

TENDRING DISTRICT COUNCIL

PLANNING COMMITTEE

ALTERATIONS AND ADDITIONS TO PLANNING COMMITTEE

14 March 2023

Item A.1 - 21/00186/FUL Crossways Centre, Frating Road, Great Bromley

- **Addition to Section 5. - Representations**

Since the publication of the committee report dated 14 March 2023, one further letter from a concerned neighbour immediately to the north was received on Monday 13 March 2023 raising the following points (specific point raised followed by an officer comment in Italic):

Point 1: Fluorescent lighting tubes are currently fixed under the roof of the existing open loading bay on site. Please could the Council impose a planning condition to ensure that these fluorescent lighting tubes are removed in accordance to Figure 4 of the Outdoor Lighting Report.

Officer comment: *The fluorescent strip lights under the canopy of the existing loading bay area is specifically mentioned in the Outdoor Lighting Report (in section 2.4) and annotated in figure 2 (however the exact location of lights not shown) – these lights are not proposed to be removed. Whilst the Council’s Environmental Protection team raise no objection to the Outdoor Lighting Report subject to recommendations contained within the report being performed and maintained (see relevant condition), it is acknowledged by officers that clarity is required in respect of whether the fluorescent strip lights under the existing loading bay canopy can be classed as outdoor lighting. Officers view is that these are outdoor lights due to the nature of the loading bay, as such, given the intensification of the operation that will ensue in light of the expansion, and the proposed creation of an additional loading bay, officers consider it reasonable and necessary to impose an additional condition seeking precise details of ‘under canopy’ loading bay lighting of both the existing and proposed loading bay area, as well as specific measures, for example the fitting of baffles or screens to reduce impact on residential amenity, the character of area and to minimise light spillage towards the rear garden areas of properties to the north.*

Point 2: A planning condition should be imposed to ensure that there will no fluorescent lighting tubes to be fixed under the roof of the new open loading bay in the interest of residential amenity. If such lighting is required, we respectfully request that the back of the new loading bay to be filled to prevent further illumination to the rear garden at the Orchards.

Officer comment: *Officers consider ‘under canopy’ fluorescent lights in this context to be outdoor lights. The Outdoor Lighting Report does not refer to any lights to be installed under the canopy of the new loading bay extension, if any lights are required in this area that is not shown in the Outdoor Lighting Report then separate planning permission would be required. Neither the existing, nor the proposed loading bay areas are proposed to be filled in the north*

facing elevation facing the rear garden area and separate planning consent would be required for such work, however as outlined above officers consider it reasonable and necessary to impose an additional condition seeking precise details of 'under canopy' loading bay lighting of both the existing and proposed loading bay area, as well as specific measures, for example the fitting of baffles or screens to minimise light spillage towards the rear garden areas of properties to the north.

Point 3: With regard to the external lightings mounted on poles, we suggest that hoods to be installed on all external lighting which will help to direct light back into the application site and preventing light spillage.

Officer comment: *The recommendations and specifications outlined in paragraph 2.6, Section 3 and Section 4 in the Outdoor Lighting Report do not include a requirement to fit hoods or baffles on all external lighting, and the Councils Environmental Protection team raised no objection to the lighting report subject to requirements as outlined (not including hoods or baffles). However if Members consider it necessary and reasonable then a further restriction to require all external lighting to be fitted with hoods or baffles can potentially be imposed.*

Point 4: It is not considered that the development will reduce the impact of night time illumination, not only from the rear garden of the Orchards, but also on the open character of the rural area particularly when viewed along the Main Road (A133) towards Frating. A planning condition should be imposed that there shall be no further installation of external lighting to the newly formed yard area.

Officer comment: *It is considered that the 'Lighting to be installed in accordance with plan' condition is effective in that it is clear that there 'shall be no other means of external lighting installed and/or operated on/at the site except that approved'.*

Point 5: A planning condition should also be imposed that external lightings shall be switched off between the hours of 9.00pm and 4.00am in certain areas of the site (outside the areas shaded green and yellow on the Proposed Site Plan in the Operational Management Plan dated April 2022) where there are no business operations in the interests of residential and visual amenity.

