

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 6TH JUNE, 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, Bray, Everett, Harris, Placey and Sudra
Also Present:	Councillor Gary Scott (except items 6 and 7)
In Attendance:	John Pateman-Gee (Planning Manager), Joanne Fisher (Planning Solicitor), Ian Ford (Committee Services Manager), Amy Lang (Planning Officer), Michael Pingram (Planning Officer), Alison Pope (Planning Officer), Bethany Jones (Committee Services Officer), Emma Haward (Leadership Support Assistant) and Keith Durran (Committee Services Officer)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was received from Councillor Wiggins, with no substitute.

2. MINUTES OF THE LAST MEETING

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

RESOLVED that the minutes of the last meeting of the Committee, held on Thursday, 13th April 2023 were approved as a correct record.

3. DECLARATIONS OF INTEREST

Councillor Scott, present in the public gallery, declared for the public record in relation to report **A.1 PLANNING APPLICATION 22/01010/FUL – LAND AT BADLEY HALL FARM, ROBINSON CLOSE, GREAT BROMLEY, CO7 7HU** that he was the Ward Councillor.

Later on in the meeting, as reported under Minute 7 below, Councillor Everett declared an interest in relation to report **A.3 – PLANNING APPLICATION 22/00107/FUL – FORMER PUBLIC CONVENIENCES, MILL LANE, WALTON-ON-THE-NAZE, CO14 8PF** insofar as he was also a member of Frinton and Walton Town Council. He confirmed that he was not pre-disposed/pre-determined.

4. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

5. REPORT OF DIRECTOR (PLANNING) - A.1 - PLANNING APPLICATION 22/01010/FUL – LAND AT BADLEY HALL FARM, ROBINSON CLOSE, GREAT BROMLEY, CO7 7HU

This application was before the Members at the request of Councillor Scott due to the concerns with parking provision, surface water flooding, loss of privacy to existing residents and highway safety issues.

The planning application had been submitted on behalf of Orwell Housing for the proposed development of 9 no. dwellings (comprising of 6 no. affordable housing and 3 no. market houses) on land at Badley Hall Farm, Great Bromley.

The proposal would be served by the existing access, through the existing Robinson Close development approved as an affordable rural exception sit under application references 16/00782/OUT & 18/00974/DETAIL, comprising of 24 units, including 16 affordable dwellings.

The site is outside, but directly adjacent to the Great Bromley Settlement Boundary, and the majority of the site benefits from a Permission in Principle (PiP) under planning reference 21/00150/PIP, for the erection of 9 dwellings. A full application is made as the red lined site area had increased by 0.1ha to that originally approved under the PiP application. The scheme is submitted as a 'rural exception housing' scheme.

The application had essentially sought permission to extend the existing Robinson Close housing development. Although the red lined site area had increased slightly, the principle of development for 9 dwellings on the majority of the application site had been established through the PiP approval. In the main body of the report below, the reasons were given, it was considered that the slight increase of the site area would not amount to any significant visual or landscape harm beyond the extent of development already assessed through the approved PiP.

The Parish Council had raised their concerns with the development due to the lack of local need for affordable homes. However, the Council's Housing Register showed that there were currently 251 households who would have liked to be offered a property in a village of Great Bromley. It was given that the rural exception nature of the development proposal the recommendation was subject to a legal agreement which included a clause for a sequential approach to finding occupants for the affordable housing units who met the definition of a "Local Person" (set out below).

This application was supported by the necessary technical reports to demonstrate that the development was acceptable in terms of ecology, trees and drainage. The Highway Authority raised no objection.

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 (AL) in respect of the application.

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

Greg Dodds, the applicant's representative, spoke in support of the application.

Claire Hughes, on behalf of Chris Jay, a member of the public, spoke against the application.

Parish Councillor Fred Nicholls, on behalf of Great Bromley Parish Council, spoke against the application.

Councillor Gary Scott, the “Caller-in” and a Ward Member, spoke against the application.

