

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

Present:	Councillors Fowler (Chairman), Alexander, Codling, Everett, Goldman, Smith, Sudra and Wiggins
Also Present:	Councillors Bray (except item 102) and Harris (items 101 & 102 only)
In Attendance:	Gary Guiver (Director (Planning)), Madeline Adger (Leadership Support Manager), Jacob Jaarsma (Planning Team Leader), Amy Lang (Senior Planning Officer) (except item 102), Michael Pingram (Senior Planning Officer), Bethany Jones (Committee Services Officer) and Daniel Johnson (Leadership Support Officer)(except item 102)

95. ABSENCE OF THE VICE-CHAIRMAN

Councillor Fowler (Chairman) made the Committee aware that Councillor White (Vice-Chairman) was not attending the meeting and that therefore, she had asked Councillor Wiggins to occupy the vacant seat and assist her in ensuring the meeting ran efficiently.

96. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received by Councillors McWilliams (with Councillor Codling substituting) and White (with no substitution).

97. MINUTES OF THE RECENT MEETINGS OF THE COMMITTEE

It was moved by Councillor Sudra, seconded by Councillor Wiggins and:-

RESOLVED that the minutes of the meeting of the Committee, held on Tuesday 12 March 2024, be approved as a correct record and be signed by the Chairman, subject to the following alteration and amendment to Minute 85 that:

“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.” to change to say *“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 **did not** 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.”*

It was then moved by Councillor Alexander, seconded by Councillor Smith and:-

RESOLVED that the minutes of the meeting of the Committee, held on Monday 18 March 2024, be approved as a correct record and be signed by the Chairman.

98. DECLARATIONS OF INTEREST

There were no declarations of interest made by Members on this occasion.

99. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

100. REPORT OF THE DIRECTOR (PLANNING) - A.1 - 21.01718.FUL - LAND REAR OF BLOOMFIELD COTTAGE, GRANGE ROAD, LAWFORD

Committee members were reminded that this application had been brought before the Planning Committee on 1 August 2023. Following deliberation, Members had voted to defer the item in order to afford the applicant the opportunity to:-

- provide more information on surface materials and details of the roadway design/width of the access and drive leading to the proposed bungalow;
- complete and submit an ecological survey/report for this site; and
- provide more details on the Package Treatment Sewage Plant including its location.

The Committee was made aware that, regarding the background of this case, the application had been initially referred to the Planning Committee due to the proposed development's conflict with the Development Plan's requirements. That conflict had arisen from the development's location beyond any defined settlement development boundary. That situation persisted, although it was noteworthy that the concept of a residential unit, in the form of a converted agricultural building, had been established under prior approval reference number 21/00704/COUNOT.

Officers reminded Members that the applicant had now provided the additional information as set out above. Following the completion of the assessment and in summary, ECC Highways continued to be satisfied with the proposal and had confirmed that the improved access and drive leading to the proposed bungalow would prove a safe and suitable access for the development. ECC Ecology had confirmed no objections from an ecological perspective subject to the imposition of appropriate planning conditions to ensure all mitigation and enhancement measures and/or works were carried out in full accordance with the details contained in the submitted Preliminary Ecological Appraisal and Preliminary Roost Assessment. The details of the Preliminary Treatment Sewage Plant were also acceptable because it had been demonstrated that the arrangement would result in no harm to the environment.

Members were told that, in terms of other relevant planning considerations, the proposed dwelling was not considered by Officers to be materially different regarding siting or footprint to the development approved under prior approval 21/00704/COUNOT. The overall height of the proposal slightly exceeded that of the existing building; however, that was not considered by Officers to result in significant harm.

The Committee heard that the application had been revised during the course of the application to a softer, more agricultural like appearance with timber cladding and full-length windows, which was considered to be in keeping with the rural location. The access remained as existing and there were no objections from the Highways Authority.

Members were informed that the Council’s Tree and Landscape Officer had noted that the application site was overgrown, with some established conifers along the eastern boundary. A soft landscaping scheme to include the site boundary secured by condition was suggested as that would help to soften the appearance and screen/filter views of the site from the Public Right of Way to the east.

