

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 24TH OCTOBER, 2023 AT 5.00 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Fowler (Chairman), Alexander, Bray (except item 48), Everett, Placey, Sudra and Wiggins
Also Present:	Councillor Turner
In Attendance:	Gary Guiver (Director (Planning)), Joanne Fisher (Planning Solicitor), Jacob Jaarsma (Planning Team Leader), Amy Lang (Senior Planning Officer) (except item 48), Michael Pingram (Senior Planning Officer) (except items 47 and 48), Madeline Adger (Leadership Support Manager), Bethany Jones (Committee Services Officer) and Emma Haward (Leadership Support Assistant).
Also in attendance:	Keith Simmons (Head of Democratic Services & Elections), Keith Durran (Committee Services Officer – Technical Support for livestream of the meeting) (item 42 only) and Jennie Wilkinson (Assets Surveyor) (except items 47 and 48).

42. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillors Harris and White (with no substitutes appointed).

43. MINUTES OF THE LAST MEETING

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

RESOLVED that the minutes of the last meeting of the Committee, held on Thursday 28 September 2023, be approved as a correct record and signed by the Chairman.

44. DECLARATIONS OF INTEREST

Councillor Everett declared for the public record in relation to reports **A.1 – 23-00864-FUL – Jubilee Ground, Naze Park Road, Walton-on-the-Naze** and **A.3 – 22-01333-FUL – Land west of Turpins Farm, Walton Road, Kirby-le-Soken** that he was a Member of the Frinton and Walton Town Council but that he had not taken part in any debates on those applications at Town Council meetings. He therefore stated that he was not predetermined and will remain in the meeting whilst those applications were determined.

45. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

46. REPORT OF THE DIRECTOR (PLANNING) - A.1 - 23-00864-FUL - JUBILEE GROUND, NAZE PARK ROAD, WALTON-ON-THE-NAZE

The Committee had the application before it as Tendring District Council was the applicant.

Members heard that the proposal involved the further temporary siting of eight beach huts following the initial temporary permission for a total of 17 beach huts in June 2023, which had expired in August 2023. Of those 17 beach huts, 9 had since been relocated, but a further temporary permission was sought in order to allow time for the completion of cliff stabilisation work. The remaining eight beach huts were to be moved back to their original location upon completion of that work.

Officers informed Members that the proposal was not considered to result in significant harm to an area of land allocated as Safeguarded Open Space, and would not harm existing trees, highway safety or the amenities of any local residents.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any responses 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 (MP) in respect of the application.

There had been no updates circulated to the Committee prior to the meeting about the application.

There were no public speakers for this application.

Matters raised by Members of the Committee:-	Officer’s response thereto:-
<i>This application was before the Committee in 2022 for work to be completed, is this just a continuation of that application?</i>	<i>Yes that is correct. The original application was for a total of 17 beach huts, 9 of those 17 have been relocated across the District so this is just a temporary permission for the remaining 8 until the works are carried out.</i>
<i>Has there been any objections or incidents from the Town Council from our decision back then?</i>	<i>No, the Town Council recommend approval for this application.</i>
<i>If the Committee extend the permission until 2026, is there a possibility that the beach huts will be moved before that? Can they be moved to their location as soon as possible?</i>	<i>Yes, Officers have to put a date and 3 years is standard. Officers can’t control when the beach huts will move but we can’t see any reason why they can’t move once the work is completed.</i>

During debate Councillor Everett reminded the meeting that he had declared for the public record that he was a Member of the Frinton and Walton Town Council but that he was not predetermined.

It was moved by Councillor Alexander, seconded by Councillor Bray 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 8.2 of the report (A.1), 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 any informative notes to the applicant as may be deemed necessary.

47. REPORT OF THE DIRECTOR (PLANNING) - A.2 - 23-00547-FUL - 225 POINT CLEAR ROAD, ST OSYTH

The Committee heard that the application was before Members as the proposal represented a departure from the Local Plan, proposing new residential development outside of the St Osyth Settlement Development Boundary (SDB) as defined within the adopted Tendring District Local Plan 2012 to 2033 and Beyond.

Members were told that the application related to the side garden of number 225 Point Clear Road, St Osyth. The site was located on the southern side of Point Clear Road, close to the junction with Dumont Avenue and was surrounded by residential development on all sides.

Officers informed Members that the site lay outside of the defined SDB of St Osyth and that there was no defined settlement for Point Clear within the adopted Local Plan. The application was therefore contrary to the spatial strategy set out within adopted Local Plan Section 1 Policy SP7 and Section 2 Policy SPL2. However, Local Plan Policy SPL 2 did not preclude residential development outside of the defined boundary, but rather required careful consideration of the scale of development in relation to the settlement hierarchy category, site-specific characteristics, and sustainability of the site.

