

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 1ST AUGUST, 2023 AT 6.00 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Fowler (Chairman), White (Vice-Chairman), Alexander, Everett, Harris, Smith, Sudra and Wiggins
Also Present:	Councillor Mark Cossens (Except Items 24 and 25), Councillor Bradley Thompson and Councillor Nick Turner (Expect Items 24 and 25).
In Attendance:	Gary Guiver (Director (Planning)), John Pateman-Gee (Head of Planning & Building Control), Ian Ford (Committee Services Manager), Joanne Fisher (Planning Solicitor), Jacob Jaarsma (Planning Team Leader), Alison Pope (Planning Officer) (Except Items 22 - 25), Clive Theobald (Planning Officer) (Except Items 24 and 25), Bethany Jones (Committee Services Officer) and Emma Haward (Leadership Support Assistant)

17. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillors Bray (with no substitution) and Placey (with Councillor Smith substituting).

18. MINUTES OF THE LAST MEETING

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

RESOLVED that the minutes of the last meeting of the Committee, held on Tuesday, 4 July 2023 be approved as a correct record.

19. DECLARATIONS OF INTEREST

There were no declarations of interest made by Councillors on this occasion.

20. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were no such Questions on Notice submitted by Councillors on this occasion.

**21. REPORT OF DIRECTOR (PLANNING) - A.1 - PLANNING APPLICATION –
22/00953/FUL – LAND AT 55 HARWICH ROAD, LAWFORD, MANNINGTREE, CO11
2LS**

It was reported that this application had been referred to the Planning Committee as the proposed development conflicted with the requirements of the Development Plan, principally Policy SPL2 (Settlement Development Boundaries) of the Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022) being located outside of any defined settlement development boundary and it was recommended for approval by the Officers.

Members heard that the application proposed two dwellings with a combined total footprint of 241.64 square metres which would be sited separately on land to the rear of 55 Harwich Road in Lawford and would replace existing agricultural buildings in the same locations.

The proposal of the two dwellings was considered by Officers to offer an improved scheme in terms of living accommodation and design, scale and appearance when compared to the conversion of the agricultural buildings to three dwellings under the prior approval of 20/01708/COUNOT with a reduction in footprint of the buildings of 36.36 square metres.

The Committee heard that there were no significant issues in respect of neighbouring amenities or harm to trees, and there was sufficient parking and vehicular turning provision. In addition, no objections had been raised by ECC Highways or the Council's Environmental Protection Team subject to conditions and therefore the application was recommended by Officers for approval.

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 (AP) in respect of the application.

An update sheet had been circulated to the Committee prior to the meeting with details of amended wording in order to correct an error in paragraph 6.5 of the Officer report and to reflect that the proposed building was a 1.5 storey cottage with restricted full head height to elements and also with details of amended wording for proposed planning condition 13.

Mollie Foley, the applicant's agent, spoke in support of the application.

Matters raised by Members of the Committee:-	Officer's response thereto:-
<i>What are the dimensions of the access road especially the width?</i>	<i>The narrowest part of the road is 6.5m and the wider dimension of the driveway is 5.7m, narrowing to 3.6m.</i>
<i>Can you confirm what constitutes "long and narrow" driveways?</i>	<i>That is a judgement call, a planning judgement. There are no specific criteria. Based on the aspects of the actual application it is the Officer's opinion.</i>
<i>Would the hedging be going down further than where they are now?</i>	<i>The gardens at the rear are to go into the land ownership of the site. It is indicative that the hedges will grow to create those gardens.</i>
<i>If this Committee approved this application, will no further traffic come down that roadway, would it just be for the two properties?</i>	<i>Yes, that roadway is just for the two properties. The other property near these two properties is owned by someone else. The road is on the side of that property.</i>

<i>Will the other dwelling that is owned by someone else share this driveway?</i>	<i>For the new dwellings, there will be new access onto Harwich Road, no other access from other dwellings.</i>
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It was moved by Councillor White, seconded by Councillor Alexander and:-

RESOLVED that the application be approved subject to:-

- 1) On appropriate terms as summarised below and those as may be deemed necessary to the satisfaction of the Head of Planning & Building Control to secure the completion of a legal agreement under provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters:
 - **RAMS financial contribution** of £156.76 per dwelling x 2 units = £313.52 (index linked) toward recreational disturbance at the Stour and Orwell Estuaries Ramsar site and Special Protection Area.
- 2) the Head of Planning & Building Control be authorised to grant planning permission subject to the agreed section 106 agreement and the conditions as stated at paragraph 8.2 of the Officer report, subject to condition 13 being amended as per the update sheet, 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; and,
- 4) in the event of the Planning obligations or requirements referred to in resolution (1) above not being secured within 6 months the Head of Planning & Building Control be authorised to refuse the application on appropriate grounds at their discretion.