Officer comment: *If Members consider it necessary and reasonable then a further condition can be imposed seeking precise details of hours of night-time illumination of all external floodlights in areas other than those areas shaded green and yellow on the Proposed Site Plan in the Operational Management Plan dated April 2022, perhaps in the form of an external lighting hours of illumination strategy or plan to be submitted and approved prior to first use of the loading bay extension hereby approved.*

Point 6: It is considered that the detailed planting proposal as shown on Drawing No: 2487-LLA-ZZ-00-DR-L-0201 Rev P03 is inadequate as it only shows a hedge and two trees to be planted. We consider that substantial landscaping should be introduced to enhance the visually amenity of the site when viewed from the rear of the Orchards.

Officer comment: *The Council's Trees and Landscaping officer's view is that the details shown on Drawing No: 2487-LLA-ZZ-00-DR-L-0201 Rev P03 is acceptable and suitable to screen the development over time and minimise landscape harm.*

Point 7: The wording of 'Access Restriction (hours)' condition and the 'Night Time Restrictions (hours)' condition appear to conflict with each other as one restricts the hours of operation between 9.00pm-4.00am on site and the other allows operations between the hours of 9.00pm-4.00am.

Officer comment: *The former condition restricts HGV access or vehicles used for operational purposes to the site between the hours of 9:00pm – 4:00am the following day, whereas the latter condition restricts night time loading and unloading and associated operations between the hours of 9:00pm – 4am. It is not considered that these two conditions are in conflict and the applicant has agreed to the wording.*

Recommendation remains unchanged subject to the recommended inclusion of an additional condition.

- Revision to Paragraph 8.2 Conditions and Reasons

Recommendation to include an additional condition as follows:

FURTHER APPROVAL: LOADING BAY LIGHTING

CONDITION: Prior to the commencement of work on the loading bay extension hereby approved, precise details of all new and existing under canopy loading bay lighting, to include exact position, height, aiming points, lighting levels, screens/baffles and a polar luminance diagram shall be submitted to and approved, in writing, by the Local Planning Authority. The lighting shall be carried out and retained as may be approved prior to first use of the loading bay extension hereby approved. There shall be no other means of external lighting installed and/or operated on the under canopy areas of the loading bay areas except that approved.

REASON: In the interests of amenity and to reduce the impact of night time illumination on the character of the area.

Item A.2 - 22/02037/FUL - Garfield Nurseries, Thorpe Road, Kirby Cross

No updates.

Item A.3 – 22/01603/FUL Meadowcroft, Steam Mill Road, Bradfield

- Addition to Section 5. Representations Paragraph 5.1 Parish Comments

Bradfield Parish Council continues to object to this planning application.

First Objection comment sent to TDC via District Cllr. on 02/11/22:

"Bradfield Parish Council objects to this application and asks that our District Councillor 'calls-in' the application, so that the decision is made by the full Planning Committee. The care home, known as Meadowcroft is a converted domestic bungalow, bordered on both sides by other

domestic dwellings. There are currently ten self-contained rooms for residents in Meadowcroft, which is now a commercial establishment. This application seeks approval to build a second storey above both the existing ground floor building and another area already under construction. The application therefore proposes to increase the number of self-contained rooms to twenty. If approved, the creation of the additional floor would result in overlooking the neighbouring home, resulting in a total loss of privacy and a reduction in light. The applicant states that, "...this forms part of the overall strategy of the Stour Valley Care Group". Whilst that may be the commercial aspiration of the applicant, there is no identified local need in Bradfield to increase the number of rooms in this establishment by 100%.

Bradfield Parish Council considers this application to be continued overdevelopment of the existing domestic bungalow which is out of keeping with the surrounding dwellings.

Meadowcroft is already a House of Multiple Occupancy (HMO) doubling the number of self-contained dwelling rooms, with all the resulting support services and other disruption to neighbours, is unacceptable in this residential and predominantly rural area in which it is located. "

Parish Council Comments upon Amended Plans

Bradfield Parish Council continues to object to this planning application.