The Committee was also informed that in that instance, the site-specific merits of the case and a recent appeal decision were of significant weight in the assessment of the application. Namely, the previous outline application for 1 no. dwelling (reference 21/02082/OUT) refused due to the lack of RAMS UU only, and the appeal decision at a nearby site (rear of 172 Point Clear Road appeal reference APP/P1560/W/22/3311836) which had been allowed on the basis that the site was within walking distance of amenities and public transport and the scale of development would be proportionate to the size of the settlement.

Members were assured that the Officers were satisfied that existing services and facilities within Point Clear would be capable of supporting the proposed development of 1 dwelling, and that those were accessible within safe walking distance of the site. The proposed single storey dwelling was of a scale and design that would appear as an infill plot, in keeping with the linear pattern and scale of residential development in the locality.

The Committee was finally told that, in line with the conclusions of the above-mentioned appeal, other than the high-level policy conflict regarding the location of the site outside the defined settlement development boundary, the development in the opinion of the Officers would not result in any material harm in terms of design, impact, residential amenities or highway safety, and was acceptable in all other regards.

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

At the meeting, an oral presentation was made by the Council's Senior Planning Officer (AL) in respect of the application.

An update sheet had been circulated to the Committee prior to the meeting with details on the rewording of Condition 7 which was as follows:

"7. COMPLIANCE PRIOR TO OCCUPATION: SHARED ACCESS WIDTH

*CONDITION: Prior to occupation of the development, the **shared** vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the **shared** access at its junction with the highway shall be **7.2 metres**, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway and highway verge.*

REASON: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

Note to Members:

Following a correction to the site notice and advert (Departure from the adopted Local Plan) confirming that the site is located outside of the defined Settlement Development Boundary for St. Osyth, the decision for the application (in line with the committee resolution) will be issued once the corrected publication period has expired."

There were no public speakers for this application.

Matters raised by Members of the Committee:-	Officer's response thereto:-
<i>Will the dropped curb be done early?</i>	<i>Yes, the recommendation includes standard highway conditions, in this instance there is a correction to the standard conditions that are shown in the report so it now incorporates the width of the access to be in line with the double width with the access point and that incorporates the dropped curb which is slightly wider and there are specific requirements from Highways for that type of access arrangement.</i>
<i>Is that a real 'well' in the front garden? Can we have confirmation what the structure is?</i>	<i>That is an ornamental well, it doesn't have an impact on the development, and it will be removed.</i>

<p><i>Am I right in saying that for a 3-bedroom property you would need an amenity space of 100 square metres?</i></p>	<p><i>That is the old standards. In the adopted local plan, the Policy LP4 suggests that the size of the garden area of that property would be what you would expect and the character of the area. It has to be useable and private which this property meets that policy requirement.</i></p>
<p><i>Is the host property also happy with the garden size?</i></p>	<p><i>Yes. The garden is of similar sizes to each other and useable. There is no harm and there are no objections made.</i></p>

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

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

- 1) the completed Unilateral Undertaking securing:
 - financial contribution of £156.76 (index linked) towards RAMS.
 - financial contribution towards the Public Realm (index linked in accordance with the scale of contributions) to upgrade Dumont Avenue Play Area.
- 2) the conditions stated at 9.2, of the Officer report (A.2) with the amendment of Condition 7 as set out in 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 references is retained; and,
- 3) the sending of any informative notes to the applicant as may be deemed necessary.

48. REPORT OF THE DIRECTOR (PLANNING) - A.3 - 22-01333-FUL - LAND WEST OF TURNPINS FARM WALTON ROAD KIRBY LE SOKEN

The Chairman of the Committee (Councillor Maria Fowler) informed the meeting that Councillors Bray and Placey would not be able to take part in the consideration of Item 7 of the Agenda due to them not attending the site visit or the Committee meeting held in August 2023 when the application in question had first been heard. However, they both would be able to remain in the meeting, as they had not declared an Interest.

Councillor Bray recused himself from this application and retired to the public gallery.

Members were reminded that, at the submission stage this application had been for an additional 24 homes and that after consultation with Essex Place services a decision had been made to keep some of the properties as 4 Bedroom Homes as it was felt from a placemaking perspective those, mostly corner, buildings needed to have a greater presence on the street scene. When those plots had reverted to larger properties the Architects drawings had not updated the plot numbering which had continued to show numbering up to 234, the error also was not obvious in the accommodation schedule as it only included part of the site.