22. REPORT OF DIRECTOR (PLANNING) - A.2 - PLANNING APPLICATION – 21/01718/FUL – LAND REAR OF BLOOMFIELD COTTAGE, GRANGE ROAD, LAWFORD, MANNINGTREE, CO11 2ND

It was reported that this planning application was before the Planning Committee as the proposed development would conflict with the requirements of the Development Plan, principally Policy SPL2 (Settlement Development Boundaries) of the Tendring District Local Plan 2013 – 2033 and Beyond Section 2 (adopted January 2022) being located outside of any defined settlement boundary and it had an Officer recommendation of approval.

Members were informed that this proposal of a dwelling was on balance, not considered by Officers to be materially different in regard to the siting or the footprint of the development approved under prior approval 21/00704/COUNOT. The overall height of the proposed dwelling exceeded that of the existing building, however this was not considered by Officers to result in significant harm.

The Committee heard that the proposed dwelling had been revised during the course of the application to be softer with a more agricultural like appearance with timber cladding and full length windows, which was considered to be in keeping with the rural location.

The access remained as existing and there were no objections from the Highways Authority.

Members were told that the Council’s Tree and Landscape Officer had noted that the application site was overgrown with some established conifers along the eastern boundary. A soft landscaping scheme to include the site boundaries would be secured by condition as this would help to soften the appearance and screen/filter views of the site from the Public Right of Way to the east.

The Committee was also informed that there was sufficient parking and private amenity spaced provided, and there would not be significant harm to existing neighbouring amenities, subject to conditions.

Finally, Members heard that proposed conditions were included within the recommendations to ensure the provision of biodiversity enhancement and a scheme for the provision and implementation of water, energy, and resource efficiency measures for the lifetime of the development.

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 Leader (JJ) in respect of the application.

No Officer update for this application was submitted to the Committee.

There was no public speaking on this application.

Matters raised by Members of the Committee:-	Officer’s response thereto:-
<i>What is the width of that road if approval is given?</i>	<i>It is difficult to give an exact measurement. The region of access is over 3 metres but that could be widened, but also could be less than 3 metres in places. There is potential for the access to widen but that is down to general maintenance work.</i>
<i>Is it serviced by bio-metric sewage disposal?</i>	Yes.
<i>What do you say about the sewage disposal track having access to the site?</i>	<i>That is a matter of judgement. Highways are content with the proposal. Entrance is approximately 5 metres across, it continues at this width to the proposed dwelling and is in the applicant’s control to provide road at this width.</i>
<i>What conditions are in place to make access road suitable and at what point will Highways say this access road is “saturated”?</i>	<i>Referred to condition on the turning area. The Class Q has been approved and we are dealing with this in its own merits. There is no condition as to surfacing of the access road, but this could be imposed if the Committee wishes. Officers have</i>

	<i>outlined the limits of the new property provision under Class Q regulations. Other applications on the site have been refused. The LPA thought that the buildings weren't structurally sound.</i>
<i>What reports have been commissioned as to Wildlife surveys?</i>	<i>This report covers ecology and biodiversity implications under Sections 6.43 and 6.44 which suggests that suitable conditions be imposed to secure this however this is not in the proposed conditions listed. No report required as part of the application process. This is not a designated wildlife area.</i>
<i>Does this Committee need evidence before it can impose a condition?</i>	<i>Officer judgement is not required but the Committee could impose a condition. Officers had no concerns that would generate need for the report. Also, there is an outstanding fall-back position for these buildings. We don't have a building within this report that is at an age or structure that wildlife is within. Officers can seek that the applicant can provide the report, but they might feel it to be unnecessary. There is a legal need to protect wildlife, to do otherwise would be a legal offence.</i>
<i>Can we condition width of an access road and its surfacing?</i>	<i>Yes, Members are within their rights to ask for more details, and this could be possible.</i>
<i>If this would require work to the existing hedgerow, could we condition a wildlife survey of the hedgerow?</i>	<i>Yes.</i>
<i>How far from the building would the sewage provision be, and will there be a soakaway?</i>	<i>Precise details of this would be dealt with under the Building Regulations.</i>
<i>If we refuse this application, does the prior approval remain?</i>	<i>Yes, the prior approval will still be there. Referring to the proposed landscaping condition in this application that would cover, in part, the access.</i>