The Committee also heard that the sufficient parking and private amenity space were provided, and there would not be significant harm to existing neighbouring amenities, subject to conditions.

Members also heard that conditions were included within the recommendations to ensure, amongst other things, the provision of biodiversity enhancements and a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development.

The Committee was finally told that unilateral undertakings had been completed to secure RAMS and Public Open Space contributions.

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.

There were no updates circulated to Members in respect of this application.

There were no public speakers on this application.

Matters raised by Members of the Committee:-	Officer’s response thereto:-
<i>The Sewage Treatment Plant does not look like it is within the Red Line Area, which looks like it is not part of the application, how do we square that?</i>	<i>That is correct but the plant and the associated infrastructure like the drainage etc. will be within the Blue Line Area which is under the same ownership. Officers have complete control over that and any conditions or work that requires to be implemented or taking place within the Blue Line Area has control by TDC because it is land in the same ownership.</i>
<i>Am I correct in hearing that the surface water will be taken from the proposed red area through a series of tunnel system pipe and then into a ditch at the end?</i>	<i>Officers have imposed a condition on asking for the precise specifics of the surface water drainage and foul drainage but yes, it is reasonable to assume that some surface water will be caught through new drains that will be located close to the building and that will naturally go into the new drainage runs and into the rainwater harvesting tank. Officers are satisfied that there is a workable engineering solution on the site.</i>
<i>Is it feasible that this could take</i>	<i>Yes, it is entirely possible. It feels like a long way when you</i>

<i>place?</i>	<i>walk the site but compared to the southern-most Red Line Boundary up to the point where the Treatment Plant is going to be, it is probably 15 metres at most and then another 15 metres to the drainage ditch, so it is not a long way.</i>
<i>So, it will be done through pipe work and drainage, will it go through the biomass itself?</i>	<i>Sewerage foul water will go through the Package Treatment Plant and normal surface water runoff will either drain naturally as it is a generous site or go through the rainwater harvesting system.</i>
<i>Can you clarify that there have been no updates for the Update Sheet?</i>	<i>No, that is correct. No other updates.</i>

It was moved by Councillor Alexander, seconded by Councillor Codling and unanimously:-

RESOLVED that:-

- 1) the Head of Planning and Building Control be authorised to grant planning permission subject to the conditions as stated in section 8.2 of the Officer report (A.1), 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.

101. REPORT OF THE DIRECTOR (PLANNING) - A.2 - 23.01707.OUT - LAND ADJACENT 34 AMERELLS ROAD, LITTLE CLACTON, CO16 9HA

The Committee heard that the application was before Members at the request of Councillor Bray, due to the site being located outside the settlement development boundary and his concerns with the impact of the proposed development.

It was reported that the application related to the land adjacent to number 34 Amerells Road, Little Clacton. The site was located to the eastern end of Amerells Road and formed part of an agricultural field.

Members were told that the application sought outline planning permission for the erection of two self-build/custom built dwellings with all matters reserved. For the avoidance of doubt, Access, Layout, Scale, Appearance and Landscaping were all reserved for subsequent consideration as part of future Reserved Matters application(s) (if outline planning permission was granted).

The Committee also heard that the site was located outside, but directly adjacent to, the defined Settlement Development Boundary of Little Clacton which was categorised within Local Plan Policy SPL1 as a Rural Service Centre in recognition of its level of services and amenities. Local Plan Policy SPL2 did not explicitly preclude the development of housing outside SDBs as a matter of principle. The category of the settlement and the site's relationship with the defined settlement boundary complied with the principles of sustainable development as well as the policy requirements for self-build homes as set out in Policy LP7.

Members were informed that the proposed dwellings would intrude into the open field to some extent. However, the application site was bordered by existing development on two sides (immediately to south and west), and further away, the site was enclosed by residential development along Harwich Road (to the north) and Feverills Road (to the south). Views into the open field would largely be retained and a residential development here in the form of two dwellings would be viewed against the backdrop of the existing dwellings in Feverills Road. Consequently, in the opinion of Officers, no overriding harm to the character of the area or landscape would result.

Officers told Members that, the additional traffic associated with 2 no. dwellings would not be significant and could not be deemed as materially harmful to highway or pedestrian safety.

