

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 17TH MARCH, 2026 AT 5.00 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Fowler (Chairman), White (Vice-Chairman), Alexander, Bray, Goldman, Smith (except item 72) and Wiggins (except item 70)
Also Present:	Councillor Scott (except item 72)
In Attendance:	Gary Guiver (Corporate Director (Planning & Community)), John Pateman-Gee (Head of Planning & Building Control), Joanne Fisher (Planning Solicitor & Acting Legal Services Manager), Matt Lang (Planning Team Leader) (except item 72), Amy Lang (Senior Planning Officer) (except items 71 & 72), Charlotte Cooper (Planning Officer), Bethany Jones (Democratic Services Officer) and Katie Koppenaar (Democratic Services Officer)
Also in Attendance:	Nina Warren (Trainee Legal Executive)

66. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Codling (with no substitution) and Sudra (with Councillor Smith substituting).

67. MINUTES OF THE LAST MEETING

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

RESOLVED that the minutes of the last meeting of the Committee, held on Thursday 19 February 2026, be approved as a correct record and be signed by the Chairman.

68. DECLARATIONS OF INTEREST

Councillor Wiggins declared an interest, in relation to Planning Applications **25/00374/OUT – Land East of Cockaynes Lane, Alresford, CO7 8BT** and **25/01498/FUL – Land to The North of Avocet Place, Thorrington, CO7 8FH**, in that she was one of the Ward Members for both applications. She informed the Committee that she would speak on application **25/00374/OUT** in her capacity as a Ward Member but that she would then leave the meeting and take no part in the consideration thereof and the voting thereon on the grounds that she was pre-determined. Councillor Wiggins also stated that she was not pre-determined on application **25/01498/FUL** and that she would therefore take part in the deliberations and decision-making process for that application.

Councillor Scott, who was present in the public gallery, declared for the public record, in relation to Planning Applications **25/00374/OUT – Land East of Cockaynes Lane, Alresford, CO7 8BT** and **25/01498/FUL – Land to The North of Avocet Place, Thorrington, CO7 8FH**, in that he was one of the Ward Members for both applications and that he was speaking on both applications in that capacity as well as in the capacity of the caller-in for application **25/01498/FUL**.

Later on in the meeting, as detailed under Minute 72, the Chairman (Councillor Fowler) mentioned for the public record that Councillors Smith and White had not been present

at the last meeting (19 February 2026) and so they would be precluded from taking part in the consideration of application 25/00869/FUL, which had been deferred, after initial consideration and debate, at the last meeting.

69. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

No questions on notice pursuant to Council Procedure Rule 38 had been submitted for this meeting.

70. REPORT OF THE CORPORATE DIRECTOR (PLANNING & COMMUNITY) - A.1 - 25/00374/OUT - LAND EAST OF COCKAYNES LANE, ALRESFORD, CO7 8BT

Earlier on in the meeting, as reported under Minute 68 above, Councillor Wiggins had declared that she was one of the local Ward Members for Alresford and that she was also pre-determined. She therefore did not sit as a member of the Committee for this item but instead sat in the public gallery and exercised her right, as Ward Member, to speak on the application. Councillor Wiggins then left the room, whilst the Committee deliberated upon the application and reached its decision.

Also, earlier on in the meeting, as reported under Minute 68, Councillor Scott had declared that he was one of the local Ward Members for Alresford as well as the Caller-In and that he would be speaking on this item in both capacities.

Members were told that this outline proposal sought up to 100 dwellings, including 60 age restricted homes, 30% affordable housing, 5 no. custom/self-build plots and 5 no. homes for first time buyers, together with 2.7ha of public open space and enhanced pedestrian links. Although the site lay outside of the settlement development boundary, the Council's housing land supply shortfall had engaged the 'tilted balance', and the scheme delivered substantial social benefits by meeting a significant identified need for older persons' accommodation, alongside economic and environmental benefits including extensive green infrastructure and Biodiversity Net Gain.

The Committee heard that the technical matters included highways, archaeology, drainage, ecology, trees, amenity and minerals which could all be satisfactorily addressed through conditions and planning obligations.

Members were made aware that the benefits of the scheme were considered to outweigh the limited landscape and policy harms, and that the development constituted sustainable development under the NPPF.

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 Senior Planning Officer (AL) in respect of the application.