It was moved by Councillor Everett, seconded by Councillor White, and:-

RESOLVED that consideration of application 21/01718/FUL be deferred to enable Officers to seek the following information from the applicant:

- Surface materials and details of the roadway design/width of the access and drive
- Ecological survey/report for site
- Package Treatment Sewage Plant location

23. REPORT OF DIRECTOR (PLANNING) - A.3 - PLANNING APPLICATION – 22/01333/FUL – LAND WEST OF TURPINS FARM, WALTON ROAD, KIRBY LE SOKEN, CO13 0DA

It was reported that this application had been referred to the Planning Committee following a call-in request by the then Ward member, former Councillor Paul Clifton, on

the grounds that the proposed development was: (i) contrary to the Development Plan, (ii) would have a negative impact on urban design/street scene and (iii) would represent a poor housing layout.

The Committee heard that the outline planning permission had been granted on 1 March 2017 under reference 16/00031/OUT for the erection of up to 210 dwellings with access from Elm Tree Avenue, including green infrastructure, children’s play area, school drop off point and parking facility and other related infrastructure at Turpins Farm. Reserved Matters for outline approval 16/0031/OUT, including details of appearance, landscaping, layout and scale, had been subsequently approved on 24 March 2022 under reserved matters application reference 20/00307/FUL. The principle of residential development at Turpins Farm had therefore been established by the grant of the outline permission.

Members were told that the current re-plan scheme application represented a part alternative housing layout to approved reserved matters application 20/00307/FUL for the western part of the site in order to provide 24 additional smaller housing units increasing the dwelling total for the Turpins Farm site as a whole from 210 approved units to 234 units involving various design and layout modifications to existing streets and house types. Construction was currently proceeding on the eastern half of the site under approved application 20/00307/FUL.

Members were informed that the detailed design, layout, landscaping and scale of the re-plan scheme were considered by Officers to be acceptable. The proposal would not result in any material harm being caused to residential amenity or highway safety.

The Committee was also told that the application was recommended by Officers for approval subject to the planning conditions set out in the Officer report and subject to a Section 106 agreement to secure the necessary local infrastructure requirements that arose from the scheme.

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 (CT) in respect of the application.

There were no Officer updates in respect of this application.

Samuel Caslin, the applicant’s agent, spoke in support of the application.

Town Councillor Nick Turner, speaking on behalf of Frinton and Walton Town Council, spoke against the application.

Councillor Mark Cossens, the Ward Member, spoke in support of the application.

Matters raised by Members of the Committee:-	Officer’s response thereto:-
<i>Why are the affordable housing reduced from 30% to 20%? Is this across the whole site?</i>	<i>This is an odd application as it is a redesign of an existing arrangement, but this is a full application so it is set apart legally from the original. So, it will be</i>

