

Public Document Pack

Planning Committee

12 March 2024

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 12TH MARCH, 2024 AT 5.00 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Fowler (Chairman)(except item 87), White (Vice-Chairman)(in the Chair for item 87 only), Alexander, M Cossens, McWilliams, Smith, Sudra and Wiggins
Also Present:	Councillor Bill Davidson (except items 88 - 90), Councillor Richard Everett, Councillor Peter Harris, Councillor Jo Henderson (except items 88-90), Councillor Daniel Land (items 88 & 89 only) and Councillor Pam Morrison (except items 88 – 90)
In Attendance:	Gary Guiver (Director (Planning)), John Pateman-Gee (Head of Planning & Building Control), Madeline Adger (Leadership Support Manager), Joanne Fisher (Planning Solicitor), Amy Lang (Senior Planning Officer), Alison Pope (Planning Officer) (except items 88 - 90), Alison Newland (Planning Team Leader) (except items 89 & 90), Bethany Jones (Committee Services Officer) and Hattie Dawson-Dragisic (Performance and Business Support Officer)

83. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was received from Councillor Placey (with Councillor Smith substituting).

84. MINUTES OF THE LAST MEETING

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

RESOLVED that the minutes of the last meeting of the Committee, held on Thursday 15 February 2024, be approved as a correct record and be signed by the Chairman.

85. DECLARATIONS OF INTEREST

Councillor Sudra declared for the public record that, in relation to the Planning Application **A.1 – 23/01375/FUL – Parkeston Railway Club, Hamilton Street, Parkeston, Harwich, CO12 4PQ** that she attend the site visit and Planning Committee meeting the first time this Planning Application was considered on 16 January 2024 and that therefore, she would not take part in the discussion and decision making for that application but that she would remain in the meeting.

Councillor Fowler (Chairman) declared a personal interest in Planning Application **A.1 – 23/01375/FUL – Parkeston Railway Club, Hamilton Street, Parkeston, Harwich, CO12 4PQ** due to her knowing the applicants personally and she informed the meeting that therefore she would not participate in the Committee's deliberations and decision making for this application and that Councillor White (as Vice-Chairman) would take over as Chairman for this item.

86. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

87. REPORT OF THE DIRECTOR (PLANNING) - A.1 - 23/01375/FUL - PARKESTON RAILWAY CLUB, HAMILTON STREET, PARKESTON, HARWICH, CO12 4PQ

Earlier on in the meeting as reported under Minute 85 above, Councillor Sudra had declared for the public record that she had not attended the original site visit and meeting of the Planning Committee on 16 January 2024 when this Planning Application had first been considered. Therefore, she did not partake in the discussion and decision making on this application, but she did remain in the meeting.

Also, under Minute 85 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).

Committee members were reminded that the application sought 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. It had been noted that the proposed use was not restricted and that it might be used for general storage purposes both domestic and commercial.

Members were told that the applicant had detailed the intention for volunteers to 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.

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

Officers reminded Members that the application had been originally presented to the Planning Committee on 16 January 2024. The Committee had resolved to defer a decision on the application at that time in order to allow Officers to discuss the proposal with the applicant for the following reasons:

- *How access to the neighbouring use/s shall be maintained as safe.*
- *Review of the layout to establish if by redesigning the scheme enhancements can be made.*
- *To allow resolution of ownership matters in terms of notification requirements and any resultant further representations.*

Updates made to the Officer Planning Committee report following the meeting on 16 January 2024 were noted in bold text.

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.

There were no updates circulated to Members for this Planning Application.

