

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,  
HELD ON TUESDAY, 3RD AUGUST, 2021 AT 6.00 PM  
IN THE PRINCES THEATRE - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,  
CO15 1SE**

<b>Present:</b>	Councillors White (Chairman), Bray (Vice-Chairman), Alexander, Baker, Casey, Codling, Fowler, Harris and Placey
<b>Also Present:</b>	Councillors Nicholls (Gt Bromley Parish Council), Scott, Adam Devaux (Senior Building and Maintenance Surveyor) and 7 members of the public.
<b>In Attendance:</b>	Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Graham Nourse (Assistant Director (Planning)), Trevor Faulkner (Planning Manager), Joanne Fisher (Planning Solicitor), Jacob Jaarsmar (Planning Team Leader), Adam Devaux (Senior Building & Maintenance Surveyor), Emma Haward (Leadership Support Assistant) and Matt Cattermole (Communications Assistant)

**132. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies were received from Joanne Fisher (Planning Solicitor).

**133. MINUTES OF THE LAST MEETING**

It was moved by Councillor Bray, seconded by Councillor Alexander and **RESOLVED** that the minutes of the last meeting of the Committee held on 6 July 2021 be approved as a correct record.

**134. DECLARATIONS OF INTEREST**

All Members of the Committee declared for the public record that in relation to **Planning Application 20/00547/OUT Hamilton Lodge, Parsons Hill, Great Bromley, Colchester CO7 7JB** they had been 'lobbied' by the applicant's agent.

Councillor Codling also declared a personal interest in **Planning Application 20/00809/FUL 102 Nayland Drive, Clacton-on-Sea CO16 8TZ** due to being a Ward Member. He stated that he was not pre-determined and that therefore he would participate in the determination of that application.

Councillor Scott, who was present in the public gallery, declared a personal interest in **Planning Application 20/00547/OUT 20/00547/OUT Hamilton Lodge, Parsons Hill, Great Bromley, Colchester CO7 7JB** due to his being a Ward Member.

**135. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

There were none on this occasion.

**136. A.1 PLANNING APPLICATION 20/00547/OUT – HAMILTON LODGE, PARSONS HILL, GREAT BROMLEY, COLCHESTER CO7 7JB**

Earlier on in the meeting all Members of the Committee had declared that they had been 'lobbied' by the applicant's agent in relation to this application.

Earlier on in the meeting Councillor Codling had also declared a personal interest in **this application** due to his being a Ward Member. He had stated that he was not pre-determined and therefore he took part in the consideration thereof and the voting thereon.

Earlier on in the meeting Councillor Scott, present in the public gallery had also declared a personal interest in **this application** due to being a Ward Member.

It was reported that Hamilton Lodge was located south of, and well detached from, the village of Great Bromley and was immediately north of the A120, approximately 8 miles east of Colchester. It comprised of 16 acres of buildings, hardstanding, grassland and parkland around an early 20th Century house and more recently constructed care home/assisted living accommodation. The site was located outside of any defined settlement boundary in both the saved Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

The Committee was informed that this application sought planning permission for 79 residential units on the site which incorporated the renovation and conversion of Hamilton Lodge, The Stable Block and Walled Garden elements. The application had been submitted in a hybrid format (i.e. part outline/part detail application) and proposed the following:- 67 dwellings including the conversion of Hamilton Lodge, The Stable Block and Walled Garden and all associated access roads, amenity space, landscaping, parking, servicing, utilities, footpath and cycle links, on-site drainage, and infrastructure works including gas and electricity apparatus (Submitted in Outline Form); - Residential development for 12 dwellings and associated access roads including formation of new junction to Parsons Hill (Submitted in Detail Form); - Formal and informal open space including village green and meadow including landscaping, parking, servicing, utilities, footpath links (Submitted in Detail Form).

It had been acknowledged by Officers that the site was brownfield in nature and had attracted a certain level of traffic movements under its former care home use, but even taking this into account, it was considered by them that the proposal for 79 dwellings in this unsustainable and unsuitable location outside of any defined settlement boundary ran contrary to the objectives of adopted Policy SP3 and was of a wholly inappropriate scale, in a countryside location clearly detached from the nearest settlement of Great Bromley, which had been identified as a smaller rural settlement under emerging policy SPL1.

