

**TENDRING DISTRICT COUNCIL**

**PLANNING COMMITTEE**

**ALTERATIONS AND ADDITIONS TO PLANNING COMMITTEE**

**16 February 2023**

**Item A.1**

**21/01831/FUL - Land to The South of The Allotments Beaumont Road Great Oakley Essex CO12 5BA**

- Recommendation section – addition shown highlighted below:

**Recommendation:** Approval, subject to S106 agreement

- 1) On appropriate terms as summarised below and those as may be deemed necessary to the satisfaction of the Planning Manager to secure the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters:
  - Financial contribution of £11,843.06 (£137.71 per dwelling index linked) towards mitigation in accordance with RAMS;
  - Financial contribution to Essex County Council (ECC) of £73,674.40 toward secondary school transport;
  - Financial contribution to ECC of £6,690.80 (£77.80 per dwelling) toward improvements to Harwich Library;
  - Financial contribution to NHS North East Essex CCG of £52,500.00 toward healthcare;
  - On site open space and play provision (first option of transfer to Parish Council, then management company);
  - On site provision of a community building / play area (first option of transfer to Parish Council, then management company);
  - Link to third party land (outside of red lined site area) to deliver protected species management/mitigation for Great Crested Newts (GCN) **and provision of biodiversity net gain;**
  - On site affordable housing provision of 30% (26 units). This shall comprise:
    - 19 no. affordable rented.
    - 7 no. shared ownership.
    - Options for the Council and/or housing association/social landlord to be agreed.
    - Trigger point for delivery to be agreed.
- 2) That the Planning Manager be authorised to grant planning permission upon completion of the legal agreement subject to conditions as stated in Section 8.2 or varied as is necessary to ensure the wording is enforceable, precise and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained.
- 3) The informative notes as may be deemed necessary.

**Or;**

- 4) That in the event of the Planning obligations or requirements referred to in Resolution (1) above not being secured and/or not secured within 6 months that the Director for Planning at their discretion be authorised to refuse the application on appropriate grounds, but maintaining the resolution to approve if not refused.

- Recommended Conditions – Section 8.2

Additions and amendments to the conditions as highlighted below:

3. FURTHER APPROVAL: AGREEMENT OF MATERIALS

No development shall be commenced above slab level **on any phase** until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local planning authority. Such materials as may be agreed shall be those used in the development and fully applied prior to the first use/occupation.

Reason - To secure an orderly and well-designed finish in the interests of visual amenity and the character and appearance of the development.

6. APPROVAL REQUIRED: LANDSCAPE MANAGEMENT PLAN

No development **above slab level** shall take place until there has been submitted to and approved, in writing, by the Local planning authority a landscape management plan for a minimum of 5 years. Both new and existing planting (including SUDs features as applicable) will be required to be included in a long-term management plan. The landscape management plan shall also include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens. The landscape management plan shall be carried out as approved in accordance with the details and timescales in the plan and thereafter retained.

Reason - To support plant establishment and ensure the proper management and maintenance of the approved landscaping in the interests of amenity, functionality and the character and appearance of the area.

23. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

**Prior to occupation**, 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 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. The scheme shall include position, height, aiming points, lighting levels and a polar luminance diagram.

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).

***Additional Condition required - having regard to the amendment made to condition 3:***

## **29. APPROVAL REQUIRED: PHASING PLANS (MATERIALS)**

Prior to any above ground works, a Phasing Plan for the development shall be submitted to and approved in writing by the local planning authority. The document shall identify the physical extent of each proposed phase of development to allow flexibility with the approval of materials and finishes required within Condition 3. The development shall be carried out in accordance with the approved Phasing Plan and corresponding materials discharge of condition approval, unless otherwise agreed in writing by the local planning authority.

Reason - To ensure that materials of an acceptable quality are used, in the interests of visual amenity and the quality of the development.

### **Item A.2**

#### **22/01286/FUL – The Lodge House, Crow Lane, Tendring CO16 9AP**

No updates.

### **Item A.3**

#### **20/00377/FUL – Land North of Cemetery Land, Burrs Road, Clacton-on-Sea CO15 4QX**

No updates.

### **Item A.4**

#### **22/01601/FUL – The Grange, Heckfords Road, Great Bentley**

##### **Additional Comments from Great Bentley Parish Council**

Great Bentley Parish Council have provided additional concerns/observations to the application, as follows:

Do not agree with the view of the amended explanatory Planning Statement and supporting Heritage Statement, which says the key planning issue is the impact to the listed buildings, and feel that Policy SPL3 is of more importance in ensuring

developments are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form and do not harm the appearance of the landscape.

In addition, the Parish Council query whether the previous application would have been determined with a recommendation for approval had Officers been aware the actual build size would be that subject of the current planning application.

Further concerns are raised that if the current application is approved it could set an unwanted precedent.

#### Amendment to Recommended Planning Condition 2

Condition 2 is recommended to be slightly revised to read as follows:

*This permission shall only authorise the private use and occupation of the building hereby approved for purposes incidental and ancillary to the principal dwelling known as Grange Farm (or as may be renamed in the future), and shall not be used for any other purpose(s) at any time including any commercial or industrial uses.*

*Reason: For the avoidance of doubt, to ensure that the building is not utilised for any purposes other than those incidental and ancillary to the principal dwelling that would be inappropriate development in the countryside.*

#### Additional Recommended Planning Condition

It is recommended to include the following as an additional planning condition:

*Notwithstanding the provision of Article 3, Schedule 2 Part 1 Class E 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), there shall be no additions or alterations to any part of the hereby approved building unless submitted to and approved, in writing, by the local planning authority.*

*Reason - It is necessary for the local planning authority to be able to consider and control further development in order to ensure that the building does not appear significantly harmful to the character and appearance of the area.*

#### Additional Letter of Objection Received

One additional letter of objection has been received, but has not commented on the merits of the planning application, and instead raises further concerns relating to the planning process.

#### **Item A.5**

#### **22/01423/FUL – Land at 72 Hungerdown Lane, Lawford**

No updates.