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Planning Committee

19 March 2025

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON WEDNESDAY, 19TH MARCH, 2025 AT 5.00 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Fowler (Chairman), White (Vice-Chairman) (except item 70), Everett, Goldman, Smith, Sudra and Wiggins
Also Present:	Councillors Harris and Scott
In Attendance:	Gary Guiver (Corporate Director (Planning & Community)), Keith Simmons (Assistant Director (Corporate Policy & Support) & Deputy Monitoring Officer), John Pateman-Gee (Head of Planning & Building Control), Joanne Fisher (Planning Solicitor), Amy Lang (Senior Planning Officer), Oliver Ashford (Planning Officer), Christopher Bailey (Elections and Leadership Support Officer) and Katie Koppenaal (Committee Services Officer)

64. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Alexander (with no substitution).

65. MINUTES OF THE LAST MEETING

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

RESOLVED that the minutes of the meeting of the Committee, held on Tuesday 4 March 2025, be approved as a correct record and be signed by the Chairman.

66. DECLARATIONS OF INTEREST

In relation to Agenda Item 7 (report A.3 – Planning Application 24/01910/FUL – Rear of 140 Point Clear Road, St Osyth), Councillor White declared an interest and informed the Committee that he would withdraw from the meeting and leave the room whilst the Committee deliberated on this application and reached its decision.

In relation to Agenda item 5 (report A.1 – Planning Application 24/01507/FUL- Land adjacent to 55 Church Road, Elmstead Market), Councillor Wiggins declared for the public record that she was one of the local Ward Members. Councillor Wiggins stated that she was not pre-determined on this application, and that she therefore would remain in the meeting and take part in the deliberations and decision making.

67. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

68. REPORT OF THE DIRECTOR (PLANNING & COMMUNITIES) - A.1 - 24/01507/FUL - LAND ADJACENT TO 55 CHURCH ROAD, ELMSTEAD, CO7 7AW

Earlier on in the meeting as detailed in Minute 66 above, Councillor Wiggins had declared for the public record that she was one of the local Ward Members. Councillor

Wiggins had stated that she was not pre-determined on this application, and she therefore remained in the meeting and took part in the deliberations and decision making.

Members were told that this application was before the Planning Committee at the request of Councillor Scott.

Officers made Members aware that the site lay directly adjacent to the defined Settlement Development Boundary of Elmstead and met the requirements of adopted Local Plan LP7 for Self-Build dwellings. The scale, layout and appearance of the proposed dwellings were considered by Officer to be acceptable and would not result in any overriding harm to visual amenity, landscape character or the overall character of the area having regard to the context of the site directly adjacent to existing dwellings and the recent development at Pavillion View opposite.

The Committee was informed that the application had been assessed against the policies contained within the adopted Elmstead Market Neighbourhood Plan and was not considered by Officers to result in any material conflict that warranted refusal of planning permission in that regard.

Members were told that subject to an acceptable reptile survey and the securing of any necessary mitigation measures, the application was recommended by Officers for approval subject to conditions (including RAMS).

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 conditions.

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 which was as follows:-

"Planning Application – The erection of six self-build bungalows and associated infrastructure.

- *Correction to Section 10.2 Conditions and Informatives, Condition 5 Hard and Soft Landscaping Scheme, approved plan drawing number. Condition now reads:*

5. FURTHER APPROVAL: HARD AND SOFT LANDSCAPING SCHEME

CONDITION: Prior to the commencement of any above ground works, a scheme of hard and soft landscaping for the site shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include any proposed changes in ground levels, accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with the agreed measures for their protection set out within the AIA and in compliance with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction". The scheme shall be in general

conformity with the indicative landscape details shown on the **approved drawing no. MAS/761/1 C Proposed Site Layout Plan** subject to any new boundary planting being planted a minimum of 1 metre back from the highway boundary and any visibility splay and retained free of obstruction above 600mm at all times.

REASON: In order to enhance the appearance of the development, in the interests of visual amenity and the quality of the development, and to ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety."

Beth Deacon-Bates, the agent for the applicant spoke in favour of the application.

Councillor Scott, the caller-in and Ward Councillor spoke in relation to the application.

