

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON WEDNESDAY, 1ST SEPTEMBER, 2021 AT 6.00 PM
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

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| Present: | Councillors White (Chairman), Bray (Vice-Chairman), Alexander, Baker, Casey, Codling, Fowler, Clifton and McWilliams |
| Also Present: | Councillors Davidson, G Stephenson, M Stephenson and 10 members of the public. |
| In Attendance: | Joanne Fisher (Planning Solicitor), Gary Guiver (Assistant Director, Strategic Planning and Place), Graham Nourse (Assistant Director, Planning), Keith Simmons (Head of Democratic Services and Elections), Susanne Chapman-Ennos (Planning Team Leader), Nick Westlake (Planning Officer), Keith Durran (Democratic Services Officer), Emma Haward (Leadership Support Officer) and Matthew Cattermole (Communications Assistant). |

139. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Placey with Councillor Clifton substituting and Councillor Harris substituted by Councillor McWilliams.

140. MINUTES OF THE LAST MEETING

Subject to Councillor Codling's declaration shown in minute 137 being deleted and instead inserted at minute 138 of the previous minutes, it was moved by Councillor Bray and seconded by Councillor Alexander and **RESOLVED** that the minutes of the last meeting of the Committee held on 3 August 2021 be approved, with the stated amendment, as a correct record.

141. DECLARATIONS OF INTEREST

Councillor Baker declared a personal interest in **Planning Application A.1 & 2 20/01416/DETAIL and 21/00042/DISCON – Land Northwest of Sladbury's Lane, Clacton-on-Sea CO15 6NU** due to being the Ward Member. He considered that he had a pre-determined view on the application and therefore, left the meeting during the consideration and determination of it. He did not participate in the Committee's decision.

142. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were none on this occasion.

143. A.1 & 2 PLANNING APPLICATIONS – 20/01416/DETAIL AND 21/00042/DISCON – LAND NORTHWEST OF SLADBURYS LANE CLACTON ON SEA ESSEX CO15 6NU

The Chairman of the Committee declared that there were no speakers due to the application being formerly deferred.

Councillor Baker had earlier in the meeting declared a personal interest in **Planning Application A.1 & 2 20/01416/DETAIL and 21/00042/DISCON – Land Northwest of Sladbury’s Lane, Clacton-on-Sea CO15 6NU** due to being the Ward Member. He considered that he had a pre-determined view on the application and therefore, left the meeting during the consideration and determination of it. He did not participate in the Committee’s decision.

These applications were originally brought before Planning Committee on 8th June 2021.

The applications were deferred on the following grounds:

- To seek amendments to the layout to ensure that all dwellings comply with the Council’s adopted minimum Private Amenity Standards.
- To seek amendment to ensure that the affordable housing is in clusters of no more than 10 units.
- To provide clarification on Housing Standards in terms of Accessibility and Adaptability.
- To seek further clarification from Essex County Council SUDS and the Environment Agency on surface water drainage and flood risk issues.

It was requested that this application be referred to Committee for a decision by Cllr. Stephenson for the following reasons:

- Several garden sizes amongst the many plots did not comply with Policy in that they were too small.
- Only 1 bungalow was to be made wheelchair adaptable – a request was made by the Councillor that it should be all of the proposed bungalows.
- The SUDs report did not mitigate for the flood risk that was possible.

Members were reminded that the site was on the north-eastern edge of Clacton, it was divided into two fields by a line of trees and existing vegetation. To the north of the site beyond an agricultural field was the Colchester to Clacton railway line. To the east and south of site were the residential properties of Sladbury’s Lane and the Happy Valley Bowls and Tennis Club.

The current application sought approval of the reserved matters (access, appearance, landscaping, layout and scale) relating to outline planning permission 15/01351/OUT, which was allowed at appeal, for the erection of up to 132 dwellings and open space, including provision for a new sports field, new vehicular access and access via Sladbury’s Lane. This application included details of access, appearance, landscape, layout and scale which were not included as part of the outline application.

As established through the granting of outline application 15/01351/OUT, at appeal, the principle of residential development for up to 132 dwellings on this site was acceptable. The appeal decision also dealt with matters of impact on protected species, biodiversity and flood risk.

Members were informed that the detailed design, layout, access, landscaping and scale were considered acceptable. The proposal would result in no material harm to residential amenity or highway safety.

The flood risk details submitted in the form of a Sustainable Drainage Systems (SuDS) Design and Management Report were sufficient to discharge condition No. 10 (Surface

Water) of Planning Application 15/01351/OUT approved on appeal APP/P1560/W/17/3169220.

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 (SE) in respect of the application.