Matters raised by Members of the Committee:-	Officer's response thereto:-
<i>Could you show me where the excess spaces will be placed?</i>	<i>The car park is not currently set out with car parking spaces and white lines. It is an unmarked car park, as such, the 24 car parking spaces are available in the space that remains, although they are not marked out or white lined.</i>
<i>Can they park anywhere in the car park?</i>	<i>Yes, that is correct.</i>
<i>Can you explain about the lorries also being able to park there?</i>	<i>We established at the last meeting and looking at the review of the history of the site, that there are no restrictions on the parking or the use of the car park for particular vehicles and any restrictions at all. Tractor units or tractor units with trailers could potentially park in the car park.</i>
<i>The new containers are coming up the site more than the original application showed, the turning space for tractor with a trailer is being greatly reduced, are you satisfied with the available space?</i>	<i>The application has been referred to Essex Highways and they have no objection to the application. They are content there is an ample amount of parking spaces for the Parkeston Railway Club and the use of that car park, for the use of the club is sufficient.</i>
<i>Is there a suggestion of planting of shrubbery?</i>	<i>Yes, there is. In the small area of the site, there is proposed planting, I think to fill in the gap, to prevent any body from going into that area for any antisocial behaviour.</i>

Following debate, it was moved by Councillor Alexander, seconded by Councillor M Cossens and:-

RESOLVED that:

- 1) the Head of Planning and Building Control be authorised to grant planning permission subject to the conditions as stated in 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
- 2) the sending of any informative notes to the applicant, as may be deemed necessary.

88. REPORT OF THE DIRECTOR (PLANNING) - A.2 - 23/01819/FUL - LAND SOUTH OF VERITY GARDENS, WEELEY, CLACTON-ON-SEA, CO16 9FA

Following a short break before this Planning Application was presented, the Chairman (Councillor Fowler) returned to the meeting and re-occupied the Chair for the rest of the meeting.

Committee members were told that this application had been referred to the Planning Committee as it followed a refusal by Members (at the Planning Committee's meeting on 28 September 2023) of Application 22/01332/FUL for the same type of development.

Members were also told that the application sought full planning permission for the erection of three dwellings on a small parcel of land that formed part of a much larger site for which the Council had granted outline planning permission. The outline planning permission (19/00524/OUT) allowed for up to 280 dwellings, a new primary school and children's nursery, up to 3,000sqm of office space and associated infrastructure. Reserved Matters approval was recently granted by Members (22/00979/DETAIL) for 277 dwellings, 1,910m² commercial floorspace, railway footbridge, and associated infrastructure pursuant to outline planning permission 19/00524/OUT.

The Committee heard that, because it was proposed that the three dwellings were accessed across land that was outside the red line of outline planning permission, the applicant had been required to submit a separate application for full planning permission, so it was not pursuant to the outline planning permission. If that application was approved that would result in a total of 280 dwellings within the area that had outline planning permission, that would be consistent with the maximum number of dwellings that were allowed under the outline planning permission.

Members were informed that there was no objection to the principle of residential development as the land already had outline planning permission for residential development. Furthermore, the site was located within the Weeley Settlement Development Boundary and was allocated as a mixed-use development in the adopted Local Plan. The detailed design, layout, landscaping and scale were considered acceptable by Officers. There were no objections from consultees and Officers considered that the proposal would not result in harm to highway safety, biodiversity or to residential amenity of a level that would warrant the refusal of planning permission. The application was therefore recommended for approval by Officers subject to the legal agreement and planning conditions listed in the Officer report.

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 subject to a Section 106 Agreement.

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

There were no updates circulated to Members on this Planning Application.

Will Vote, the applicant's agent, spoke in favour of the application.

Councillor Peter Harris, the Ward Member, spoke in favour of the application.

There were no questions asked by Members on this occasion.

It was moved by Councillor Sudra, seconded by Councillor Alexander 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:
 - *linking this planning permission to outline planning permission 19/00524/OUT and the associated Section 106 agreement, in order that the dwellings constructed under 23/01819/FUL are dwellings for the purposes of the Section 106 legal agreement and are bound by the subject to the provisions and obligations contained within that agreement,*
 - *no more than 280 dwellings shall be constructed on the combined area of the application site (23/01819/FUL) and the outline site (19/00524/OUT) and that the 3 residential units constructed under this application are not in addition to the 280 residential units permitted under the outline planning permission,*
 - *not to implement the planning permission (23/01819/FUL) unless and not until the outline planning permission (19/00524/OUT) has commenced,*
 - *to implement this planning permission (23/01819FUL) prior to the occasion of 50 dwellings under the outline planning permission (19/00524/OUT).*
- 2) that 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 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;
- 3) the sending to the applicant of any informative notes 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 of the date of this meeting, the Head of Planning and Building Control be authorised to refuse the application on appropriate grounds at their discretion.