Matters raised by Members of the Committee:-	Officer's response thereto:-
<i>Would this application have been brought to Committee if Councillor Scott had not called it in?</i>	<i>No, it would not.</i>
<i>If the development was not self-build, would the matter have been approved?</i>	<i>The self-build policy of the District engages in lieu of the neighbourhood policy. If this wasn't self build, the policy allows development adjacent to settlement boundary so it would be allowed. It would then be delegated to officers to decide.</i>
<i>What does self-build mean and what are the ramifications?</i>	<p><i>The self-build definition within the Self-Build act is defined as:</i></p> <p><i>(A1) In this Act "self-build and custom housebuilding" means the building or completion by—</i></p> <p><i>(a) individuals,</i></p> <p><i>(b) associations of individuals, or</i></p> <p><i>(c) persons working with or for individuals or associations of individuals,</i></p> <p><i>of houses to be occupied as homes by those individuals.</i></p> <p><i>(A2) But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person.</i></p>
<i>When we walked around the site, we found that there is a working ditch across the entrance, continuation from outside 55. Is it the proposal that the ditch will be continued through?</i>	<i>Yes. The scale of the development is minor, so a surface water drainage strategy is not required.</i>
<i>On 20 January 2025, Essex County Council Place Services Ecology put in a</i>	<i>There are currently no objections from other statutory consultees. Place</i>

<i>holding objection. Is this still the case?</i>	<i>Services includes archaeology, and there are no objections from them subject to conditions. The recommendation is made subject to conditions of an acceptable reptile survey. Therefore, the objection mentioned does still remain, however, it allows a 12-month period for the reptile survey to be undertaken and submitted. Liaison with Place Services would then take place to ensure that any further mitigation measures are secured.</i>
<i>To clarify in their objection, Essex County Council Place Services Ecology said; "the results of these surveys are required prior to determination because paragraph 99 of the ODPM Circular 06 2005 highlights that it is essential that presence or otherwise protected species and the extent that they may be affected by the proposed development is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed when making the decision" "this will enable the LPA to demonstrate compliance with its statutory duties including its biodiversity duty under Section 40 of the NERC Act 2006 as amended, prevent wildlife crime under Section 17 Crime and Disorder Act 1998". So are we acting ultra vires if we go ahead with a prior determination, given the circumstances with the condition?</i>	<i>Permission is granted at the point of a decision being issued. If the matter is not resolved, permission is not granted. If this is the case it will either be refused or come back to Committee. Members are asked to make a resolution for Officers to follow.</i>
<i>So does that require a condition to allow that to be able to happen?</i>	<i>No, we are asking for a survey to be carried out before we grant permission.</i>
<i>If the self-build is approved, is it going to be a non-standing construction?</i>	<i>There is a condition to secure the properties as self-build and building regulations are included in the conditions.</i>

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

RESOLVED that:-

- (1) the Head of Planning and Building Control be authorised to grant full planning permission subject (2) below and the submission and assessment of an acceptable reptile survey setting out sufficient mitigation measures, and receipt of 'no objection' from Essex County Council Place Services Ecology;

- (2) the conditions as stated at paragraph 10.2 of the Officer report (A.1) and subject to the variation to the wording of Condition 5 (as detailed in the Update Sheet) (including any additional conditions recommended as part of the consultation with Essex County Council Place Services Ecology following consultation on the reptile survey) 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 requirements referred to in Resolution (1) above not being secured within 12 months of the date of the Committee's decision, that the Head of Planning and Building Control be authorised to refuse the application on appropriate grounds at their discretion.

69. REPORT OF THE DIRECTOR (PLANNING & COMMUNITIES) - A.2 - 24/01915/VOC - LAND AT CONNAUGHT ROAD, WEELEY, CO16 9EL

Members were told that the application was before Members at the request of Councillor Harris.

Officers made Members aware that the application site was located on the eastern side of Weeley Road/Clacton Road, to the north of the existing Connaught Road, within the Parish of Weeley. Development of 7 bungalows was currently under construction (allowed on appeal – planning ref. 21/02024/FUL and appeal ref. APP/P1560/W/22/3291996).

The Committee was informed that the application sought to vary the approved plans of application 21/02014/FUL to enable changes to the floor plans and elevations, including insertion of 4 no. high level rooflights to facilitate the creation of two additional rooms and a central storage area within the roof space.

Members were made aware that the proposed variations would not materially alter the overall appearance of the development or result in any visual harm or harm to the character of the area.

The Committee was also told that the revised development met parking requirements and would not result in any material harm to residential 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 Senior Planning Officer (AL) in respect of the application.

An Officer Update Sheet had been circulated to Members before the meeting which was as follows:-

“Application under Section 73 of the Town and Country Planning Act for Variation of Condition 2 (Approved Plans) of application 21/02014/FUL, approved at appeal

APP/P1560/W/22/3291996, to enable changes to the floor plans and roof elevations.

- *Amendment to Section 10.2 Conditions and Informatives, Condition 1 Approved Plans and Documents:*

Amended plans received correcting the site layout plan to include the new roof arrangement to Plot 1 and rooflight positions on all plots. Condition now reads:

1. COMPLIANCE: APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed before and/or such other drawings/documents as may be approved by the Local planning authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local planning authority as a non-material amendment following an application in that regard.