Matters raised by Members of the Committee:-	Officer’s response thereto:-
<i>If the Officers can advise the Committee on our position, bearing in mind the policy LP6 says in relation to the support of the local parish council being a requirement.</i>	<i>The Officers do recognise there is a conflict on that part of the policy. However, the development meets the remaining criteria in the policy. The taken view of Officers is that the benefits outweigh this conflict. Also, this is a suitable site, as it is directly adjacent to the settlement boundary.</i>
<i>How much weight can the Committee attach to the lack of supporting infrastructure i.e. school spaces, GP availability, dentist availability?</i>	<i>There is potential growth of up to 10 dwellings demonstrated in the spatial strategies in the local plan. This is a problem that Officers cannot solve with this minor application.</i>
<i>Should we be looking at flooding as a material condition?</i>	<i>No enforcement investigation of that issue is, or previously has been, carried out. The Officers must concentrate on whether this application has the potential for flooding. Officers do not believe this to be the case, so there is no consideration for this application.</i>
<i>What are the dimensions of the footpath and road into the site?</i>	<i>Officers advised: Footpath – 2.5m Road – 5.5m. However this was later corrected by Officers. They are both being continued to match what is already there. Proposed condition no.14 also covers the provision of kerbs and footways – being 6m road and 2m footpaths.</i>
<i>What is the TPO distance?</i>	<i>Oak tree – over 15m. The root protection area of that tree allows for 15m.</i>
<i>The Permission in Principle, does the Committee have the power to overturn the decision?</i>	<i>The PiP has a 3-year time frame. So no, nothing can be done by the Committee in this meeting to stop the PiP.</i>
<i>Legal difference between outline permission and PiP?</i>	<i>PiP is restricted to purely location and required to be determined within 5 weeks. There is also no right for appeal and can only be applied in certain applications – can’t be applied to major developments. Cannot condition a PiP and a Section 106 cannot be agreed. Such matters are dealt with during the subsequent Technical Details stage. We still have a duty to apply matters of principle at the PiP stage, such as ecology under the Wildlife Act provisions.</i>
<i>Can Officers confirm that any</i>	<i>Applicants believe that they can</i>

<i>changes to the existing attenuation basin within Robinson Close would require planning permission?</i>	<i>accommodate the extra draining within the existing draining attenuation basin, if the can't then a further application will be needed. An informative is included.</i>
<i>What is the minimum distance between property no.17 and the proposed building?</i>	<i>Officers understand that the plan provided with the application is incorrect as no.17 Robinson Close has been recently extended. However, our planning records show this to be a single storey rear extension approximately 4m in depth retaining approximately 15m between the properties. Plot no.16 will have no side facing windows to overlook no.17, and so there will be no material harm to residential amenities.</i>
<i>Is 15m acceptable?</i>	<i>The Essex Design Guide recommends 25m for back-to-back. There is no guidance for side to side so it's down to looking at the specific application and the characteristics of the site itself to see if there is any material harm in terms of loss of light. However, Officers are happy with the spacing around the plot itself and distance to neighbouring dwellings. All factors considered, there is no material harm.</i>
<i>When the tree grows in 30 years' time, will the tree still not cause problems for the property?</i>	<i>Officers have spoken to a tree officer who gave advice in the application and confirmed that building regulations will assess the site and secure appropriate foundations so that in the future, the tree can still grow and not cause problems to surrounding properties.</i>
<i>Does the access and egress covered by this application have to be dealt with in this application?</i>	<i>This is a full application so therefore everything is covered. In the event the PiP is the full-back the Access and Egress would need to be covered by the Technical Details application.</i>

Following the discussion by the Committee, it was moved by Councillor Alexander, Seconded by Councillor Placey and:-

RESOLVED that:

- (a) Within 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 on appropriate terms as summarised below and those as may be deemed necessary to the satisfaction of the Planning Manager:

- **RAMS financial contribution** of £156.76 per dwelling x 9 = £1,410.84 (index linked) toward recreational disturbance at the Colne Estuary (Mid-Essex Coast Phase 2) Special Protection Area (SPA) and Ramsar sites;

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- **On-site affordable housing provision** of 6 units (2 x rented, 4 x Shared ownership) to be managed by Orwell Housing. No requirement for an option in the s106 for the Council to purchase the units; and,
 - **Affordable housing occupation** – No affordable housing unit shall be occupied other than by a “**Local Person**”. In the event that, following a marketing period of two months, a Local Person cannot be found to occupy an affordable housing unit, the Landowner (only if they are an approved body) may offer the affordable housing unit to residents or workers in the “**Surrounding Parishes**” who would qualify as a “Local Person”. In the event that, following a further marketing period of one month (beyond the initial two months) a Local Person in the Surrounding Parishes cannot be found, the unit may be offered to residents or workers in any other location within the **Tendring District**. In the event that, following a further marketing period of one month (beyond the initial two months and subsequent one month) a qualifying person from within the Tendring District cannot be found, the affordable unit may be offered to any person considered by the landowner to be **in need of such accommodation**; and,