89. REPORT OF THE DIRECTOR (PLANNING) - A.3 - 23/00993/VOC - LAND EAST SIDE OF LANDERMERE ROAD, THORPE-LE-SOKEN, CO16 0NF

Committee members were told that the application was before Members at the request of the Head of Planning and Building Control, as he deemed it to be in the public interest.

Members were also told that the application sought a variation to the reserved matters regarding Bellway Homes' Henderson Park development of 98 homes off Landermere Road, Thorpe-le-Soken. The application concerned only a very small portion of the site on the eastern boundary, at the end of Henderson Road being approximately 0.018 hectares of the overall site area of 5.6 hectares. That portion of the site formed part of the perimeter landscaping and open space as originally approved.

The Committee heard that the proposed variation sought to remove a small section of hedgerow and lawned area on the eastern perimeter to enable that to accord with the approved Henderson Road connection to the adjacent development for 28 bungalows currently under construction. While the approved road link already superseded, in part, the affected area, the variation updated the open space plan that the original reserved matters and Section 106 agreement for the 98 homes referred to.

Members were informed that, although the site technically formed part of the overall open space provision as originally approved, due to its small size, peripheral siting, and juxtaposition with the defined areas of amenity space and play area elsewhere on the site, the removal of that section, in the opinion of Officers, would not result in any material harm to the useability or the amenity value of the open space for residents and it was a significant material consideration that this judgement had already taken place when the 28 bungalows and associated road link had been decided.

Members also heard that the resultant open space would continue to provide ample, usable open space provision in excess of Local Plan Policy DI1 requirements for a development of that size.

Officers told Members that, the proposed variation would not alter the existing layout or situation to an extent that would result in any harm to residential amenity, including pedestrian or highway safety.

The Committee was made aware that the planning obligations associated with the development were secured via a Section 106 Legal Agreement attached to the outline consent. The application sought a variation to the reserved matters application and a variation to the original Section 106 Agreement was not therefore required.

Finally, Members heard that for the reasons set out above, in the absence of any material harm resulting from the development, the application was recommended by Officers for approval.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representation received and a recommendation of approval.

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 of the correction to a drawing number at Paragraph 10.2 (Conditions and Reasons) in the Officer report and the correction to the ownership status for adjacent land being developed by Scott Residential Ltd. Paragraphs 8.12 and 8.22 to be corrected in the Officer report in that case. This was as follows:-

“Correction to drawing number at Paragraph 10.2 Conditions and Reasons:

- *Condition 1, 23/00993/VOC Approved Plans and Documents (superseding previous versions) drawing number TLS:800 P14 Amended Site Layout should read as TLS:800 P17 Amended Site Layout Plan.*

Correction to ownership status for adjacent land being developed by Scott Residential Ltd. Paragraphs 8.12 and 8.22 to be corrected as follows:

- 8.12 Although land ownership is not normally a material planning consideration, Bellway Homes have confirmed via up-to-date Land Registry documents that they are the sole owners of the site. Parker Farms are the owners of the adjacent land being developed by Scott Properties. The land (entire site) was previously owned by Strutt & Parker Farms Ltd who were served notice as landowners at the time of the Bellway Homes’ application reference 16/01169/OUT and Scott Properties’ application reference 21/01397/FUL. Strutt & Parker Farms Ltd were also party to the S106 for both applications as landowners at the time of each application. Scott Residential Ltd are now the owners of the site being developed for 28 bungalows.