The Committee noted that Officers considered that sufficient space was available on the site to provide a development of two dwellings that could achieve an internal layout and separation distances that would not detract from the amenities of nearby properties or the future occupiers of the proposed dwellings.

Members were also made aware that, considering the impact of the development and baseline situation on site, subject to the inclusion of the recommended conditions and completed UU, the development would conserve and enhance biodiversity interests.

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 subject to A Unilateral Undertaking.

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

An Officer Update Sheet had been circulated to Members before the meeting with details of an update of an extension date and that the Unilateral Undertakings (UU) being secured. The full details were as follows:-

"Extension of time date now agreed until 24th April 2024.

Signed and dated UU to secure RAMS contribution received today, 16th April 2024. At the time of writing the completed UU is pending review by the Council's Legal Team. This update should be taken into account when reading the recommendation shown on Page 57 of the agenda."

In the meeting, an oral update was given to Members to say that the UU had been reviewed by the Council's Legal Team.

Peter Le Grys, the agent, spoke in support of the application.

Parish Councillor John Cuttings, on behalf of Little Clacton Parish Council, spoke against the application.

Councillor Jeff Bray, the Ward Member, spoke against the application.

Matters raised by Members of the Committee:-	Officer's response thereto:-
<p><i>What is the quota of this District for the number of self-builds allowed and have we met that number yet? What position are we in?</i></p>	<p><i>The Council is required to have a self-build register which people can nominate themselves to go on the list. The current number of people that are on that list is 154. The current number of Planning Approvals for residential development that Officers determine to be suitable for self-build, which is the requirement of the regulations, is about double that. In terms of meeting our obligations to maintain a quantum of land for self-build development, TDC are on top of that. That is relevant if TDC were in a position if Officers were looking at a departure from the Local Plan. If someone was putting in an application for self-build dwellings to the Council, on the basis that it was a departure from the Local Plan, completely outside the Settlement Development Boundary and contrary to other policies – if TDC weren't on top of the self-build requirements, that would be a material consideration that might weigh in favour of approval, despite the development being contrary to the Local Plan. We do have a different situation for this application.</i></p>
<p><i>With LP7, how can TDC determine that this application is appropriate in scale, design for the location having regard to other policies in the Local Plan if Members do not have that information?</i></p>	<p><i>Members are looking at the principle of development, the considerations are limited because of the nature of the application and information that is provided in front of Members. However, the Reserved Matters application that would follow gives Members that opportunity to then make the necessary assessment. With this Outline Application, TDC just need to be content that the applicants can accommodate two bungalows on the site in a manner that would not be harmful, and Officers are content that this would be possible based on the footprint of the neighbouring properties directly next door and the size of the Red Line Site Area.</i></p>
<p><i>When the Reserved Matter application comes before Members, we can look at the issues under LP7 and if Members are not satisfied then Members can refuse?</i></p>	<p><i>The policy says that "should have no significant material adverse impact" then it lists the requirements – landscape, residential amenities, etc. This is an Outline Application for two bungalows, with consideration of that landscaping impact, it has been covered in the Officer report and Officers recognise that it does impeach on the open field somewhat but not to a significant materially harmful effect. Officers have consulted with ECC and considered the traffic movements associated with two properties would not have a materially harmful impact. Whilst there is not full consideration of the design, the scale Officers know is single storey. Officers are content with the application with the information that has been provided.</i></p>
<p><i>What is the quality of the land?</i></p>	<p><i>It is covered in the Officer report. It is Grade 3 Agricultural Land. The grading as well as the size of the site and the scale of development wouldn't be considered as a significant or harmful loss of agricultural land that would warrant refusal on that basis.</i></p>

<p><i>How do Officers come up with the grades?</i></p>	<p><i>Officers retrieve the information, there are other resources online where the information has been assessed by relevant people and that information has then been provided and then that has been considered by Officers.</i></p>
<p><i>Without gauging where the properties are going to go, how do TDC know if there will be a turning circle big enough within the site?</i></p>	<p><i>There can be different layouts and that can be a consideration under layout at the reserved matters stage. TDC Highway experts have reviewed the application and have suggested a condition to secure a size three turning area and it is about making the assessment and Officers being content that the size of the site can accommodate the turning area proposed.</i></p>

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

RESOLVED that:

- 1) the Head of Planning and Building Control be authorised to grant outline consent subject to the agreed Section 106 agreement and conditions as stated in paragraph 10.2 of the Officer report (A.2), (with the additional requirement that any Reserved Matters application for this site is submitted to the Planning Committee for its determination) 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.