An Officer Update Sheet had been circulated to Members prior to the meeting which informed the Committee as follows:-

"Addendum to the officer report (Principle of Development section):

Agricultural Land Classification

Adopted Local Plan Section 2 Paragraph 7.3.1 states that in order to promote sustainable development, in considering where to select sites for new development in this Local Plan, the Council has taken particular care to assess the value of the landscape and, where practical, allocate sites with the lowest sensitivity, thereby helping to protect valued landscapes and the best and most versatile agricultural land.

The Glossary to the NPPF defines best and most versatile agricultural land as land in grades 1, 2 and 3a of the Agricultural Land Classification (ALC). Paragraph 187 b) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land.

The application site falls within Grade 2 ('very good') agricultural land as indicated on the ALC Map. This is on a scale of 1-5 where Grade 1 is 'excellent' and Grade 5 is 'very poor'.

If approved, the development would result in the loss of 6.70 hectares of arable farmland. The loss of this resource is acknowledged as a material consideration representing both environmental and economic harm.

Natural England's guide to assessing development proposals on agricultural land states that Grade 2 'very good' quality agricultural land is: "Land with minor limitations that affect crop yield, cultivations or harvesting. A wide range of agricultural and horticultural crops can usually be grown. On some land in the grade there may be reduced flexibility due to difficulties with the production of the more demanding crops, such as winter harvested vegetables and arable root crops. The level of yield is generally high but may be lower or more variable than grade 1."

A contention under the environmental dimension is that the development is unsustainable because it would lead to a loss of Grade 2 (very good) agricultural land. However, much of the district is within those categories and, given the acknowledged need for housing, it is highly likely that such agricultural land will be required for development. This cannot, in itself, weigh heavily against the proposal. Whilst the development would result in the loss of an expanse of open agricultural land, the illustrative Site Layout Plan shows opportunities for substantial landscaping and the incorporation of green spaces.

The main Committee Report identifies that the scheme delivers a range of significant social, economic and environmental benefits, including up to 60 age-restricted dwellings, 30% affordable housing, self-build plots, extensive green infrastructure, public open space, and substantial Biodiversity Net Gain (above the mandatory 10% requirement).

Given the Council's 3.22-year housing land supply position, paragraph 11(d) of the NPPF is engaged, requiring permission to be granted unless adverse impacts significantly and demonstrably outweigh the benefits. As set out in the main report, the identified benefits, particularly the delivery of specialist older persons' housing where there is a demonstrable need, carry considerable weight.

Furthermore, as explained in the main Committee Report the site is identified as a potential strategic housing allocation in the Council's Emerging Local Plan Preferred Options Draft (Regulation 18), under proposed Policy SAH6 within the Draft Tendring District Local Plan Review 2025–2042. This document was recently agreed by Tendring District Council for consultation. Although this stage of plan-making carries very limited weight because it has not been tested through examination and remains subject to change, its inclusion indicates that the site has been considered as part of the Council's emerging spatial strategy and as a sustainable site.

The harm arising from the loss of Grade 2 land is limited in scale relative to the district's wider agricultural land resource and housing need and is not considered to outweigh the cumulative benefits of the scheme when assessed as a whole.

For these reasons, and as concluded in the main Committee Report, the loss of "very good" agricultural land does not alter the recommendation, and the proposal remains recommended for outline approval, subject to the further archaeology works, conditions and planning obligations set out in the report.

Paragraph 9.1 – Addition to Recommendation:

Recommendation: Outline Approval subject to:

1. On appropriate terms below and those as may be deemed necessary to the satisfaction of the Head of Planning and Building Control 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 matters as summarised at paragraph 9.2:
2. That the Head of Planning and Building Control be authorised to grant outline consent subject to the agreed section 106 agreement (as required by resolution 1) and conditions as stated at paragraph 9.3, and subject to the receipt of 'no objection' from Essex County Council Place Services Archaeology (including any additional conditions recommended as part of the consultation following re-consultation on the completion of archaeological trial trenching and submission of results) 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; and,
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) or (2) above not being secured and/or not secured within 12 months that the Head of Planning and Building Control be authorised to refuse the application on appropriate grounds at their discretion.
5. **That in the event that the required archaeological trial trenching reveals the presence of non-designated heritage**

assets of archaeological interest which, on the advice of Essex County Council Place Services Archaeology, are demonstrably of equivalent significance to a scheduled monument, the grant of planning permission will be withheld pending the return to the Planning Committee of a revised report setting out the implication of these findings both on the applicability of the 'tilted balance' to the presumption in favour of sustainable development in the National Planning Policy Framework and, if necessary, revised recommendations for either the imposition of planning conditions or for the overall decision to be taken again by members of the Planning Committee.