8.22 Objections have been received on the basis that the developer no longer owns, controls or has right of access to or across the site and that the site belongs of the residents of Henderson Park. As addressed above, Bellway Homes have confirmed via up-to-date Land Registry documents that they are the sole owners of the site. Parker Farms are the owners of the adjacent land being developed by Scott Properties and The S106 does not allow the residents to be owners of this part of the site. Scott Residential Ltd are the owners of the site being developed for 28 bungalows.”

Councillor Dan Land, the Ward member, made a statement in relation to the application.

Matters raised by Members of the Committee:-	Officer’s response thereto:-
<i>Who does own this land, and can the development carry on?</i>	<i>Officers have had confirmation via Land Registry Registration that shows that Bellway are and continue to be the owners of the roads and open space areas around the properties themselves. There is a clause within the Legal Agreement attached to the outline planning permission for the development which hands over the management of the open space to a management company. The residents are required to pay to that management company for the maintenance of that open space which could cause the confusion for residents who could think they are paying for the ownership of that land which is not the case in this instance. The development can also go ahead.</i>
<i>By granting this application, would there be a loss to open space?</i>	<i>In short, no. The Scott properties (28 bungalows), that approval included the development, and this part of the road included the consideration of this open space. The material considerations for that development were considered appropriately and was dealt with delegated approval given the siting within the Settlement Development Boundary. This area was illustrated in the Open Space Plan as approved as the Bellway development – technically it would be a loss to the Open Spare area to that previous approval, however the site is in excess of the Policy requirements and found acceptable. In summary, the loss of the Open Space has already been essentially approved and overall, the open</i>

	<p><i>space require remains in excess of the policy requirements. Officers are content that ample space is retained. The variation application before members seeks amendment to the reserved matters to align that position. The S106 agreement that was tied to the original 98 houses made sure that the Open Space Provision was provided but it didn't seek agreement of the Open Space area, it made it a reserved matter. To make the S106 make sense again, the applicant has submitted the variation have to adjust the reserved matters.</i></p>
--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

It was moved by Councillor McWilliams, seconded by Councillor M Cossens and unanimously:-

RESOLVED that:-

- 1) the Head of Planning and Building Control be authorised to approve the variation application subject to the conditions as stated at paragraph 10.2 of the Officer report (A.3) and as subsequently amended by the Planning Officer 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 referenced is retained; and,
- 2) the sending to the applicant of any informative notes as may be deemed necessary.

90. REPORT OF THE DIRECTOR (PLANNING) - A.4 - 24/00144/FULHH - 3 THORRINGTON ROAD, GREAT BENTLEY, COLCHESTER, CO7 8QE

Councillor McWilliams stated for the record that she had no relation to the applicants, however the application site was in her Ward.

Members heard that the proposal sought planning permission for a new vehicular access to the site that would measure a maximum of 4.8m in width.

It was reported that the proposal was a minor improvement to the site and was a small-scale change and would match other similar development within the surrounding area. The proposal was deemed by Officers to be of an acceptable size, scale and appearance with no significant adverse effects on the visual or other amenities of the area including neighbouring sites.

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 Head of Planning and Building Control (JPG) in respect of the application.

There were no updates circulated to Members in relation to this application.

There were no public speakers on this Application.

Matters raised by Members of the Committee:-	Officer's response thereto:-
<i>This is a Tendring District Council application, isn't it?</i>	<i>Yes, that is correct. My apologies for not mentioning that at the beginning. It is a Council owned property and that is why it is in front of Members.</i>
<i>So, it is only before Members for that reason, for being TDC property?</i>	<i>Yes, under TDC's constitution, any development on land that is owned by the Council comes before this Committee.</i>

It was moved by Councillor M Cossens, seconded by Councillor Smith and unanimously:-

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, 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 to the applicant of any informative notes as may be deemed necessary.

The meeting was declared closed at 6.41 pm

Chairman

This page is intentionally left blank