

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 16TH JANUARY, 2024 AT 5.00 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Fowler (Chairman)(except item 75), White (Vice-Chairman)(in the Chair for item 75 only), Alexander, M Cossens, Everett, McWilliams, Placey, Smith and Wiggins
Also Present:	Councillor Davidson, Councillor Ferguson (items 74 & 75 only), Councillor J Henderson (items 74 & 75 only) and Councillor Morrison
In Attendance:	Gary Guiver (Director (Planning)), John Pateman-Gee (Head of Planning & Building Control), Joanne Fisher (Planning Solicitor), Alison Pope (Planning Officer), Madeline Adger (Leadership Support Manager), Bethany Jones (Committee Services Officer) and Hattie Dawson-Dragisic (Performance and Business Support Officer)

70. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Sudra (with Councillor Smith substituting).

71. MINUTES OF THE LAST MEETING

It was moved but Councillor Alexander, seconded by Councillor Placey and:-

RESOLVED that the minutes of the last meeting of the Committee, held on Tuesday 19 December, were approved as a correct record and signed by the Chairman.

72. DECLARATIONS OF INTEREST

Councillor Fowler (Chairman) declared for the public record for Planning Application **A.2 – 23/01375/FUL – Parkeston Railway Club, Hamilton Street, Parkeston, Harwich, CO12 4PQ** that she did not take part in the site visit that morning and that she had a personal interest in this item of the Agenda. She also said that the applicant, two of the trustees of NEST, the landowner, and several of the people objecting to the application are known to her as they are either friends, colleagues, or acquaintances. She would therefore withdraw from the Committee for that item and that Councillor White (Vice-Chairman) would take over as Chairman for this item.

73. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

74. REPORT OF THE DIRECTOR (PLANNING) - A.1 - 23-01540-FUL AND 23-01539-LBC - MAUDS COURT LONG LANE, TENDRING, CO16 0BG

Committee members were told that these applications were before Members as the proposal represented a departure from the Local Plan, proposing new residential development outside of the Tendring Settlement Development Boundary (SDB), as defined within the adopted Tendring District Local Plan 2013 to 2033 and Beyond.

Members were also told that these applications related to a single storey timber coach house within the setting of the Grade 2 listed Tendring Hall and likely having formed part of the former Tendring Hall Estate. The site was located on the northern side, at the eastern end of Long Lane, with the dwelling of Suffolk Barn immediately to the west and the dwelling of Hall Farm immediately to the north.

Committee members heard that the site lay outside of the defined SDB of Tendring. The applications were therefore contrary to the spatial strategy set out within the adopted Local Plan Section 1 Policy SP7 and Section 2 Policy SPL2. However, Local Plan Policy SPL2 did not preclude residential development outside of the defined boundary, but rather required careful consideration of the scale of the development in relation to the settlement hierarchy category, site-specific characteristics, and sustainability of the site.

Members were informed that under the site-specific merits of the case great weight was attributed to the conservation of the designated heritage assets. The coach house lay within the Tendring Conservation Area and within the setting of the listed building. In addition, villages were still under pressure to grow and some small-scale development which was sympathetic to the rural and often historic character of the settlement might help younger people to continue to live in the area, keep services viable and help bring balance to an ageing population.

Members also heard that the proposed two-bedroom dwelling would convert the existing coach house, ensuring its external appearance in terms of its form and use of materials remained the same. Officers were satisfied that existing services and facilities within or near Tendring would be capable of supporting the proposed development of one dwelling.

Officers told Members that, although the application site was outside of the defined settlement development boundary, the development would not result in any material harm in terms of scale, layout and design, heritage 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 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: *“the Officer recommendation of approval remains unchanged, now with a completed unilateral undertaking for a financial contribution towards RAMS.”*

There were no public speakers on this occasion.

