

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 5TH JULY, 2022 AT 6.00 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors, White (Chairman), Fowler (Vice-Chairman), Alexander, Baker, Codling, V Guglielmi, Placey, Turner and Wiggins
Also Present:	Councillors, P Honeywood, McWilliams and Scott
In Attendance:	Gary Guiver (Acting Director (Planning)), Graham Nourse (Assistant Director (Planning)), Joanne Fisher (Planning Solicitor), John Pateman-Gee (Planning Manager), Michael Pingram (Planning Officer), Keith Durran (Committee Services Officer), Mark Wilson (Development Technician - Technical) and Matt Cattermole (Communications Assistant)

18. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was received from Councillor Harris (with Councillor Turner substituting).

19. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on Tuesday 7 June 2022, were approved as a correct record and signed by the Chairman subject to the inclusion of Councillor Allen in the attendance list.

20. DECLARATIONS OF INTEREST

Councillors Baker, Fowler and White all declared a non-pecuniary interest in agenda item 5, **21/01523/FUL - Land Adjacent Cliphedge Farm, Harwich Road, Little Bentley**, as they had all sat on the Committee for the determination of the original application. They all stated that they were not pre-determined in relation to this application.

21. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were none on this occasion.

22. REPORT OF THE ASSISTANT DIRECTOR OF PLANNING - A.1 - PLANNING APPLICATION - 21/01523/FUL - LAND ADJACENT CLIPHEDGE FARM, HARWICH ROAD, LITTLE BENTLEY

The Committee heard how this application was before the Planning Committee following a call-in request from Councillor McWilliams due to her concerns with the highway safety impacts, the increase in size of the development to that previously approved, and the impacts to neighbouring amenities. The proposal was for the construction of six buildings for Class E use (including offices, financial, professional and medical services) which would amount to 3,016sqm of floor space that included a new vehicular access off Harwich Road and ancillary works which included landscaping and parking provision.

Members recalled that under relevant appeal decision APP/P1560/W/19/3226387 (dated 26th May 2020), planning permission had previously been granted on this site for the development of two buildings for office uses measuring 1,687sqm of floor space, which also included a new vehicular access off Harwich Road and ancillary parking and landscaping. This permission remained extant and was a material consideration in the determination of this application.

The Committee had been informed that in respect of the development proposal the subject of this report, Officers were content that the buildings were of a suitable design for this rural location and did not consider there to be significant harm to the amenities of any neighbouring residents. Essex Highways Authority had raised no objections, and the parking being provided was in accordance with the Essex Car Parking Standards. There was no significant harm to trees and the soft landscaping scheme provided would sufficiently soften, screen and enhance the development. Following the submission of an amended Preliminary Ecological Assessment, ECC Place Services (Ecology) had raised no objections, and the Environment Agency, Natural England and Essex SuDS also had not objected on flood risk and/or drainage grounds.

Members were made aware that the proposal would result in an increase in bulk and floor space to the scheme previously allowed, as well as an increase in hardstanding for car parking, and by its very nature, having regard to the immediate and wider context, would result in a level of harm to the character and appearance of the area, thereby resulting in minor conflict with Adopted Policies SPL3 and PPL3 as well as Paragraph 130 of the NPPF. However, the development did allow for sufficient levels of soft landscaping, particularly to all boundaries, and retained good separation distances between each building, thereby ensuring the development did not appear overdeveloped.

In addition, the proposed development was considered by officers to represent a strong economic boost to the District, with provision for up to 152 jobs, which compared favourably to the extant permission that provided for 36 jobs. The proposal would therefore set a positive and progressive tone for commercial development in the District, which currently had very poor provision of commercial office space, and what provision there was, was generally of very poor quality. In addition, a Sequential Test had been undertaken, which had demonstrated there were no other sequentially preferable sites where the development could instead be located.

Taking all of the above into consideration, Officers considered that the strong economic benefits of the proposal outweighed the identified harm to the character and appearance of the area, and on balance Officers were therefore recommending approval.