Paragraph 9.2 – Amendment to Planning Obligations Heads of Terms:

Contribution	Amount / Contribution
Essex Coast RAMS payment	£169.45 per dwelling (indexed linked)
Affordable Housing	30% on site provision through an Affordable Housing Scheme
Age Restricted Dwellings Clause	Up to 60 homes to be restricted to qualifying individuals age 55+
Self-Build Plots	Self-Build Plot Scheme to secure number of plots and tie in with standard condition
Open Space	Provision of on-site Open Space and LEAP + Maintenance Responsibilities.
Monitoring fees	Financial contribution towards LPA fees incurred for monitoring the implementation of the s106 agreement
Primary healthcare contributions	£58,400 to expand primary care capacity at Colne Medical Centre and Wivenhoe Surgery
Early years education contribution (3.6 places)	£71,960.40
Secondary school transport contribution	£47,576 (£6.26 per pupil, based on 8 places)
Libraries contribution	£7,780
BNG & BNG HMMP	Securing precise details of net gain plan and the implementation, management and monitoring of such plan. Conditions added instead
BNG Monitoring Fee	Securing a financial contribution towards the 30-year monitoring of the Biodiversity Net Gain Plan and implemented scheme.

Paragraph 9.3 – Addition to conditions:

(I) FURTHER APPROVAL: BIODIVERSITY NET GAIN PHASED DEVELOPMENT

CONDITION 23: BNG OVERALL PLAN

The development may not be begun unless (a) a biodiversity gain plan for the overall development has been submitted to the local planning authority for approval, and (b) the local planning authority has approved the plan.

REASON: In order to accord with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) and amended by The Biodiversity Gain (Town and Country Planning) Modifications and Amendments (England) Regulations 2024.

CONDITION 24: BNG PHASE PLAN

No phase of development may be begun unless (a) a biodiversity gain plan for that phase (which shall be in accordance with the approved Overall Biodiversity Gain Plan under condition 23), of the development has been submitted to the local planning authority for approval, and (b) the local planning authority have approved that plan

REASON: In order to accord with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) and amended by The Biodiversity Gain (Town and Country Planning) Modifications and Amendments (England) Regulations 2024.

NOTE - CONTEXT AND APPLICATION FOR THE ABOVE DEEMED CONDITIONS:

Planning conditions are typically established upon the granting of planning permission under sections 70(1) and 72 of the Town and Country Planning Act 1990. However, it's essential to note that the biodiversity gain condition(s) operate(s) under a distinct statutory framework, specifically outlined in paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990.

These conditions are deemed to apply to all planning permissions granted for land development in England, unless specific exemptions or transitional provisions are applicable (for further details, please refer to the provided web link <https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments> or contact us directly.

The government advises against including these conditions in decision notices to avoid confusion. However, for clarity and accountability, we have opted to highlight these conditions within the decision notice. This ensures that all involved parties are aware of its requirements, facilitating effective tracking and monitoring throughout the development process, including the discharge of conditions.

In certain instances, these conditions may be imposed even if the applicant believes that biodiversity net gain (BNG) does not apply. Based on the available information, it is determined that this permission necessitates the approval of a biodiversity gain plan before commencing development, as none of the statutory exemptions or transitional arrangements apply.

There is a modified regime for phased development (The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024):

- i) under an outline planning permission, where reserved matters for subsequent approval has the effect of requiring or permitting development to proceed in phases;

or

- ii) any planning permission which is subject to conditions having the effect of requiring or permitting development to proceed in phases.

This permission is for phased development requiring the approval of an Overall Plan for the development and a Phased Plan for each phase of the development. Please refer to the modifications set out in The Biodiversity Gain (Town and Country Planning) Modifications and Amendments (England) Regulations 2024 and the National Planning Policy Guidance issued by the government for Biodiversity Net Gain.

Note: There are specific modifications to the deemed conditions for phased development where development is granted under Section 73 of the Town and Country Planning Act 1990 (as amended).