Following the initial objection as per previous comments a second objection was sent to TDC via the District Cllr on the 11/01/2023 as follows:

"The parish council remain concerned about the huge increase in the number of individual rooms, in what is a House of Multiple Occupancy. By default, there will be increased vehicle movements, noise and light. This used to be a detached bungalow in a quiet and dark location. If allowed this building will be the largest in the parish, with the highest level of occupancy, with all that comes with it. As such, the parish council does not believe that this is right for this location."

- Revision to Paragraph 6.26 to read:

6.26 The 3 metre offset of the first-floor element from the northern boundary with 'Sundown' combined with the 12 metre distance from the corner of the first floor element to the rear elevation of that property ensures that any impacts in terms of outlook would be minimal. The hipped nature also assists in reducing the bulk of the extension when viewed from the neighbour's rear garden.

Item A.4 – 20/01125/OUT 45 The Street, Kirby-le-Soken

No updates.

Item A.5 – 23/00051/FULHH 24 Bay View Crescent, Little Oakley

No updates.

Item A.6 - 23/00008/TPO Acorn Cottage, Stones Green Road, Tendring

- Addition to Section 7. Representations

Since the date of the report 22 additional representations have been received objecting to the proposed felling of the Oak.

The objections do not raise any issues that are not already covered in the report.

- Addition to Section 1. Executive Summary and Recommendation

Should consent be granted to fell the tree then the two conditions below should be attached to the decision:

1. COMPLIANCE: REPLACEMENT TREE

A replacement tree shall be planted during the first planting season (1 November to 31 March) following the removal of the tree to which this consent relates. The replacement tree shall be a Field Maple (*Acer campestre*) or other species to be agreed in writing and in advance of the felling, with the local planning authority and have a girth of 10 to 12 cm at time of planting.

It shall be planted in the same or as close as possible to the same location as the felled tree. If within a period of 5 years from the date of planting the tree is removed, uprooted, is destroyed or otherwise dies another tree of the same size and species shall be planted at the same place or in accordance with any variation for which the local planning authority gives written approval.

REASON: To ensure that a new tree is planted for its amenity value.

2. COMPLIANCE: TIME LIMIT

The work authorised by this Decision Notice must be completed within two years of the date of this Notice. If the work is not completed within this period, for whatever reason, the authority to proceed expires.

REASON: To ensure that the permitted works are arboriculturally appropriate.

NOTE/S FOR CONDITION 2:

- 1) Please note that any approval given to by the Council does not give an exemption from the requirements to comply with the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way Act 2000, the Conservation (Natural Habitats etc.) Regulations 1994 or any Acts offering protection to wildlife. All birds (except those listed in schedule 2 of the Wildlife and Countryside Act 1981), their nests and eggs are protected by law. It is an offence to intentionally or recklessly kill, injure or take any wild bird, or damage, destroy or intentionally disturb the nest of any wild bird whilst it is in use or being

built. For this reason, tree work should not be undertaken during the nesting season (broadly March to August) unless a survey for nesting birds confirms their absence. Should you require any further information on nesting birds, please contact Natural England on 03000 603900.

- 2) You are advised that trees have the potential to support roosting bats. Bats and their roosts are legally protected. It is an offence to disturb or harm a bat, or damage, destroy or obstruct any place used by bats for shelter, whether they are present or not. Trees should be inspected before any works commence and if the presence of bats is suspected works must cease and advice sought from The Bat Conservation Trust on 0845 1300228.
- 3) This decision is valid for two years from the date of this decision or until the work is completed, whichever is the sooner. You are advised that the appropriate standards for tree work are set out in British Standard 3998:2010. Failure to ensure the proposed works are carried out to these standards may result in damage to the tree(s) and may result in legal action by the Council.
- 4) The council not objecting to/approving the proposal does not give the legal right for a person to enter another person's land to prune or fell their tree(s). Permission should be sought from the tree owner before works to a tree(s) are carried out.

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