The Chairman had earlier in the meeting declared that due to the application being formerly deferred, there were no speakers.

| Matters raised by a Committee Member:- | Officer’s response thereto:- |
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| A member of the Committee referred to page 36 of the agenda whereby, it referred to the effects of SUDS. Was all information in relation to the rates of litres used per second correct and accurate? | The Planning Officer confirmed that the developer has achieve the correct rates. All drainage information had been verified. |
| At what point in the process is the SUDS inspected? | The process is controlled by the Inspectorate’s condition as noted in the application. |

Following discussion by the Committee, it was moved by Councillor Alexander, seconded by Councillor McWilliams and unanimously **RESOLVED** that the Assistant Director (Planning) (or equivalent authorised officer) be authorised to grant planning permission for application **20/01416/DETAIL**, 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):
 - Financial Contribution toward RAMS
- b) Subject to the conditions stated in section 8.2.

Conditions and Reasons:

The development hereby permitted shall be carried out in accordance with the following approved Drawing Nos:

- 929-PL-01 G
- 929-PL-02 E
- 929-PL-03 E
- 929-PL-04 E
- 929-PL-05 E
- 929-PL-06 E
- 929-PL-07 E
- 929-PL-08 E
- 929-PL-07 F
- 929-PL-10 A

929-PL-11 A
929-PL-12
929-PL-13 B
929-PL-14 B
929-PL-15 B
929-PL-16 B
929-PL-17 B
929-PL-18 B
929-PL-19
929-PL-20 A
929-PL-21 A
929-PL-22
929-PL-23 A
929-PL-24 A
929-PL-25
929-PL-26 A
929-PL-27 A
929-PL-28 A
929-PL-29 A
929-PL-30 A
929-PL-31 A
929-PL-32 C
929-PL-33 A
929-PL-34 A
929-PL-36
929-PL-37 A
929-PL-38 G
929-PL-40 A
929-PL-41 A
E17840-TLP-001

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

2. Prior to the commencement of development evidence of the proposed materials, glazing and ventilation, confirming its effectiveness for compliance with BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason – To ensure a suitable level of amenity for proposed residents.

3. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until sections i) to iv) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

i) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the

nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

ii) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

iii) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

iv) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

V) Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

4. Prior to the occupation of any of the proposed development the internal road site access and footway layout shall be provided in principal and accord with Drawing Numbers:

929 PL 01 Rev. G - Amended Site Layout Plan.

R984-008 Rev. C - Proposed access arrangements

929 PL 04 Rev. E - Amended parking provision

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

5. Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

6. Any dwelling hereby permitted shall not be occupied until such time as a car parking and turning area has been provided. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

7. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres and each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

8. All single garages should have a minimum internal measurement of 7m x 3m.

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety.

9. Prior to the first occupation of any dwelling hereby permitted details of the proposed cycle parking shall be submitted to and approved in writing. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

10. No development shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

Reason - To ensure that materials of an acceptable quality appropriate to the area are used and insufficient information has been submitted in this regard.

11. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Class B of the Town and Country Planning (General Permitted Development) Order 2016 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interest of amenities of the occupants of the neighbouring and proposed properties.

Following further discussion by the Committee, it was moved by Councillor Bray, seconded by Councillor Fowler and unanimously **RESOLVED** that the Head of Planning be authorised to approve discharge of Condition No. 10 (Surface Water Drainage) of Planning Application 15/01351/OUT approved on appeal APP/P1560/W/17/3169220.

144. A.3 PLANNING APPLICATION – 20/01798/FUL – LAND REAR OF UNA ROAD PARKESTON CO12 4PS

Members were made aware prior to the Committee meeting that this application was referred to Planning Committee at the request of Councillor Davidson due to concerns relating to; the design and street scene impact, impact on the neighbours, highway safety, general safety due to proximity to the Oil Refinery and parking concerns.

The site was within the defined Settlement Development Boundary of the existing and emerging local plans.

In 2013 Planning permission (11/01172/OUT) was refused for the construction of 30 houses and associated parking, access and landscaping works. The reasons for refusal were due to the proximity to Carless Refinery and the increase in vehicular traffic along both Edward Street and Una Road. This decision was appealed; the appeal was allowed and planning permission granted. However, this approval was never implemented.

In 2015 the application site obtained a further outline planning approval for 30 dwellings, via application (Ref: 15/01792/OUT), the associated Reserve Matters approval was

issued via application (Ref: 19/00406/DETAIL). Further to this, the site to the immediate north, for which the applicant was also the freeholder, had planning permission for 12 dwellings via (Ref: 16/02128/OUT) and approved Reserve Matters via (Ref 20/00460/DETAIL).