For further details, please consult the officer report as needed. If you believe this condition does not apply, we strongly recommend contacting the Local Planning Authority (LPA) for clarification.

BIODIVERSITY GAIN PLAN REQUIREMENTS:

For the Biodiversity Gain Plan requirements, please refer to both paragraphs 14 and 15 of the Environment Act Sch 14 Part 2 as amended by The Biodiversity Gain (Town and Country Planning) Modifications and Amendments (England) Regulations 2024.

<https://www.legislation.gov.uk/ukpga/2021/30/schedule/14/enacted>

In summary, the Biodiversity Net Gain (BNG) plan must achieve a minimum biodiversity net gain of 10% and should typically include the following:

Steps taken or to be taken to minimize adverse effects of the development on the biodiversity of the onsite habitat and any other habitat. Pre-development and post-development biodiversity assessments of the onsite habitat. Allocation of any registered offsite biodiversity gain to the development and its biodiversity value in relation to the development. Details of any biodiversity credits purchased for the development. Plans for maintaining and securing the net gain on and/or off site for at least 30 years after completion of the development.

The Local Authority will ensure the submitted details meet the requirements of the Town and Country Planning Act 1990 as amended, Environment Act as amended, associated legalisation and guidance.

Ways to achieve 10% BNG may include:

- i. *Enhancement and restoring biodiversity on-site (within the red line boundary of a development site).*
- ii. *If proposals can only achieve part of their BNG on-site, they can deliver through a mixture of on-site and off-site. Developers can either make off-*

- site biodiversity gains on their own land outside the development site or buy off-site biodiversity units on the market as close as possible to the site.
- iii. If developers cannot achieve on-site or off-site BNG, they must buy statutory biodiversity credits from the government. This must be a last resort. The government will use the revenue to invest in habitat creation in England.

Developers may combine all 3 options but must follow the steps in order. This order of steps is called the biodiversity gain hierarchy.

CONDITIONS AND LEGAL AGREEMENT:

The Local Authority is responsible for ensuring that the biodiversity gain objective is achieved, whether it be onsite, offsite, or through the purchase of credits, and that it is secured by legal agreement as necessary. It is essential to highlight that planning conditions operate within a strict timeframe. Therefore, any legal agreements required to secure the biodiversity gain must be completed prior to the consideration of the planning condition. Failure to comply with this requirement may result in the refusal of the condition.

(II) FURTHER APPROVAL: HABITAT MANAGEMENT AND MONITORING PLAN

Unless all biodiversity net gain for the development is achieved via the purchase of offsite biodiversity units or statutory biodiversity credits, no phase of development shall commence on the site until a 30 year Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved Phased Biodiversity Gain Plan for that phase under condition 24, has been submitted to and approved in writing by the local planning authority for the site, and shall contain the following unless otherwise agreed in writing by the Local Planning Authority:

- a) a description and evaluation of the planned habitat works for the creation and/or enhancement of the onsite habitat to achieve the biodiversity net gain in accordance with the approved Phased Biodiversity Gain Plan;
- b) the management measures to maintain the onsite habitat creation and/or enhancement works for a period of a least 30 years from the completion (defined for this purpose as first use and/or occupation unless otherwise agreed in writing by the LPA) of the development including:
 - I. ecological trends and constraints on the site that may influence management;
 - II. aims, objectives and targets for management e.g. links with local and national species and habitat action plans;
 - III. a description of the management operations necessary to achieving the aims and objectives;
 - IV. prescriptions for management actions;
 - V. preparation of a works schedule, including annual works schedule;
 - VI. mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets;
- c) details of the monitoring methodology, to measure the effectiveness of the management of the onsite habitat creation and/or enhancement

works together with the timetable for each element of the monitoring programme including when scheme shall be first implemented with provision for monitoring reports to be provided to the local planning authority in writing on year 1, 2, 3, 5, 7, 10, 15, 20, 25 and 30, with biodiversity reconciliation calculations at each stage; and

- d) details of the roles and responsibilities of the people or organisation(s) delivering the HMMP including implementation and monitoring.*

Furthermore, there shall be a completion report submitted to the local planning authority in writing for its approval, evidencing the completed habitat enhancements and/or creation works as set out in the HMMP prior to first use and/or occupation of the development. unless agreed in writing by the LPA. The approved HMMP shall be strictly adhered to at all times and implemented in full for its duration with the completion of the habitat works for the creation and/or enhancement of the onsite habitat no later than the first use/occupation of the development, and the management and monitoring of those habitat works as required and in accordance with the approved HMMP thereafter for the period of 30 years or more.