Notwithstanding the clear conflict with established housing settlement policies outlined above it had been acknowledged by Officers that the development did provide some benefits which could be weighed up against the harm identified. Those benefits included:- The re-development of a brownfield site; - The conversion and safeguarding of non-designated heritage assets present on the site; - Provision of a 'village green' area, to be maintained by the parish council, which would open up public access to the site; - Provision of 30% on-site affordable housing and policy compliant infrastructure contributions; - Notwithstanding the lack of a sustained and robust marketing campaign to demonstrate that the site was not in demand for alternative employment uses, the development represented a viable solution for the future of the site.

Overall, it was felt by Officers that the proposal's benefits were modest. The National Planning Policy Framework placed emphasis on managing patterns of growth to support objectives which included opportunities to promote walking, cycling and public transport use, and mitigating any adverse environmental impacts of traffic.

Development in rural areas was not precluded but the Framework indicated that significant weight should be given to the benefits of using suitable sites within settlements for homes and therefore supported the general thrust of the local plan in terms of the location of new housing.

Consequently, the clear conflict with, and the adverse impacts on the Council's overarching housing strategy, as well as the increasing travel by private motorised transport would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework taken as a whole. The proposal would conflict with the development plan as a whole, lead to the loss of a site which had a lawful commercial use, and there were no other considerations including the provisions of the National Planning Policy Framework which would outweigh this finding by Officers.

Members were made aware that the applicant had confirmed a willingness to enter into a legal agreement to secure the required open space, education, affordable housing and RAMS obligations. However, as the application had been recommended for refusal by Officers such a legal agreement had not been completed and therefore the lack of a mechanism to secure those obligations had also been included as a reason for refusal.

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 refusal.

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:

#### Representations from the Applicant's Planning Agent

*"At paras 6.7, 6.13 and 6.30 of the Committee Report it was stated that existing buildings on the site cover 5% of the site, with the proposed re-development covering 40-45% of the site.*

*This was to misstate the position and Members' attention was brought to the clarification below:*

- *The 'footprint' of existing buildings amounts to around 5% of site area.*
- *The footprint of the proposed dwellings comprised in application 20/00547/OUT was approximately 8% of site area. This includes the footprint of Hamilton Lodge and the Coach House and reflected the predominantly two storey nature of the development."*

**Officer Response – "Whilst the above comments are noted, it was acknowledged that the re-developed areas of the site (which also included the curtilages of proposed properties, access roads/private drives and garden/parking areas)**

would add significantly to the level of development on the site, urbanising the character of the site at odds with the sporadic form of development in the vicinity).”

*“The NPPF was introduced at paras 1.5-1.7 and ‘clear conflict’ was alleged. Yet there was no reference to NPPF para 123 in the Committee Report. Two points may be made here:*

*1. Where the LP Part 2 was at an advanced stage and, according to the Committee Report, to be afforded considerable weight, then it followed that identified and allocated employment sites were safeguarded by policy PP6.*

*2. The 2007 Local Plan policy ER3 was not consistent with the NPPF para 123.*

*This matter was relevant in general (consistent as it was with the role of brownfield land and the Council’s Brownfield Land Register), but was particularly relevant in relation to paras 6.32-6.36 of the Committee Report. Para 123 of the National Planning Policy Framework stated:*

*“23. Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:*

*a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and*

*b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space. [emphasis added].”*

*The application site was not allocated for employment use in the 2007 Local Plan and was not allocated for employment use in the emerging Local Plan which remains subject of public consultation until 31 August 2021. To summarise:*

- The 2007 Local Plan Policy ER3 was not consistent with national policy.*
- The land at Hamilton Lodge was included in the Council’s Brownfield Register.*
- The land at Hamilton Lodge had not been included in any employment land assessment.*
- Redevelopment of the site would not undermine the wider objectives of the emerging Local Plan which was to safeguard existing employment sites via Policy PP6.*
- The National Planning Policy Framework was a material consideration.”*