Members were informed that this application involved the construction of thirty houses and associated parking, access and landscaping. This application sought to modify the existing planning consent (19/00406/DETAIL) in terms of layout to comply with Essex Highways Technical Standards.

For the reasons outlined in this report, Officers considered the scheme before members, subject to planning conditions, to be an acceptable development proposal as it was in accordance with the relevant policies in the development plan, as well as emerging policies in section 2 of the emerging Local Plan, and on a site that had recent planning history approval for a similar number of dwellings.

A legal agreement was required for this application to secure a financial contribution towards Essex Coast Recreational Disturbance and Avoidance and Mitigation Strategy (RAMS).

In conclusion, the proposed development would not result in any harmful impact upon visual amenity or neighbouring amenities and provides appropriately designed additional housing and sufficient additional parking spaces to serve the proposed units.

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.

The case officer referred the planning committee to the update sheet previously circulated as follows:

(1) Anglican Water's Response

Anglican Water had confirmed the site contained no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary. This included surrounding dwelling 75 Una Road in the south west corner, neighbouring the host site.

(2) Additional informatives recommended to be added to the decision recommendation, with the exception of Informative 3 that Angilan Water had confirmed in an email dated 1 September 2021 was not relevant in this case.

(3) Essex Ecology Statement

The Ecological Statement (Abrehart Ecology, November 2020) validated the findings of the previous suite of surveys onsite, and detailed that the ecological mitigation had already started. Updated surveys had been completed (where necessary for the licence applications- Natural England wouldn't accept survey results over two years old for licences) and no additional surveys were necessary.

(4) Essex County Council Highways recommend the following additional Highways Condition:

Prior to the commencement of development, a comprehensive traffic calming scheme (including the type, number, layout, levels, gradient, surfacing and means of surface water drainage of these traffic calming features) shall be submitted to the Local Planning Authority. The Local Planning Authority shall, in conjunction with Essex County Council Highways Department, formally approve these details. The approved traffic calming measures shall be fully implemented before first occupation of any of the dwellings hereby approved and retained in the agreed form at all times unless otherwise agreed with by the Local Planning Authority.

Reason: To ensure that traffic in the development is kept to a speed of no greater than 20mph. In the interests of highway Safety.

- (5) Planning Officers recommend that the following Planning Condition was added to the decision notice to reduce the possible risk to resident wellbeing during times of flood.

Prior to the commencement of the occupation of the site, a flood response plan shall be submitted to, and agreed in writing with, the Local Planning Authority. This response plan, including information regarding the availability of the Environment Agency's 'Floodline' flood warning scheme, shall be made available to future occupiers of the site by means of a fixed notice within each house prior to its first use.

Reason - To minimise the risk to the occupants of the building in the event of flooding.

- (6) Pre commencement Planning Conditions relating to the previous 30 dwelling approval on site 15/01792/OUT and Reserve Matters application 19/00406/DETAIL

All the required pre commencement conditions had been discharged prior to commencement of the works on site. The works on site represent the implementation of Planning Permission ref: 15/01792/OUT, which was subsequently validated by the Approval of Reserved Matters ref: 19/00406/DETAIL.

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

Councillor Bill Davidson, a local Ward Member, spoke against the application.

Stephen Archer, the agent's representative on behalf of the applicant, spoke in support of the application.

| Matters raised by a Committee Member:- | Officer's response thereto:- |
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| Can you confirm that the Committee is deciding on the change in layout of this application and that there are no sufficient grounds for refusal? | The Planning Officer confirmed that the Committee is deciding based on the revised layout of the original application. Although the application is policy-compliant, there could potentially be grounds for refusal based on garden sizes for example. |
| A member of the Committee referred to the Health and Safety Executive's comments. At what distance is the hazard site? | The Planning Officer confirmed that the site measured 230 metres from the development, the HSE showed no objection to the site and their findings were correct. |

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| A member of the Committee referred to sections 6.10 - 6.13 of the report and the viability study undertaken. They advised no information had been provided to Members. | The Planning Officer confirmed that at the time of publishing the report, the viability study was not publically accessible to Members. |
| Could the Committee recommend a condition whereby, any profit made as a result of the viability study are held back? | The Planning Officer confirmed that a s106 legal agreement can be recommended |

Following discussion by the Committee, it was moved by Councillor Baker, seconded by Councillor Bray and unanimously **RESOLVED** that consideration of this application be deferred for the following reasons:

1. To review viability
2. To establish what affordable housing contributions would be required in terms of an offsite contribution.
3. Agree heads of terms for a S106 agreement to cover any increase in profit from the site.
4. To seek to obtain additional comments from HSE regarding how they reached their 'No Objection' stance.

The meeting was declared closed at 7.40 pm

Chairman