REASON: To enhance biodiversity in accordance with the National Planning Policy Framework and to achieve the Biodiversity Net Gain objectives set out in Schedule 7A of the Town and Country Planning Act 1990 (as amended).

NOTE: If the approved Overall BNG Plan is for offsite units or statutory credits only, this condition does not require discharge. For all development that include a BNG plan for a combination of onsite and offsite/statutory credit, this condition is imposed and needs to be discharged as set out to secure the onsite element. Additionally, should the onsite BNG requirement be considered to be “significant” an associated legal agreement will be required to secure monitoring fees.”

William Page, the representative for the applicant, spoke in support of the application.

Councillor Gary Scott, caller-in and one of the Ward Members for Alresford, spoke against the application.

Councillor Ann Wiggins, one of the Ward Members for Alresford, spoke against the application.

Matters raised by Members of the Committee:-	Officer's response thereto:-
<i>Could Officers direct the Committee to the relevant legislation that says that the rule does not apply if you happen to be in a District with a lot of Class 2 agricultural land?</i>	<i>There is no specific legislation that would restrict the loss of agricultural land, it is just a consideration in the overall balance.</i> <i>There are no specific policies in the Local Plan regarding best and most versatile agricultural land and to be specifically protected against development. Officers 'go to' is the current NPPF and under the environmental section, it says "recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most</i>

	<i>versatile agricultural land, and of trees and woodland” – it does not provide Members with any help on what to do with that so therefore it is the Committee’s judgement as decision makers what weight to give ‘best and versatile land’ and it recognises in the glossary that ‘best and versatile land’ is grade 2.</i>
<i>If this was a District that did not have a lot of grade 2 land, would the rules be different?</i>	<i>The rules would not be any different but the weighting in respect of that may be different. It would be better for the Committee to not focus on the word ‘contention’ and focus instead on all the information provided.</i>
<i>Has the Committee understood the layout correctly and is it therefore restricting residents of Alresford to use Cockaynes Lane?</i>	<i>The proposals are for allowing traffic in from the top of Cockaynes Lane and all of the existing properties along the first section of Cockaynes Lane can enter and leave from that site. If residents wanted to visit one of the properties along the northern stretch of Cockaynes Lane, they would not be able to go down Cockaynes Lane to get to the properties, they would have to come out onto Station Road and go up the main road and back in, but residents can enter the new development from both sides – so the answer to the question is yes.</i>
<i>If the Committee were to grant this entrance and exit proposal, it would be doing away with the rights that have been there for years, is that correct?</i>	<i>The proposal applies to vehicle traffic, not pedestrian traffic. Whilst remembering the width of the lane and whether two-way traffic in a modern age is appropriate. If Members are talking about a second access at the top point of the lane, it would encourage the residents living on that estate to use the junction that the Officers do not want them to use in terms of going onto the main road. To encourage people to come in from the junction is a safer option than going out of the junction.</i>
<i>Are Members right in saying that Essex County Council Highways put forward the idea of the road access and exit?</i>	<i>Officers would not be able to confirm that unfortunately. That would have been a discussion between the applicant and Essex Highways.</i>
<i>Could Members have that confirmed please and let Members know if this is a suitable layout?</i>	<i>With the proposal in front of Members, the Highways authority have confirmed they are in agreement with it. Officers also have a stage one safety audit that came with the application as well and that has been agreed. If the Highways authority or the applicant suggested it in the first place, that does not mean anything. Officers and Members are dealing with the proposal that is before them and the merits have to be dealt with in that proposal.</i>
<i>Are one of the roads a one-way system and can farm machinery get down the lane?</i>	<i>In respect to farm machinery going down the lane, Officers are not aware, with looking at the proposal, that this would inherently restrict the machinery any further than the current restrictions of a small lane that are currently in place. In one respect, to improve the situation, the farm machinery will less</i>