Local Person means:

- *A resident of Great Bromley who has lived there for a continuous period of three years or more, or a former resident of Great Bromley who had lived in the Parish for a continuous period of three years or more within the preceding five years; or*
- *A direct relative, partner or dependant(s) of a resident of Great Bromley who has lived there for a continuous period of three years or more (for the purposes of this qualification a direct relative means parent(s) or child(ren)); or*
- *Any person who is and has been working in the Great Bromley Parish for a continuous period of three years or more.*

Surrounding Parishes means:

- *the parishes of Little Bromley, Arleigh, Little Bentley, Frating, Elmstead and Great Bentley.*

- (b) The Planning Manager be authorised to grant planning permission upon completion of the legal agreement subject to conditions as stated in Section 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.
- (c) The informative notes as may be deemed necessary.
- (d) That the Director of Planning be authorised to refuse planning permission in the event that such legal agreement has not been secured within the period of 6 months on appropriate grounds at their discretion.

6. REPORT OF DIRECTOR (PLANNING) - A.2 - PLANNING APPLICATION 23/00318/FUL – 8 LAKE AVENUE, CLACTON-ON-SEA, CO15 2AD

This application was before the Planning Committee as Tendring District Council are the landowners of the application site.

This proposal resulted in the replacement of the fencing and gates along the perimeter of the lake, with the existing fencing and gates in a poor state of repair.

The work resulted in a minor enhancement to the character and appearance of the area and had also resulted in a neutral impact to existing neighbouring 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 Officer (MP) in respect of the application.

Matters raised by Members of the Committee:-	Officer's response thereto:-
<i>What is the Duty of Care implications for this site? I.e. Life rings.</i>	<i>This is not a material planning consideration for the Committee to consider.</i>
<i>What are the timescales for construction to take place?</i>	<i>No current condition in place. If approved, a condition can be put into place.</i>
<i>Can a condition be no working on Sundays or Bank Holidays?</i>	<i>Yes, and normal working hours on weekdays.</i>

Following discussion by the Committee, it was moved by Councillor Bray, seconded by Councillor Harris and unanimously **RESOLVED** that the Planning Manager be authorised to grant permission for the development, subject to:-

- (a) The conditions stated at 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, including the addition of a condition to restrict the hours of construction.
- (b) The informative notes as may be deemed necessary.

CONDITION: No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in case of emergency). Working hours to be restricted between 08:00 and 17:00 Mondays to Saturdays with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.

REASON: In order to minimise potential nuisance caused by demolition/construction works to neighbouring occupants.

**7. REPORT OF DIRECTOR (PLANNING) - A.3 - PLANNING APPLICATION
23/00107/FUL – FORMER PUBLIC CONVENIENCES, MILL LANE, WALTON-ON-
THE-NAZE, CO14 8PF**

Councillor Everett made it known at this time of the meeting that he had an interest in this application insofar as he was also a member of Frinton and Walton Town Council, but he confirmed that he was not pre-disposed/pre-determined.

It was reported that the planning application has been referred to the Planning Committee as Tendring District Council (TDC) was the landowner of the application site.

The Committee was informed that the application sought permission to change the use of the building, formerly a public convenience, to a workshop for upholstery, furniture repair and bespoke headboards.

Members were told that the proposal would involve internal alterations only to create a space within which to work.

Officers reported to the Committee that the proposal was not considered to be harmful to the character and appearance of the conservation area, it would not result in any significant impact to neighbouring amenities, and it was acceptable in terms of the high impacts and flood risk.

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.

Following discussion by the Committee, it was moved by Councillor Bray, seconded by Councillor Harris and unanimously **RESOLVED** that the Planning Manager be authorised to grant planning permission for the development, subject to:-

- (a) The planning conditions as stated at 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,
- (b) The informative notes as may be deemed necessary.

The meeting was declared closed at 7.54pm.

Chairman