	<i>30% of the number of properties the subject of this application. Also, it was 30% of the original as well so therefore it will be 30% of the whole site, though there is an outstanding application to vary the original permission.</i>
<i>Will the Electric Vehicle charging discharge apply to this new application?</i>	<i>This is secured by Condition 14 on this application.</i>
<i>Is there any evidence to back up the applicant's claim that this application is to reflect the present housing trends?</i>	<i>Strategic Housing Market Assessment has been used by the applicant. Dates to 2015 to now, it is 8 years old. The trend back then was more towards 4-bed family dwellings, larger houses are no longer selling well so it reflects the housing trend. The Local Plan Policy is to have regard to this document. Accepted by Local Plan Inspector at the Local Plan Inquiry. Flexibility in the policy to consider the changing trends hence requirements for a "broad mix" of housing. Changes in that mix reflect developers experience of the housing market demand.</i>
<i>Are we happy with the density of this site? Is there anything we can do for the access of the car park?</i>	<i>It has increased from 19 to 20 properties per hectare which is low by Government Standards. Highways have stated that additional properties will not have negative impact on traffic capacity and traffic flows given that site was originally designed for 250 properties in engineering times. There are 30 parking spaces at school drop off area.</i>
<i>Has the traffic survey been done at these peak times?</i>	<i>A transport statement has been provided.</i>
<i>2019 Inspector recognised that Thorpe-le-Soken high sited was near capacity. Many properties have been built since. Those plus new properties will all have to come through Thorpe-le-Soken to reach points east. What is the impact now?</i>	<i>This application must be judged at its own merits. Highways Authority has not objected to this application. Officers would caution against refusing this application on Highways grounds.</i>
<i>Have Essex Highways considered the implications for Thorpe-le-Soken High Street as part of its consideration of this planning application?</i>	<i>Junctions are monitored and randomly surveyed. It is not an exact science to work out capacity of junctions. Officers can only rely on the information submitted by the Highways Authority and would need to demonstrate "severe harm" under the NPPF.</i>
<i>Is the previous Planning Inspector's appeal decision on The Lifehouse Spa planning application a material consideration for this application?</i>	<i>The Planning Inspector's decision did not solely rely on that highway matter as it did not meet the "severity" bar under the NPPF (the Lifehouse Spa was right on top of the junction in question in Thorpe-le-Soken). Highways will be aware of current development plus "planned" and "background" growth and take that into account in</i>

	<i>their modelling and consideration of Transport Statements.</i>
<i>At what point will we reach threshold for “severity” bar? Can we give any reassurance to Thorpe-le-Soken residents?</i>	<i>The review of the Local Plan will consider transport network and Essex Local Transport plans and housing density and react accordingly.</i>
<i>Could we condition another entrance/exit to the school drop off point?</i>	<i>No. The carpark is not part of this application. It is not within the “red-line” area. It has also been built and therefore it would be unreasonable to add that as a requirement.</i>
<i>Could we have local nominations under the affordable housing provision?</i>	<i>TDC policy is to give a high priority for local people after the statutory requirement e.g. homeless.</i>

During the consideration of this application, the Head of Planning & Building Control (JP-G) advised the Committee that proposed planning conditions 11 & 12 should be deleted as the planning requirements contained in those conditions were in fact to be secured by way of the proposed accompanying Section 106 Legal Agreement to this application.

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

RESOLVED that the Head of Planning & Building Control be authorised to grant planning permission for the development subject to:-

- (a) Within 6 (six) months of the date of the Committee’s resolution to approve, 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 (where relevant):

- On-site 30% Affordable Housing Provision
- Education Contribution
- Health Contribution
- Completion and Transfer of Public Open Space and Maintenance Contribution
- RAMS Coastal Recreational Disturbance Financial Contribution
- £10,000 Financial Contribution towards speed reduction measures
- £15,000 Financial Contribution towards additional footpath improvement works

- (b) the conditions stated in section 8.2 of the Officer report but subject to the deletion of conditions 11 and 12 as they will be secured by the Section 106 Agreement; and
- (c) the Head of Planning & Building Control be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 months, as the requirements necessary to make the development acceptable in planning terms would not have been secured through a Section 106 planning obligation.

24. REPORT OF DIRECTOR (PLANNING) - A.4 - PLANNING APPLICATION – 17/01229/OUT – LAND ADJACENT AND TO THE REAR OF 755 AND 757 ST JOHNS ROAD, CLACTON-ON-SEA, CO16 8BJ

For the public record and in the interests of transparency, the Committee Services Manager (IF) stated that he was a resident living in the near vicinity to this application site. He confirmed that he had played no active part in the processing of this application in either his professional capacity as an Officer of the Council or in his private capacity as a resident of St. John's Road.

The Committee was told that at a Planning Committee meeting held on 7 June 2022 Members had resolved that planning permission be granted for the development referred to in the application, subject to a 6-month time limit (from the June 2022 resolution) to allow the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 and dealing with the matters set out under paragraph 1.10 of the Officer report.

Members were informed that the agreement had taken significantly longer than anticipated, primarily due to unresolved matters between Essex County Council (ECC) Highways in respect of a Travel Plan Monitoring Fee, areas of dispute between the Developer and ECC Education as well as legal and site value implications in respect of an overaged clause. All those matters had now been satisfactorily resolved and had been confirmed in writing by all respective signatories to the legal agreement. The latest draft section 106 legal agreement was now ready to be signed by all parties. The Committee was told at the meeting by way of confirmation that the Section 106 had agreed and confirmed by all signatories.