	<i>likely come into conflict with other vehicles coming the other way.</i>
<i>Will the middle part of the road/junction be shut/inaccessible?</i>	<i>Yes, only to vehicular traffic.</i>
<i>Coming from the top of the lane, down the road, vehicles will only be able to go one way, but they cannot get back up the road, is that correct?</i>	<i>Yes, that is correct.</i>
<i>Could Officers explain how heavy machinery will navigate this narrow road?</i>	<i>The buildings on the left of the Officer presentation (industrial estate) have HGV vehicles that probably need to get in and out of the road. If they came out and turned left and go up and down the road, they would have no problems at all, but if they came out of that industrial estate and turn right onto the road they would have to go through the village through the new junction being proposed. If the vehicles were coming to the industrial estate, they could not come via the village, they could only come from the top of the main road. Basically, farm machinery and large vehicles can go up and down the lane except for the gate house area at the bottom which is only one section of a one-way system. The only reason that section is one-way, is to stop all the residents of the new estate from piling out of the estate, double backing on themselves and getting onto the main road that way. This proposal persuades residents to go down through the village and come out of the appropriate Station Road junction which is adequate and capable of taking the additional traffic. There is no detriment here in any way to traffic safety, there is only potential benefits.</i>
<i>With the road widening, will there be any loss of trees or will this be dealt with at the reserved level?</i>	<i>There is only one tree being removed which is a Category C right at the back of the site, near where the sub-station is to be located. That is the only tree being removed. The Tree Officer has not objected to the scheme; they have recommended conditions but no objection.</i>
<i>It seems that most journeys by the residents would need to be made by private car, can Officers satisfy Members that this is not the case?</i>	<i>The train station is 500m from the site which is reasonably sustainable. The main bus stops are along the main road of Alresford (Wivenhoe Road) and along Station Road there is one bus stop not far from the lane which is about 330m away.</i>
<i>Can Officers agree that the grade 2 for the agricultural land does weigh against the proposal?</i>	<i>This is a greenfield site; there is a degree of argument that every development on a greenfield site is a negative. This is also agricultural land which has a value. If this was a low-grade agricultural land it would be better than if it is not – that is a degree of weight. The degree of weight is for Members' judgement.</i>
<i>Can it be agreed that this proposal will change the character substantially?</i>	<i>Yes. This is an allocated site in the emergent Local Plan which is out for consultation but not currently</i>

	<i>adopted and that has very limited weight, but that process would have gone through a sustainability study as well.</i>
<i>Is there/are Officers aware of any heritage standing in this particular area?</i>	<i>No, there is no nearby listed building. There are no historical matters to be raised other than what has been raised already. Officers are not aware of any other heritage in this area.</i>
<i>Could an Officer explain why putting houses on an empty field with wildlife adds 10% to the Biodiversity Net Gain?</i>	<i>The farm field has been evaluated, which has a complicated process that was designed by Government and ecologists, and the outcome can work out the value which can then work out what the net 10% would be. The applicant can add trees etc and that is what is being secured in the evaluation. The modifications and enhancements will be secured for the 30-year period to give Officers the on-site 10% which is conditioned, monitored and enforced by the Planning team.</i>
<i>Why is the Committee making a decision ahead of the archaeological appraisal?</i>	<i>Archaeological works are extraordinarily expensive. If Members were to refuse it on other grounds such as the principle of development is a 'no-go', that is what Officers are trying to get from Members at this point. This is an outline application, so other matters are reserved anyway. There is also another type of planning application which is called 'planning in principle' where there would not be half of the information that Members have before them today and unfortunately that still has to be dealt with. In this case, it is a technical issue asking if there is a matter there or not and if there is, Officers would be coming back to Committee with those issues.</i>
<i>Would it that mean that the application would come back to the Committee is there was an issue?</i>	<i>Yes, that is correct.</i>
<i>Has there been a feasibility study done by Essex Highways at all?</i>	<i>Yes, the application is supported by all the necessary technical document assessments in terms of traffic flow, traffic movements and the amount of traffic – that is included in the application and that has formed part of the Essex Highways assessment. They have deemed the road realignment and the potential for the Station Road junction to accommodate the additional traffic as acceptable and that is why they have raised no objection.</i>
<i>Are Officers satisfied that the footpaths for people to walk conform to the standards of the Local Plan.</i>	<i>Layout is a reserved matter. The layout does indicate some connectivity points so there are pedestrian and cycle points being added to allow a better connection to the public rights of way that are near the site and within the site there will be a walking route as well. There is a section that is closed to vehicular traffic but will be available for pedestrians, cyclists and horse-riders.</i>