An update sheet had been circulated to the Committee prior to the meeting which detailed two objection letters received from the neighbouring resident, that outlined their concerns and an additional letter from the NHS Foundation Trust, which had confirmed the Trust's continued interest in occupying one of the proposed buildings, to be used for the Wheelchair Service.

The updated sheet also confirmed that Officers had incorrectly calculated the parking provision for Building 6 within Paragraph 6.50 of the report.

Neil Naphine, the agent acting on behalf of the applicant, spoke in support of the application.

Mark Rodgers, a member of the public, spoke against the application.

Philip Suarez, Chairman of Little Bentley Parish Council spoke against the application.

Councillor Gary Scott, a Member for the adjacent ward, spoke against the application.

Councillor Lynda McWilliams, the Ward Member, spoke against the application.

Matters raised by Members of the Committee:-	Officer's response thereto:-
What is the overbuild on this application compared to the Inspectors ruling and if we go against this application will we be going against the Inspectors original ruling?	There is an overbuild of 78% and no, this would not be going against the Inspectors ruling as this is a new application.
Will refusal on this affect the Inspectors ruling?	No, the Inspectors ruling is extant and any ruling here will not affect that.
How will the sewerage be treated on site?	It will be processed by an internal system, utilising the run-off water that would filter the sewerage and produce clean water.
Is the water treat at the plant a mechanical process?	No
What are the sizes of buildings 1,2,3 & 4. Also How far are they from Clip Hedge Farm (CHF) and how does that compare to the extant permission?	<u>Building 1 to be 2.5 storeys, Building 2 to be single storey, Building 3 to be two storeys, and Building 4 to be 1.5 storeys.</u>
Are there bunds in the new application?	Yes, to the north of the site it is about 1mts in height, what is proposed is 1 singular long bund instead of 3 separate bunds which is in the extant permission.
Is there parking capacity on site for the public?	Yes
Job creation, how many jobs were on the first application?	36
Why this site and not one of the sequential sites?	12 other sites were looked at but nothing that matched as well as this, also the extant permission leads to this site being optimal.
Are there sites elsewhere that could take the smaller number?	The Council's Economic Team had advised on this location.
What is the size of the plot?	1.3 hectares
Can the design of the buildings, as shown in the report, be changed post decision?	No, the building design would have to be in accordance with what is on the application.
So what we see on the plans we will see at completion?	Yes
Drainage. Can you tell us where at the end of the pipeline the water goes, and how long the pipe is?	The treatment plan will break down the waste to completely clear water. I can't say how long the pipe is and it will be into the existing ditch network.
Could we put that a pond with reeds must be created as a condition?	No as it would go beyond the site and is not within the ownership or control of the applicant and so any condition would be

	unreasonable.
We can only judge it on what's here before us in the agenda?	Yes

Following discussion by the Committee, it was moved by Councillor Turner and seconded by Councillor Fowler that the application be approved, subject to conditions, which motion on being put to the vote was declared **LOST**.

Following further discussion by the Committee, it was moved by Councillor Baker, seconded by Councillor Wiggins and **RESOLVED** that, contrary to the Officer's recommendation of approval, the Assistant Director (Planning) (or equivalent authorised officer) be authorised to refuse planning permission for the development due to the following reasons:-

1. Harm to neighbouring occupiers by reason of overbearing and overlooking impact.
2. Harm to the rural character and landscape appearance of the area by reason of excessive built form and floor space resulting in industrial character; and
3. Outside settlement development boundary contrary to local plan.

23. REPORT OF THE ASSISTANT DIRECTOR OF PLANNING - A.2 - PLANNING APPLICATION 21/02027/FUL THE COLLEGE COLCHESTER INSTITUTE CHURCH ROAD CLACTON ON SEA

It was reported to Members that this application had been referred to the Planning Committee following the Member referral request of Pier Ward Councillor Paul Honeywood, due to his concerns over parking provision and highways impact, and the effect of the proposal on the living conditions of existing residents.