102. REPORT OF THE DIRECTOR (PLANNING) - A.3 - 23.01280.FUL - THE STABLES, HEATH ROAD, TENDRING, CO16 0BX

Members heard that the application was before the Planning Committee at the discretion of the Head of Planning and Building Control and that it sought permission for the change of use of the land to tourism and including the erection of five lodges for holiday purposes.

It was reported that the site was outside of a Settlement Development Boundary and that policies within the Local Plan did not specifically mention holiday lets in the types of tourism opportunities to be promoted within the District, and overall were not clear whether a small-scale proposal such as that represented a departure. A recent appeal decision had allowed the conversion of a stable block into two holiday units, and while that differed from the current application, it did add some weight to the acceptability of the current scheme. Further, the proposal was considered by Officers to result in a small boost to the tourism offering within the District and was also not within an isolated and unsustainable location.

The Committee was told that if it was considered that the development represented a departure from the Local Plan, planning harm had not been identified as no objections had been raised in regard to the impact to the character of the area or to the impacts to neighbouring amenities, and ECC Highways had raised no objections. Whilst ECC

Ecology initially had had concerns, additional information provided by the agent for the application had since satisfactorily addressed that.

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 Senior Planning Officer (MP) in respect of the application.

An Officer Update Sheet had been circulated to Members prior to the meeting with an update on Paragraph 8.35 of the Officer report which was to be corrected as follows:-

“Paragraph 8.35 of the Officer report incorrectly states that the proposal will connect to an existing public foul sewer. The proposal is instead provided by a Package Treatment Plant, and therefore Paragraph 8.35 should be replaced with the following wording:

In relation to non-mains drainage from non-major development the Environment Agency's advice is that to comply with the Framework and PPG on foul drainage matters, an LPA needs to be satisfied that foul drainage can be provided without adverse impact on the environment. This requires ensuring that both those environmental risks outside of the control of the permit and the relevant considerations in the PPG are addressed. The LPA should also be mindful that the developer will need to address foul drainage matters to get their environmental permit and meet building control regulations. Therefore, they should be confident that it is likely that any necessary permits and approvals can be successfully obtained.

Question 11 of the application form states that it is not intended to connect to a mains sewer. Instead, foul sewage will be disposed of by way of a package treatment plant; the declaration implies that a mains connection is not possible.

In considering the acceptability of the proposed non-mains drainage, the site is not located in close proximity to any dwelling, the site is not close to any designated site of importance to biodiversity, nor is it located within close proximity to any watercourse. The site is not located within a Drinking Water Safeguard Zone or a Source Protection Zone, and the site is sufficiently large enough to accommodate a soakaway. Furthermore, flows from a treatment plant serving five lodges served by one bedroom would be low. Taking all these factors into account, and the absence of a mains connection in close proximity to the site, the proposed foul drainage arrangements are considered to be acceptable.”

Peter Le Gry, the agent, spoke in support of the application.

Councillor Harris, the Ward Councillor, spoke in support of the application.

Matters raised by Members of the Committee:-	Officer’s response thereto:-
<i>What weight should Members be giving to the site being outside of a Settlement Development Boundary</i>	<i>When Settlement Development Boundaries are thought of, people will see that most of the Settlements are packed with residential properties and the opportunities</i>

<p><i>and the tourism benefits the development provides?</i></p>	<p><i>to deliver tourist accommodation are very limited. Some kinds of tourist accommodation work because they are in a rural location and set within a farm environment and that is what the attractor is. On this particular occasion, being outside of the Settlement Development Boundary is a relatively limited weight against development.</i></p>
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It was moved by Councillor Sudra, seconded by Councillor Alexander 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 10.2 of the Officer report (A.3), 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 6.55 pm

Chairman