- 1763 P07B Ordnance Survey (1:1250 Location Plan)
- 2402-TP-01-C Amended Plot 1 - Proposed Floor Plans and Elevations (including materials details)
- 2402-TP-02-C Amended Plots 2, 4 and 6 - Proposed Floor Plans and Elevations (including materials details)
- 2402-TP-03-C Amended Plots 3, 5 and 7 - Proposed Floor Plans And Elevations (including materials details)
- 1763 P04B Garage Elevations

REASON: For the avoidance of doubt and in the interests of proper planning."

Robert Pomery, the agent for the applicant spoke in support of the application.

Parish Councillor Christine Hamilton, representing Weeley Parish Council, spoke against the application.

Councillor Harris, the caller-in and the Ward Councillor, spoke against the application.

Matters raised by Members of the Committee:-	Officer's response thereto:-
<i>Would this application have come to Committee if Councillor Harris hadn't called it in?</i>	<i>It is unlikely.</i>
<i>With regard to parking spaces, you inferred that there were sufficient parking spaces to accommodate each house. Is that correct?</i>	<i>Each property has a garage as well as long driveways. 4 spaces per property which is why it has been concluded that the parking spaces are sufficient.</i>

It was moved by Councillor White, seconded by Councillor Smith and:-

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.2) and subject to the variation of Condition 1 (as detailed in the 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 reference is retained; and

- 2) the sending of any informative notes to the applicant as may be deemed necessary.

70. REPORT OF THE DIRECTOR (PLANNING & COMMUNITIES) - A.3 - 24/01910/FUL - REAR OF 140 POINT CLEAR ROAD, ST OSYTH, CO16 8JA

Earlier on in the meeting, as detailed under Minute 66 above, Councillor White had declared an interest and had informed the Committee that he would withdraw from the meeting and leave the room whilst the Committee deliberated on this application and reached its decision, Councillor White thereupon left the room.

The Committee heard that the application was before Members as the proposed development represented a departure from the Local Plan, proposing new residential development outside of the St Osyth Settlement Development Boundary (SDB) as defined within the adopted Tendring District Local Plan 2013 to 2033 and Beyond. This application was also before Members as the extent of information was sufficient for Members consideration.

Members were told that the proposed development was concluded by Officers to represent sustainable development. The specific merits of the application and site would not set a harmful precedent for further development outside the defined settlement boundary and would not prejudice the overall spatial strategy of the District with further considerations outlined 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.

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

There were no updates circulated to Members for this item.

Peter Le Grys, the applicant's Agent, spoke in support of the application.

Matters raised by the Committee:-	Officer's response thereto:-
<i>Outside number 172, what happened with that?</i>	<i>This has been referenced in the report (paragraph 8.15) and it has been recognised as part of the previous appeal decision.</i>
<i>Is it exactly the same as what was submitted?</i>	<i>The scheme that is before you is similar to what was submitted as part of the appeal decision. The applicant has followed the Inspector's advice in terms of what they submitted.</i>
<i>Also relating to number 172, is that the</i>	<i>There were two appeals, so two</i>

<i>same per two dwellings or single?</i>	<i>separate dwellings.</i>
<i>Are we doing the right thing in relation to archaeological terms?</i>	<p><i>There isn't any overriding concern in terms of archaeological standards, and this is reflected in the conditions and recommendations. We will be ensuring those works are carried out as necessary.</i></p> <p><i>(John Pateman-Gee) The development proposal is contrary to the development plan which is why it has been brought to Committee. The requirement in terms of the town and planning act is that the decision must be taken in accordance with the development plan, unless there are material considerations that indicate otherwise. We feel there are material considerations in terms of the site, which is why we have placed the relevant conditions but is also why we are recommending approval.</i></p>

It was moved by Councillor Smith, seconded by Councillor Goldman and:-

RESOLVED that:-

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

71. REPORT OF THE DIRECTOR (PLANNING & COMMUNITIES) - A.4 - 25/00061/FUL - CLACTON RUGBY CLUB VALLEY ROAD, CLACTON-ON-SEA, CO15 6NA

Members were told that the application was before the Planning Committee as the application site was owned by Tendring District Council.

The Committee heard that the proposed development was not considered by Officers to be harmful to the character and appearance of the area and would not result in any significant impact to 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 (OA) in respect of the application.

An Officer Update Sheet had been circulated to Members before the meeting which was as follows:-

“Planning Application - Proposed extension and alterations to provide changing area toilets and showers for female and youth teams.

- *Revised Drawing Nos. 5000 25 2 Rev B. & 5000 25 3 Rev B received 14.03.25. Condition 2 to be revised in the event of approval.”*

It was moved by Councillor Goldman, seconded by Councillor Wiggins 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.4) and subject to the variation of Condition 2 (as detailed in the Update Sheet), or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including 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.

The meeting was declared closed at 6.59 pm

Chairman

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