Matters raised by Members of the Committee:-	Officer’s response thereto:-
<i>What part of the site is in the Conservation Area?</i>	<i>The building itself and the front of the site, the proposed garden is not in the Conservation Area. The part of the building with the garages and the slate</i>

	<i>roof is not in the Conservation Area, but the part of the building with the tiled roof and the front of the site is within the Conservation Area.</i>
<i>The tree that is to be removed, is that outside the Conservation Area?</i>	<i>Yes, that is correct.</i>
<i>Can we add a condition to replace the tree with a similar tree within the landscaping tree?</i>	<i>In condition 12, there is a Landscape Condition that requires details to be agreed of “soft and hard landscaping to be agreed”, there is no mention of replacement of trees. Officers need to weigh out how would keeping the tree affect the building and soakaway proposal compared to taking the tree out. At this moment in time, from a Planning perspective, the tree could be removed at any time and Officers would have no control over it. Officers would recommend not to pursue this matter any further.</i>
<i>Has an Officer been inside the existing building? If so, have they seen the construction of the wall that is on the left hand of the building?</i>	<i>No, Officers haven’t been in the building, Officers have relied on the photographs provided.</i>
<i>Have we consulted with amenities societies?</i>	<i>That wall is not considered a principal elevation of the building and Officers have not consulted any amenities societies as it is not one of our statutory consultees for an application of this nature. For a Grade 2 listed building, Officers consult the heritage advisors at Place Services at Essex County Council, and they have provided advice. If it was a different Grade listed building, then Officers would consult English Heritage, but this building is not. The applicant/developer is required to provide a heritage background of the building and any changes that is made so it is recorded. <i>The internal wall was originally likely to be an external wall and therefore low bearing and that means more functional. Officers don’t know if its partially being taken out or fully being taken out. Officers can make a provisional condition but would still have to carry out a consultation exercise with at least the amenities society.</i></i>
<i>Do we know if the tree is going to be axed?</i>	<i>Yes, it will be removed.</i>

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

RESOLVED that:-

- 1) on appropriate terms as summarised below and those as may be deemed necessary to the satisfaction of the Head of Planning and Building Control to secure 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:
 - **RAMS financial contribution** of £156.76 for one dwelling toward recreational disturbance at the Hamford Water Special Protection Area, Special Area of Conservation and Ramsar site.
- 2) the Head of Planning and Building Control be authorised to grant planning permission subject to the agreed section 106 agreement and conditions as stated at paragraphs 8.2 and 8.3 of the Officer report and the extended consultation for Amenities Society and Historic England and that no further issues are raised together with the alteration to Condition 12 "*replacement of Conifer tree if felled with suitable replacement*", 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 sending of any informative notes to the applicant, 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 and/or not secured within 12 months that the Head of Planning and Building Control be authorised to refuse the applications on appropriate grounds at their discretion.

75. REPORT OF THE DIRECTOR (PLANNING) - A.2 - 23-01375-FUL - PARKESTON RAILWAY CLUB, HAMILTON ROAD, PARKESTON, CO12 4PQ

Earlier on in the meeting as reported under Minute 72 above, Councillor Fowler (Chairman) had declared a personal interest. She therefore withdrew from the meeting and took no part whilst the Committee deliberated and made its decision on this application. The Chair was thereupon occupied by the Vice-Chairman (Councillor White).

The Head of Planning and Building Control announced:

"In respect of the proposal before you, just before this meeting we had an update about the ownership of the site. Obviously, we have to ensure that the application form is correct, and it usually has a certificate of ownership so that we ensure that relevant owners are notified of the application. Most often we see certificate A as the owner and the applicant are generally the same. Sometimes we have certificate B, which is that they're looking at lands, if I wanted to put an application in to do something with this building (Town Hall), even though it has nothing to do with me, I'd be serving a certificate B on the Council. There are others that are C and D where you don't know the owners. In this case, it has been drawn to our attention that there may be owners unknown and owners that maybe haven't been served with a notice and therefore we

need to provide time for that to happen. So, the current applicant is, as I understand, looking at serving a certificate C in order to reconcile that point. So, whatever recommendation we move forward today with either seeking to approve or refuse the application – we have to allow a time for that ownership notification to take place, generally around 21 days, before we can release that decision correctly. It is not an issue you need to concern yourself with as we have picked it up but it does mean that any decision you make today may not be released for a period of at least 3 weeks while the ownership issue is resolved.”

Members were told that this application sought permission to change the use of part of the Parkeston Railway Club car park to site four containers for use by the charity NEST for storage purposes.

The Committee was made aware that volunteers would access the containers to facilitate deliveries and maintain stock during the day. Local residents/families in need would also be invited to the site by prior arrangement to collect specific items to assist their day-to-day living.

Officers informed Members that the proposal was not considered to be harmful to the character and appearance of the area, it would not result in any significant impact to neighbouring amenities, and it was acceptable in terms of highway 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.

