

**TENDRING DISTRICT COUNCIL**

**PLANNING COMMITTEE**

**ALTERATIONS AND ADDITIONS TO PLANNING COMMITTEE**

**27th November 2023**

**AGENDA ITEM A.1**

**22/02076/FUL - Hybrid application consisting of the following:**

**Full planning permission for 86 No residential dwellings to the north of Clacton Road including new access, 40 No residential dwellings to the south of Clacton Road using existing access. Construction of market field grows use Class E and Class F1(a) to include multi use building (337sqm), reception office (200sqm), workshop (222sqm), 65 space car park, ancillary landscaping and buildings.**

**Outline planning permission (considering Access, Appearance, Layout and Scale) for mixed use Class E commercial building (1596sqm) and 53 space public car park (The proposal constitutes a departure from the Development Plan).**

**Land North and South of A133, Clacton Road at Finches Lane, Elmstead**

Following the publication of the committee report additional information and correspondence were received from the Planning Agent (acting on behalf of the applicant) and Cllr Carlo Guglielmi. The content have been included at the end of this this update sheet and for the purposes of transparency (under **Appendix 1**)

In addition, pls note the following updates:

**Time Limit Conditions**

In respect of conditions 1, 3 and 4 (section 7.2 of your committee report) - with additional information provided by the applicant in terms of the extent of the highways works required and the timescales involved - this may impact implementation times - with this in mind officers recommend changes to the timescales in conditions 1, 3 and 4 as follows (all extending timescales in line with the standard time limit conditions):

**Condition 1**

The development hereby permitted shall be begun before the expiration of **three years** from the date of this permission.

**Condition 3**

The development hereby permitted shall be begun before the expiration of **two years** from the date of approval of the reserved matters application.

**Condition 4**

Application for approval of the reserved matter (landscaping) shall be made to the Local Planning Authority before the expiration of **three years** from the date of this permission.

**Recommendation section (page 4) – point 4 (additions indicated in Bold):**

Amend to: That in the event of the Planning obligations or requirements referred to in Resolution (1) above not being secured and/or not secured within 12 months **from the date of the Secretary of State response (assuming that response is to not call the application in for its own determination)** that the Planning Manager be authorised to refuse the application on appropriate grounds at their discretion.

**Renewable Energy and Energy Efficiencies**

Change condition 32 to the following (new additions or amended sections highlighted in bold):

No development shall commence above slab level on any phase until a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme such include as a minimum to achieve:-

- Details of, including the location of an electric car charging points per dwelling and electric car charging points for the MFG facility.
- **Agreement of a scheme for water conservation including greywater recycling and rainwater capture/re-use for new dwellings.**
- **Agreement of a scheme to achieve as far as possible a water consumption rate of not more than 110 litres, per person, per day for new dwellings.**
- Details of, including the location of solar panels for each dwelling.
- Agreement of heating of each dwelling/building.
- Agreement of scheme for waste reduction.
- **Provision of a fibre optic broadband connection to the best possible speed installed on an open access basis and directly accessed from the nearest exchange, incorporating the use of resistant tubing. (If the applicant is unable to achieve this standard of connection, and can evidence through consultation that this would not be possible, practical or economically viable an alternative superfast (i.e. will provide speeds greater than 30mbps) wireless service will be considered.)**

*(the above amendments are required to reflect a most recent version of the LPA's condition on Renewable Energy and Energy Efficiencies measures)*

**Landscaping Scheme (condition 11) –** amend to include the words in **bold**

No development above slab level on any of the residential or MFG phase(s) shall take place until there has been submitted to and approved, in writing, by the Local planning authority a precise scheme of hard, soft and boundary treatment landscaping works, **and access gates or (where necessary) security gates** for the relevant phase, which shall include any proposed changes in ground levels.

## **APPENDIX 1**

### Cllr Carlo Guglielmi document titled 'Market Field Grows Statement

Madame Chairman and fellow Members,

I am the ECC Division member for the area, and the vice Chairman of the People and Family Scrutiny Committee, which amongst its many topics of all Education Provisions, Children and Adult Social Care, Children Services, Co-Parenting, Safeguarding, Libraries, and Youth Services, it regularly scrutinises Special Educational Needs (SEN) provisions, strategies, and outcomes.

In 2019 the Care Quality Commission (CQC) inspected this area of the County Council and commented that not enough post-education employment opportunities were being created. Sadly, this is the case just about everywhere else up and down the country in other authorities who are responsible for SEN Provisions.