**Officer Response – “The National Planning Policy Framework (2021) at paragraph 47 stated that planning law required that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The adopted Tendring District Local Plan (2007) remained in force and therefore the provisions of saved policy ER3 applied. Policy ER3 sought to retain sites in employment use unless it could be proven that the site was no longer viable/in demand for employment uses via a robust and sustained marketing campaign. This policy was considered to be consistent**

with the aims of paragraph 84 of the National Planning Policy Framework (2021) which stated, amongst other points, that planning policies and decisions should enable:

- the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- sustainable rural tourism and leisure developments which respect the character of the countryside; and
- the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.”

Parish Councillor Fred Nicholls, representing Great Bromley Parish Council, spoke in support of the application.

Councillor Gary Scott, a local Ward Member, spoke in support of the application.

<b>Matters raised by a Committee Member:-</b>	<b>Officer’s response thereto:-</b>
A member of the Committee referred to pages 24-29 of ECC’s Ecology report – they asked if this included solar powered lighting and whether this could be prevented?	The Planning Officer confirmed that development proposals could include conditions in relation to lighting.
Is there a time in which the agreement has to be completed?	The Planning Officer confirmed that the monies in relation to the agreement has to be spent within the timeframe.
6.26 referred to a potential shop premises, what is the distance between this premises and the development?	The Planning Officer confirmed that the premises would be 0.6 miles from the development.
6.28 related to a reason for an appeal decision of the 14 May 2021. How much weight do we give in our deliberations?	The Planning Officer confirmed that the appeal decision was included to demonstrate the criteria. Each application should be decided upon its own merits.
With regards to page 8 of the details of units, more detail could have been included as far as the indication of how large the bedrooms would be.	The Planning Officer confirmed that the information provided in the details was sufficient for this application to be submitted.
A member of the Committee asked if the site was considered a Brownfield site.	The Planning Officer confirmed that a part of the site is previously developed land.
A member of the Committee referred to the update sheet, whereby 40-45% of the site is covered with the proposed development.	The Planning Officer confirmed.
A member of the Committee asked if it could be conditioned that the heritage asset would be maintained and safeguarded alongside the memorial plaques.	The Planning Officer advised the Committee that if a decision was made to grant this application, a legal agreement or condition could be submitted for the heritage asset and memorial plaques to be maintained or refurbished.
Would it be a material consideration if there were no objections?	The Planning Officer confirmed that this should be taken into account.

6.35-6.37 refers to marketing as undertaken in 2018 before purchase of the site. Is this site classed as an employment site?	The Planning Officer confirmed that policy ER3 is engaged and the applicant was asked to provide details of marketing. It would appear that purchasing the site stopped the marketing campaign.
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Following discussion by the Committee, it was moved by Councillor Harris, seconded by Councillor Alexander and **RESOLVED** that, contrary to the Officer's recommendation of refusal, the Assistant Director (Planning) (or equivalent authorised officer) be authorised to grant planning permission for the development due to the following reasons set out in the officer's report:-

6.38 Notwithstanding the clear conflict with established housing settlement policies outlined above it is acknowledged by officers that the development does provide some benefits which can be weighed up against the harm identified. These benefits include:

- The re-development of a brownfield site;
- The conversion and safeguarding of non-designated heritage assets present on the site;
- Provision of an ancillary open space area, to be maintained by the parish council, which will open up public access to the site;
- Provision of 30% on-site affordable housing and policy compliant infrastructure contributions;
- The development represents a viable solution for the future of the site.

In addition, due to the overwhelming support of the Parish Council and residents, and subject to:-

A Section 106 agreement to secure the relevant contributions towards, RAMS, education, highway improvements, open space/play space and affordable housing.

**137. A.2 PLANNING APPLICATION 21/00809/FUL – 102 NAYLAND DRIVE, CLACTON ON SEA CO16 8TZ**

It was reported that this application had been referred to the Planning Committee as the applicant was Tendring District Council itself.