The Committee heard that as a result of the above, the total dwellings proposed on site was in fact 231 (3 less than the scheme presented to Members in August 2023). The difference in dwelling numbers therefore result in the following changes:

- The description of the development changed to:

“Proposed re-plan of part of site to provide 21 additional smaller units increasing total from 210 approved to 231 (as alternative to part of planning permission 16/00031/OUT and 20/00307/DETAIL).”

- the uplift in dwelling numbers as a result of the replan scheme is 21 (instead of 24)
- the number of affordable units that would be secured as part of the re-plan scheme equates to a total of 6 dwellings (as opposed to 7 reported to Committee in August 2023). Given that 21 additional dwellings were proposed, a total of 6 affordable units would equate to a proportionate 30% affordable housing contribution and the proposal continued to be in accordance with Policy LP5 of the adopted Local Plan.
- as a result of the downward revision of the overall dwelling numbers by 3, the proportionate Health and Education contributions would continue to be required to mitigate against the impact of the development. Both the NHS and ECC Education have both been approached for comments and confirmation of the amounts required however at the time of writing the update report the comments remained outstanding.

Members were informed that, in conclusion, the reason to return this application to Committee was a matter of correction in terms of consistency and updating of the information presented to Members previously. That essentially confirmed the reduction of numbers compared to the initial application made that was before Members previously, but given the description changes it was appropriate to seek an updated resolution to ensure no risk of challenge against the decision-making process.

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.

An update sheet had been circulated to the Committee prior to the meeting with details of the recommendation in August 2023 which was as follows:-

The August 2023 committee resolution included the following words:

...approval subject to: *the Completion and Transfer of Public Open Space and Maintenance Contribution...*

Officer update: The recommendation on the last page of your update report dated 24 Oct 2023 remains unchanged however Members are requested to note that the replan scheme does not contain any separate or additional public open space and as such there is no need to include a s106 clause seeking the Completion and Transfer of Public

Open Space and Maintenance Contribution (because such a requirement will be unnecessary).

Town Councillor Nick Turner, speaking as the adjoining Ward Member, spoke against the application.

Matters raised by Members of the Committee:-	Officer's response thereto:-
<i>Within Condition 12, can we just have clarification?</i>	<i>Condition 12 in the August 2023 report seeks secure of the financial contribution so Officers are saying it is just an update and the recommendation is now as per the August recommendation except for the removal of Conditions 11 and 12 because those contributions will be secured as part of Section 106 legal agreement.</i>
<i>Would the footways now be in jeopardy of not receiving any financial support to upgrade them or will that still be somewhere in the new agreement?</i>	<i>It will only be in jeopardy if the replan scheme is not approved. As part of the replan scheme and comments from the Parish Council, Officers have successfully negotiated these highway improvements contributions in respect of future speed reductions. Those contributions will only be in jeopardy if the replan scheme does not get approved.</i>
<i>Could we get an update on the full application?</i>	<i>The replan scheme is only here for transparency because there are 3 less properties and one less affordable property. Financial contributions are secured through legal agreements (Section 106), although it was in the report in August 2023 to be secured as conditions, Officers don't usually secure money through planning conditions. If this development is approved and the developers decide to proceed to deliver to development in this form then those contributions are secured through legal agreement as a legal obligation. The detail of how they are spent, that would not come back to Committee. TDC just secure those funds so the work can get done.</i>
<i>What is 30% of 24 and 30% of 21 to 1 or 2 decimal points?</i>	<i>I believe 30% of 21 is 6 and 30% of 24 is 7.</i>
<i>It is one less than it was before?</i>	<i>That is correct. The affordable housing goes down by one, from 7 to 6 homes and that is still equivalent to 30% overall.</i>

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

RESOLVED that:-

as a result of the report, the Update Report sought to amend all references in the August 2023 Committee Report (attached to the Update Report) to 234 dwellings down to 231 dwellings, all references to an uplift of 24 units down to 21 units, and all references to 7 affordable dwellings down to 6 affordable dwellings.

The Officer recommendation remained unchanged as set out in the Recommendation section of 1 August 2023 Committee report subject to:

1. removal of conditions 11 and 12 (as these are secured as s106 planning obligations) and confirmation that NHS and Education contributions are to be secured and shall match the previous scheme amount per dwelling

(The matters in 1 above were requested by Members at the 1 August 2023 Planning meeting when it was resolved to approve planning permission subject to all the conditions and a legal agreement set out above and in section 1 of the August 2023 Committee report).

2. delegated authority to enable the Planning Service Manager to issue the decision once the NHS and Education comments are available confirming the contributions sought should match the previous scheme amount per dwelling, and once the Section 106 legal agreement has been completed and signed.
3. removal of the requirement to secure 'Completion and Transfer of Public Open Space and Maintenance Contribution' from the matters to be secured as a s106 planning obligation.

The meeting was declared closed at 6.02 pm

Chairman