Officers told the Committee that, as it had been over 6 months since the Planning Committee's original resolution, and following legal advice, it was necessary for the application to revert to Members for consideration, and specifically to seek authority from the Planning Committee to issue the outline consent now that the section 106 legal agreement was ready for engrossment.

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 Leader (JJ) in respect of the application.

There had been no Officer updates circulated to the Committee prior to the meeting on this application.

Stuart Willsher, the applicant's representative, spoke in support of the application.

Matters raised by Members of the Committee:-	Officer's response thereto:-
<i>Can you clarify the provision of land for a new healthcare facility or a financial contribution to its provision?</i>	<i>In the Section 106, the NHS has first choice to take the land but if it does not wish to do so then it will take a financial contribution.</i>
<i>Why is it 20% affordable housing rather than 30%?</i>	<i>This was agreed as part of the original decision, but a review has now been added which is an added benefit.</i>
<i>What will happen to the land if it is not taken by the NHS for new healthcare</i>	<i>The Section 106 Agreement states that if it is a financial contribution that it will be for facilities in</i>

<i>facility?</i>	<i>West Clacton.</i>
<i>In which phase is the school provision?</i>	<i>Phase 1A.</i>
<i>In what phase is the provision of the NHS facility?</i>	<i>Prior to commencement, the land must be offered. then either built or money paid before 50 dwellings have been occupied.</i>
<i>Can we make it a condition that work starts on the site within a year?</i>	<i>Discussions are already ongoing with the developer on the referral matters applications, which should be submitted soon. Yes, this condition could be imposed.</i>
<i>What happens to the financial contribution if we go down that route?</i>	<i>The developer passes the money to TDC who will pass it onto the relevant NHS body who will be required to spend it on improving health facilities in West Clacton.</i>
<i>Where in the Officer report is the input from the NHS and Essex County Council Education?</i>	<i>Pages 102 to 105 and 110 of the report.</i>

It was moved by Councillor Harris, seconded by Councillor White and:-

RESOLVED that the Head of Planning & Building Control be authorised to grant planning permission for the development, subject to:-

- a) 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 (where relevant):
 - 20% On-site Affordable Housing
 - Provision of land on-site for a new healthcare facility or a £554,900 financial contribution towards its provision. [In the event that the land is not required, the financial contribution will be spent on health facilities elsewhere (to be determined by the NHS);
 - Transfer of new open space, including proposed equipped play areas to the Council or a management company;
 - Land for a new primary school and early years and childcare facility on site with financial contributions towards the provision of those facilities;
 - Financial contributions to create additional secondary school places;
 - New neighbourhood centre; and
 - Financial contributions towards RAMS and off-site ecological mitigation.
 - A £500,000 financial contribution towards public transport provision
 - Provision of a Residential Travel Plan monitoring fee
- b) the conditions stated in section 8.2 of the Officer report, subject to the amendment to condition 2 made at this meeting, 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,
- c) the informative notes as may be deemed necessary.

25. **REPORT OF DIRECTOR (PLANNING) - A.5 - PLANNING APPLICATION – 23/00649/FUL – BRIGHTLINGSEA LIDO - SWIMMING POOL, PROMENADE WAY, BRIGHTLINGSEA, CO7 0HH**

The Committee had an application before them that sought planning permission to construct a canopy over one-half of the small swimming pool at the Brightlingsea Lido. This was to provide over the new decking area shade from the sun and cover during inclement weather for users of the Lido and a wide range of community activities.

Members were told that the site was leased and managed by Brightlingsea Town Council via a group of volunteers. The canopy proposed was a large shade sail covering a framework of laminated timber roof beams supported by steel posts fixed to the ground. The proposal was considered to be acceptable by Officers and provided a required upgrade to the facilities at the Lido.

The Committee heard that this application was before the Planning Committee as Tendring District Council owned the site.

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 Head of Planning & Building Control (JP-G) in respect of the application.

No Officer updates had been circulated to Members prior to the meeting in respect of this application

There was no public speaking on this application.

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

RESOLVED that the Head of Planning & Building Control be authorised to grant full planning permission subject to:-

- 1) the conditions as stated in paragraph 8.2 of the Officer report, 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 informative notes as may be deemed necessary.

The meeting was declared closed at 9.47 pm

Chairman