK01A Drainage Strategy Plan
  - SK02 Drainage Construction Detail
  - Ref. JTP255 Transport Statement April 2022
  - Ref. JTP255 Technical Note October 2022
  - Landscape and Visual Appraisal May 2022 ARCMLI/Issue Version Rev A
  - Planting Proposals drawing number LVA 5
  - Planning Statement January 2022

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

2. The working hours hereby permitted shall only operate between the following hours, unless otherwise agreed, in writing, with the Local Planning Authority:
  - Monday to Friday 06:00 to 20:00
  - Saturday 06:00 to 18:00
  - Sunday / Bank Holiday: 10:00 to 16:00

Outside of these hours, no more than one member of staff shall be working on site for any reason.

Reason - For the avoidance of doubt, protection of local residential amenity and in the interests of proper planning.

3. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved Planting Proposals drawing number LVA 5 accompanying the Landscape and Visual Appraisal May 2022 shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - In the interest of visual amenity and the character of the area.

4. Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A 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, walls or other means of enclosures shall be erected within or around the perimeter of the site.

Reason - In the interests of visual amenity and the quality of the development.

5. There shall be no outside storage with the exception of the ancillary office and restroom already in place, and the parking of vehicles associated with the use.

Reason - In the interests of visual amenity and the quality of the development.

6. In accordance with the accompanying Transport Statement Ref. JTP255 April 2022 and Technical Note Ref. JTP255 October 2022, the road junction / access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 129 metres to the west and 2.4 metres by 127 metres to the east, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times thereafter.

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.

7. The areas within the site identified for the purpose of turning and manoeuvring shall be retained and maintained in the approved form in perpetuity 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.

8. Within 6 months from the date of this decision, four formal passing bays (size: 2.5m x 15m) shall be provided, completed and made available for use within Golden Lane to the east of the site access as indicated on drawing no. DR2 Rev. A accompanying the Technical Note Ref. JTP255 October 2022 and retained in this approved form in perpetuity.

Reason - To make adequate provision within the highway for the additional traffic generated within the highway as a result of the proposed development.

9. Within 6 months from the date of this decision, a vehicle turning warning sign on the west bound approach to the access to Valley Farm shall be provided, as indicated on drawing no. DR2 Rev. A accompanying the Technical Note Ref. JTP255 October 2022.

Reason - To notify drivers in advance of the potential of slow turning vehicles, ensuring the continued safe passage of the public, in the interests of highway safety.

10. Within 3 months from the date of this decision, an appropriate Traffic Management Routing Plan shall be provided, including a route card for drivers, outlining the designated route to and from the depot for all bus and coach movements including a flag sign with the wording 'All routes' located opposite the junction to ensure that all buses and coaches adhere to the routing agreement, to enter and exit the site

from the east along Golden Lane, to be agreed with the Local Planning Authority in consultation with the Highway Authority.

Reason - To control the direction of vehicle movements to and from the site in the interests of highway safety.

11. Within 3 months from the date of this decision, a Biodiversity Enhancement Strategy for protected and Priority species, including a timetable for implementation, shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- Purpose and conservation objectives for the proposed enhancement measures;
- Detailed designs or product descriptions to achieve stated objectives;
- Locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- Persons responsible for implementing the enhancement measures; and,
- Details of initial aftercare and long-term maintenance (where relevant).

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

Reason - To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

12. Within 3 months from the date of this decision, a detailed surface water drainage scheme for the site, including a timetable for implementation, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to 3.7l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, including bus washing and washing of mechanical residue following repairs, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The works shall be implemented in accordance with the approved strategy and timetable and shall be retained in the approved form thereafter.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

13. Within 3 months from the date of this decision, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason - To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

14. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason - To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

**78. REPORT A.5 - PLANNING APPLICATION - 22 01548 ADV - LAND ADJACENT TO LOTUS WAY AND BROOKLANDS, JAYWICK SANDS**

The Committee was informed that this application was before it as the applicant was Tendring District Council. The application sought consent to display advertisement on a new commercial building within Jaywick Sands.

Members were informed that the new signage would display the name of the new building and would not be illuminated.

It was reported that the amount, design and siting of the signage was considered by Officers to be appropriate to the existing building and area and would not result in a loss of amenities to neighbouring properties.

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

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

Barbara Pole, Economic Growth & Enterprise Manager, representing the applicant (Tendring District Council), spoke in support of the application.

Following discussion by the Committee:-

It was moved by Councillor Alexander, seconded by Councillor Harris and:-

**RESOLVED** that the Planning Manager be authorised to grant planning permission, subject to the conditions as set out below, or as need to be varied (to account for any errors or legal issues et cetera) or otherwise added or removed as may be deemed necessary by the Planning Manager.

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:-

- 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.
- 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.
- 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.
- 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.
- 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.

2. The development hereby permitted shall be carried out in accordance with the following approved plan: 182\_HAT\_PL\_500 P1, received 13th September 2022.

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

The meeting was declared closed at 8.43 pm

Chairman