An Officer Update Sheet had been circulated to Members prior to the meeting with an update of:

“The ownership of the land occupied by the Parkeston Railway Club is not straightforward and therefore the applicant/agent is publishing a notice in a local newspaper under the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015. A decision on the application will be issued 21 days from the date the notice is published.

The Council's Environmental Protection team have provided the following response:

*I can confirm the EP Team have reviewed the proposal and have no adverse comments to make; however, it was noted from the site pictures submitted by the applicant and those of the Planner, and from information gleaned from the Planner, that one of the current units appears to be storing asbestos sheeting. This does not confirm the presence of an immediate concern; however information indicates the material may be damaged. In light of this the EP Team would strongly suggest the responsible and proper removal of the sheeting, so as to minimise any potential adverse impact to site workers, or nearby residents, should the materials degrade and potentially release fibres to air. As such we would request the following **informative** be added to any approval:*

Asbestos: *If there is any asbestos present on site then adequate and suitable measures should be carried out for the minimisation of asbestos fibres, so as to prevent airborne fibres from affecting workers carrying out any work and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.*

REASON: to protect the health of workers and nearby existing residents.”

Les Nicoll, Chairman of N.E.S.T, the applicant, spoke in favour of the application.

Sarah Stertz, member of the public, spoke in favour of the application.

Eric Bramhill, member of the public, spoke against the application.

Parish Councillor Tanya Ferguson, on behalf of Parkeston & Ramsey Parish Council, spoke against the application.

Councillor Jo Henderson, the “Caller-in” and an adjoining Ward Member, spoke against the application.

Matters raised by Members of the Committee:-	Officer’s response thereto:-
<i>What is the situation, if the Committee make a decision and another owner of the parking facility comes forward?</i>	<i>Should any other issues be raised, then Officers would return the application to the Committee.</i>
<i>How many of the containers will actually be on the site?</i>	<i>There will be 4 containers on the site. The container on the site currently, the green container, will be removed and there will be a condition to have that container removed within 3 months.</i>
<i>4 containers with the other blue one that is already there?</i>	<i>That’s correct but that will need to be repositioned.</i>
<i>Do Officers have knowledge that lorries are parked in the car park and how many?</i>	<i>Officers cannot give numbers, but the current use of the car park is unrestrictive, so any size vehicle can park in that area.</i>
<i>Is there a better layout plan?</i>	<i>The plan in front of the Committee is the plan submitted and that is what the Committee is considering.</i>
<i>Can we defer this until an appropriate site layout plan is given?</i>	<i>The plan is more than what the applicant needed to provide. The plan before Committee is adequate for the Committee to make a decision on. Officers have to deal with this as a submission without a local validation list which means Officers are only held by national requirements of validation. This plan is above and beyond the details that needed to be provided by law. They could have given a smaller plan and that would have been enough. It is to</i>

	<i>scale, and it is correct.</i>
<i>Is this application going to be deferred?</i>	<i>The layout plan is acceptable. The proposal is down to the Committee. The recommendation is before Committee but that is up for debate.</i>
<i>Would it be beneficial if the Committee had a more accurate layout plan of where the containers are going to go and how it will affect the entrance and exit?</i>	<i>That is up for debate.</i>
<i>Children will be dropped off there to go and play football, is that right?</i>	<i>Officers don't know the complete arrangements but that is correct.</i>
<i>When the children are leaving the vehicles or being picked up, they potentially could run behind the containers and there is no lighting being added?</i>	<i>There is no lighting proposal so, it will be dark when it gets dark. That is up for the Committee's debate. It does appear that you can go between the container's night and day.</i>
<i>If this was approved, is the layout plan in front of Committee, is that what will be approved?</i>	<i>All the maps and plans look about right when put next to each other. There may be small amounts of difference here and there, but the locations of the containers will have to be to scale on the boundary shown and if the boundary is shown incorrect because they've taken survey data then that is their risk, but it seems fairly close to Officers.</i>
<i>Would Officers advise the Committee to refuse the proposal for a new application to be submitted or should Committee defer?</i>	<i>Officers are not sure what Committee are asking for when they want a deferral. Officers need clarification on what the Committee are asking the applicant to provide.</i>

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

RESOLVED that the consideration of application 23/01375/FUL be deferred to enable Officers to seek the following information from the applicant:

- information on how access to neighbouring use/s shall be maintained as a safe;
- layout redesign considerations available that may enhance the scheme; and,
- to allow resolution of ownership matters in terms of notification requirement and any result further representations.

The meeting was declared closed at 7.10 pm

Chairman