Members were informed that the application involved a single storey ground floor rear extension to the existing dwelling house at 102 Nayland Drive which was inside the settlement boundary of Clacton.

The proposal, through a number of internal alterations, sought to convert the ground floor of the property for use by someone with limited mobility. In doing this, the existing sitting room would become a bedroom with en-suite facilities and the rear extension was proposed to provide a sitting room with ramped access from the rear garden.

Members were informed that, in the opinion of Officers, the proposal would not result in harm to the host dwelling or wider street scene in general in regards to the siting, scale or external appearance of the development, nor any material harm to residential amenity nor highway safety.

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 Manager (TF) in respect of the application.

Adam Devaux, an Officer of the Council, spoke on behalf of Tendring District Council, in support of the application.

<b>Matters raised by a Committee Member:-</b>	<b>Officer's response thereto:-</b>
A member of the Committee asked if the property became vacant, would it remain as Council stock?	The Planning Officer advised that this would be the case due to the design for disabled needs.
Can you confirm that there is enough amenity space after the extension?	The Planning Officer confirmed that the garden area will be reduced, however the amenity space is still sufficient.
Is there an opportunity for a wet room?	It would be designed as a wet room for that particular type of accommodation.

Following discussion by the Committee, it was moved by Councillor Alexander, seconded by Councillor Bray and unanimously **RESOLVED** that the Assistant Director (Planning) (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following:

Conditions and Reasons:

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

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plan:- A2021/11/01; received 4th May 2021.

Reason - For the avoidance of doubt and in the interests of proper planning.

Informatives:

*"Application Approved Without Amendment*

*The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework."*

**138. A.3 PLANNING APPLICATION 21/01028/FUL – 24 BAY VIEW CRESCENT, LITTLE OAKLEY, HARWICH CO12 5EG**

It was reported that this application was before Members as an Ownership Certificate had been served on Tendring District Council as the Council owned the freehold of the flats.

The Committee was advised that the proposed extension would be located to the rear of the property and would be largely shielded from the street scene by the existing dwelling. The extension was of a single storey nature and was considered by Officers to be of a size and scale appropriate to the existing dwelling with the application site retaining adequate private amenity space. The use of matching materials would blend the development with the host dwelling and was not thought to have any significant adverse effect on visual amenity.

Officers also felt that the proposed rear extension would not result in any significant loss of light or undue loss of privacy to the adjacent (and above) neighbouring properties and was therefore considered to be acceptable in terms of residential amenities.

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 in relation to the following:

*"Further discussions had been held with the applicant's agent and it had been agreed that a further condition could be added that required that the roof lights to the proposed flat roof be obscure glazed to ensure privacy to the occupiers and the flat above.*

*Proposed additional condition:*

*Before the first occupation of the extension hereby permitted the proposed roof lights should be fitted with obscured glazing and should be permanently retained in that condition thereafter.*

*Reason: In the interests of the private amenities of the occupiers and the flat above."*

<b>Matters raised by a Committee Member:-</b>	<b>Officer's response thereto:-</b>
A member of the Committee asked if the extension would fall within the lease of the property.	The Planning Officer confirmed that it would be controlled with the leaseholder with the consent of the freeholder.
Are residents in the flat above going to experience light pollution?	There would be some light elevations. In terms of noise, this would decrease.
Would the possibility of the flat above building an extension cause concern?	In usual circumstances, an extension cannot be built above, this would result in a legal case.
Can the Committee seek for removal of obscure roof lights?	The Planning Officer confirmed.



Following discussion by the Committee, it was moved by Councillor Harris, seconded by Councillor Bray and unanimously **RESOLVED** that, the Assistant Director (Planning) (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following:

- Delegated officers agreeing with the applicant for the removal of obscure roof lights.

Conditions and Reasons:

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

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plan: 2101.3/B.

Reason - For the avoidance of doubt and in the interests of proper planning.

Informatives

*“Positive and Proactive Statement*

*The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour.”*

The meeting was declared closed at 8.43 pm

**Chairman**