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

RESOLVED that:-

- 1) on appropriate terms as detailed in the Officer report (A.1) together with those that may be deemed necessary to the satisfaction of the Head of Planning and Building Control to secure the completion of a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 (the S106 Agreement) dealing with the matters as summarised at paragraph 9.2 of the Officer report (A.1) and amended by the Officer Update Sheet;
- 2) the Head of Planning and Building Control be authorised to grant outline consent subject to the following:
 - (i) the completion of the agreed Section 106 Agreement (as required by resolution 1 above) and the conditions as stated at paragraph 9.3 of Officer report (A.1) and amended by the Officer Update 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;
 - (ii) the receipt of a 'no objection' from Essex County Council Place Services Archaeology (including any additional conditions recommended as part of the consultation following re-consultation on the completion of archaeological trial trenching and submission of results); and
 - (iii) to submit all future reserved matters applications made in respect of the outline consent to the Planning Committee for determination.
- 3) the sending of informative notes to the applicant as may be deemed necessary;
- 4) in the event of the planning obligations or requirements referred to in resolutions (1) and (2) above not being secured within 12 months from the date of this meeting, the Head of Planning and Building Control be authorised to refuse the application on appropriate grounds at their discretion; and
- 5) in the event that the required archaeological trial trenching reveals the presence of non-designated heritage assets of archaeological interest which, on the advice of Essex County Council Place Services Archaeology, are demonstrably of equivalent significance to a scheduled monument, the grant of planning permission will be withheld pending the submission to the Planning Committee of a revised report setting out the implication of these findings both on the applicability of the 'titled balance' to the presumption in favour of sustainable development in the National Planning Policy Framework and, if necessary, revised recommendations for either the imposition of planning conditions or for the overall decision to be taken again by the Planning Committee.

71. REPORT OF THE CORPORATE DIRECTOR (PLANNING & COMMUNITY) - A.2 - 25/01498/FUL - LAND TO THE NORTH OF AVOCET PLACE, THORRINGTON, CO7 8FH

Earlier on in the meeting, as detailed under Minute 68 above, Councillor Wiggins had declared that she was one of the local Ward Members but that she was not pre-

determined and therefore she took part in the deliberations and decision-making on this application.

Also, Councillor Scott had declared, under Minute 68, that he was also one of the local Ward Members and that would be speaking on the item in that capacity.

Members were informed that this application proposed 60 age restricted bungalows with open space and infrastructure on land north of Avocet Place, which would deliver specialist accommodation including 18 affordable units. Although located outside of the settlement development boundary, the Council's lack of a five-year housing land supply had engaged the 'tilted balance' in favour of sustainable development.

In the opinion of Officers, all technical matters, highways, drainage, ecology, landscaping and amenity had been demonstrated as acceptable or could be mitigated through conditions and/or a Section 106 agreement. The proposal was therefore recommended by Officers for approval, subject to conditions and the completion of the required legal agreement.

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

At the meeting, an oral presentation was made by the Council's Planning Team Lead (ML) in respect of the application.

There were no updates circulated to Members on this application.

Martin Scott, the applicant, spoke in support of the application.

Councillor Scott, one of the Ward Members, spoke in relation to the application.

Matters raised by Members of the Committee:-	Officer's response thereto:-
<i>Is the land Class 3, is that correct?</i>	<i>Yes, in terms of classification.</i>
<i>Is there a reason why the affordable housing homes are so close together?</i>	<i>There are a few principles that have been about over the years. The debate here is that ideally it would be better to have affordable housing scattered across a development. It comes down to what is a good design and layout. The affordable housing in this case is towards the centre of the development. The other balance here is Officers have to get to the situation where they have a Housing Association take them on board. Housing Associations like to have such houses together because they like to take on board the land. Housing Associations do not usually like to wait for houses to be built across a development.</i>
<i>Is there a footpath that can go from Station Road into this estate?</i>	<i>There is a public right of way at the northern end of the site. This development will lead through to the public right of way and provide a pedestrian access onto that public right of way and then onto Station Road.</i>
<i>Will the age rule still apply to the affordable housing?</i>	<i>Yes, that will be part of the Section 106 agreement.</i>