The Committee was informed that this application was the subject of a current non-determination appeal, listed to be considered by the Inquiry procedure lasting for 6 days in September 2022. When the appeal was submitted the jurisdiction of the Council to determine the application was removed. Therefore, the purpose of this report was to obtain Members' resolution as to whether or not they would have approved the application had they been in a position to determine it. Members noted that an extension of time for the submission of the Council's Statement of Case for the appeal had been agreed until Friday 15 July 2022.

The Committee heard how the proposal had attracted objections from Essex County Council's Heritage Section and the Local Highway Authority. The former considered that the proposal would result in harm to the Conservation Area, the latter that there was inadequate parking provision and circulation space on-site. In addition, there would be some limited impact on the living conditions of adjoining neighbours. However, the proposal was considered acceptable in principle by Officers and that there were very considerable benefits to regeneration, and in the re-use of a deteriorating brownfield site for much needed specialist housing delivery. Those were considerations which were afforded strong Local Plan policy support. Furthermore, Officers considered that the public benefits clearly outweighed the less than substantial heritage harm and resultant development plan conflict. Officers further considered that a technical conflict with the

Parking SPD would not give rise to unacceptable highway safety impacts, or residual cumulative impacts on the highway network that would be severe. As such, in applying the appropriate local and national planning policy tests, the Officers considered that the appeal should not be defended on highways grounds. All other detailed technical matters including a holding objection from the Lead Local Flood Authority would be capable of being addressed through the use of appropriately worded planning conditions. Overall, officers concluded that the benefits would very clearly outweigh the harms and development plan/Parking SPD conflict.

The proposal had been accompanied by a viability report, attesting that the proposal would be unviable with Local Plan Policy requirements for 30% affordable housing provision. This was to be the subject of an independent appraisal prior to the inquiry, the outcome of which would determine whether or not affordable housing contributions would be provided. Ultimately, if the appeal proceeded, this would be a matter for the Secretary of State appointed Inspector to determine.

Bill Marshall, a resident of the District, spoke for the application.

Councillor Paul Honeywood, the Ward Member, spoke against the application.

Matters raised by Members of the Committee:-	Officer's response thereto:-
Why are we at a non-determination situation?; and	It wasn't dealt with within the 13 week period so it went to appeal as is the developers' right.
Why are we looking at this and not other non-determined cases?	It was felt this application was finally balanced and required the Committee's guidance.
Regarding previous use, is there anything from ECC about loss of an education facility. Also no comment from housing services?	No response from ECC or Housing services had been received.
Are we allowed to specify the age of people that are allowed to live in a development?	Yes, as it will be sheltered housing that means an age restriction of 60 years young.
What is the size of the site?	4472sqms
Are all the units in the application of the national minimum standard?	Yes
Will there be a need for extra parking spaces?	We do have guidance from ECC that the elderly does have a reduced parking standard, but yes, the proposal falls short of the parking standard and will create a parking burden beyond the site.
How many parking spaces would normally be recommended for a development of this size?	It should be 1 place per unit, so 61 spaces.

Following a discussion by the Committee, it was moved by Councillor Baker, seconded by Councillor Turner and **RESOLVED** that the Planning Inspector be informed that if the Committee had been in a position to determine the planning application it would have refused planning permission on the following grounds:

1. The development, if approved would result in significant harm to the amenity of the local area due to increased parking demand as a result of insufficient parking proposed contrary to adopted standards
2. The development, if approved, results in harm to the character of conservation area by reason of poor design, including significant massing and bulk, lack of opportunity to landscape and such harm is not outweighed by public benefit.
3. The development would remove educational facilities from the local area and fails to demonstrate lack of need or that need can be accommodated locally in accordance with policies PP12 and HP2.
4. The development fails to secure RAMS, affordable housing, NHS contribution and open space contribution.

The meeting was declared closed at 8.54 pm

Chairman