I write to express my support for this application, and I would like to congratulate Officers in having drafted such a comprehensive report which acknowledges that in this application, the fine balance of material benefits outweighs the fact that under normal circumstances this proposal would have been refused.

But these are not normal circumstances. If approved, this Enabling Development will deliver an amazing facility for young people with Special Educational Needs that will provide sustainable employment when they leave school.

This will be a national first, as there is nowhere else in the country that offers the kind of skills-building chances that Market Field Grows will be able to provide.

Not only young school leavers with Special Educational Needs will have a chance to fully realise their potential, but they will also be able to go through life without the reliance on the benefit system, which ultimately, will save the public purse a staggering amount of money, which I am sure is a subject that will be covered by the public speakers.

The range of skills on offer will likewise be amply outlined by others, therefore I will not say much on this, other than those young people leaving education will have the luxury of being

able to choose a career pathway, such as food growing, retailing opportunities, food preparation, stock control, hospitality, and so on.

The Officer has referred in the report to this particular benefit as “Life Changing Opportunities”; he is absolutely right.

It is a game changing prospect for those young people who attend Market Field School and College, a most amazing place for many years under the direction of an equally most amazing Head Teacher, Gary Smith who just cannot be stopped; even after having had a hip replaced, he was back at work much too soon, such was and is, his dedication to all his students; his lifetime ambition is to see this dream become a reality.

It has taken many years to develop this proposal, looking at sites, identify locations, search for funding, engaging with and getting buy-in from key stakeholders, and finally, presenting it in front of Members; and tonight, you will have the opportunity to make history if you approve this application.

I have to acknowledge Elmstead Parish Council’s neutral and careful response to this proposal as I really do share their feelings of having had more than their fair share of new homes in the village, especially having to deal with all the issues that new development will bring, while at the same time recognising the benefits that Market Field Grows will create. I live in an area in the district, Lawford, Mistley, and Manningtree that by the time all planning applications will be built, the area will have seen a growth of well over 2000 new homes, therefore I am fully aware and share their concerns.

But because of the tremendous cost and the complexities of getting it off the ground, an opportunity such as this doesn’t materialise very often, or in fact hardly at all, so therefore, although there are a lot of issues and factors to be considered, the balance of the benefits does outweigh the harm; and please do direct all your thoughts at the scores of young people who in generations to come, and well after us, will benefit from this amazing project, and will be able to lead a normal life as possible, as those young people without Special Educational Needs.

Thank you.

23<sup>rd</sup> November 2023  
By Email

Dear Jacob,

**Application 22/2076, Clacton Road – Response to Hills Residential.**

Further to recent discussion and following the publication of the committee report please accept this letter as our formal response to the report.

Firstly please accept our teams thanks for the efforts of the planning department in processing this application and reporting the matter to planning committee. It is not often in a planning career that the opportunity arises to process such an application with a sound moral case that justifies an exception position; personally I take great pride in such cases and sincerely appreciate the efforts of all staff involved from pre-application through to delivery – thank you.

As a response to the report I would like you to receive the following and report this as such to Members.

- The applicant team are grateful for the Officers time and attention to detail in assembling and reporting of the committee report, it is thorough and has been executed with clarity in a fair manner.
- The applicant team are keen to point out to Members the unique and special circumstances of the application. It is believed this is a one of a kind submission, the housing will be delivered at a reduced profit margin and the contribution from the development will be the provision of an SEN school/college/charity facility that our 'system' cannot provide the infrastructure for. In doing so the process locks the physical development into the actual provision at the developers risk– it delivers a comprehensive solution to a problem using the planning system and a sound land management/planning response.
- This is a unique application and a national first. The application offers young people with SEN needs the opportunity of dedicated skill building, further education and supported employment.
- The application challenges the current statistic of 95% of SEN secondary school leavers going on to long term unemployment.
- The applicant team endorse the approach of the committee report and are in agreement with the proposed resolutions and the principles of the S106 agreement to be secured.

- Noting the application is a departure and presents development to fund another much needed use the obligation to deliver any excess profit through a review process is accepted by the applicants. The team looks forward to discussing the detail of this process post resolution.
- The request is made to amended proposed condition 01 within the addendum to allow a standard three year planning permission implementation period. It is believed that there is up to two years of ECC Highways detail/negotiation to be undertaken before works can be officially commenced, a three year commencement condition will support this position.
- The need to refer the application to the Secretary of State is acknowledged.

Again, thank you for all of the effort to date. With a fair wind we look forward to resolving the final details of the application with you.

Yours sincerely,

Chris Board

**END**