It was moved by Councillor Bray, seconded by Councillor Alexander and unanimously:-

RESOLVED that:-

- 1) on appropriate terms as detailed within the Officer report (A.2) and those as may be deemed necessary to the satisfaction of the Head of Planning and Building Control to secure the completion of a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 (the S106 Agreement) dealing with the matters as summarised at paragraph 9.2 of the Officer report (A.2);
- 2) the Head of Planning and Building Control be authorised to grant planning permission subject to the agreed Section 106 Agreement and the conditions as stated at paragraph 9.3 of the Officer report (A.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 sending of informative notes to the applicant as may be deemed necessary; and

in the event of the planning obligations or requirements referred to in resolution (1) above not being secured within 12 months of the date of this meeting the Head of Planning and Building Control be authorised to refuse the application on appropriate grounds at their discretion.

72. REPORT OF THE CORPORATE DIRECTOR (PLANNING & COMMUNITY) - A.3 - 25/00869/FUL 54 CONNAUGHT AVENUE, FRINTON-ON-SEA, CO13 9PR

It was noted for the public record that because Councillors Smith and White had been not present when this application was first debated (and subsequently deferred) at the last meeting (19 February 2026), they were precluded from taking part in the deliberations or decision-making process for this item.

Members recalled that this application sought a change of use from Class E to hot food takeaway (sui generis) with no external alterations. The unit was currently vacant, and the proposal would return it to active use, contributing positively to the vitality of the town centre.

The Committee was reminded that the application had been deferred to enable re-consultation with the Town Council and to consider a potential access blockage for the flat above. Updates to the Officer report (A.3) were in bold italic font and included an objection from the Town Council.

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 (CC) in respect of the application.

An Officer Update Sheet had been circulated to Members prior to the meeting which informed the Committee as follows:-

“Revision to Heritage Assessment (Paras 8.21–8.22):

Following further review and for the avoidance of doubt, the assessment of the proposal against the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 has been expanded. While no external alterations are proposed, other than bin and cycle stores to the rear, and the visual impact remains negligible, recent case law confirms that the duty is not confined solely to appearance.

In Historic England v Milton Keynes Council [2018] EWHC 2007 (Admin), the High Court clarified that the terms “character or appearance” encompass more than built form, extending to historic uses and activity patterns that contribute to how a Conservation Area is understood and experienced. A change of use can therefore have implications for character even in the absence of physical works.

Accordingly, your officers have considered the proposal’s effects on the character of the Frinton and Walton Conservation Area. The Conservation Area Management Plan identifies this part of Connaught Avenue as forming a busier gateway area close to the station, with an established commercial character and significant pedestrian activity. This context supports a mix of active ground-floor uses and reflects an evolving history of retail and service-based activity.

The Management Plan also highlights the contribution of nearby key unlisted buildings at 53 and 55 Connaught Avenue, whose architectural interest enhances the street scene. As the application site is separate from these buildings and no external works are proposed, other than bin and cycle stores to the rear, the proposal would not alter their setting or diminish their contribution to the area.

Taking these factors together, the introduction of a hot food takeaway within an existing commercial frontage is not judged to erode the historic character or experience of this part of the Conservation Area. The proposal therefore preserves the character and appearance of the Conservation Area for the purposes of Section 72(1).

Updated Parking Plan:

Drawing No. 5119-F01 Revision B – Proposed Car Parking, has been received by the Council and uploaded to the application file. This updated drawing shows the parking arrangements of the site, the location of the bin store and the location of the existing access to the flats.

Amended Condition 03:

ACTION REQUIRED CYCLE/POWERED TWO-WHEELER PARKING

CONDITION: Prior to occupation, cycle and powered two-wheeler parking shall be provided to the rear of the building in accordance with the EPOA Parking Standards and in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be secure, convenient, covered and provided prior to occupation and retained at all times.

REASON: To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and encouraging sustainable transport.”

There were no speakers on this application.

There were no Member questions on this application.

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

RESOLVED that:-

- 1) the Head of Planning and Building Control be authorised to grant planning permission subject to the conditions as stated at paragraph 10.2 of the Officer report (A.3), 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; and
- 2) the sending of informative notes to the applicant as may be deemed necessary.

The meeting was declared closed at 7.09 pm

Chairman