

MISTLEY PARISH COUNCIL

Minutes of the Parish Council Council's Extraordinary Meeting
held on the 6th January 2022 at 8.30pm at Mistley Village Hall



Councillors Present:

Councillor D Bell
Councillor G Carter
Councillor J Chaplin (*Vice Chairman*)
Councillor S Coiley
Councillor P Cunningham
Councillor C Howell (*Chairman of Council*)
Councillor F Kent
Councillor W Meston
Councillor P Nutter
Councillor I Peacock

In Attendance:

Mrs S Clements - Clerk
District Councillor A Coley
District and County Councillor C Guglielmi
45 Members of the Public

1. **Welcome and Apologies for Absence** – An apology for absence was received from Councillor Frost (unwell). This was accepted by the Council.
2. **Declarations of Interests** – Councillors Chaplin, Kent, Howell, Meston and Nutter declared personal interests as they are trustees of the Mistley and Manningtree Welcome Home Field, New Road near to Mistley Place Park.
3. **Public Voice** – *During this session, Members of the Public made various comments and observations including:*
 - **Open Community Amenity Space and Tea Rooms** – A comment was made about the confusion relating to the eventual possible land/asset transfer of the open amenity space and the Tea Rooms and the lack of clarity, where it was unclear which Council the developer is proposing to transfer these assets to, together with the lack of clarity about the Section 106 developer contribution to the local planning authority (LPA).
 - **LPA – (Local Planning Authority) - Land/Housing supply – Tendring District Council Local Development Plan** – Following a query from a member of the public, it was clarified that Section 1 of the Local Development Plan has been adopted and Section 2 or the Local Development Plan is close to being adopted. Mistley Place Park is outside of the boundary for land and future development/housing.
 - **Strategic Green Gap** – There was opposition from members of the public regarding development on this land which forms part of the strategic green gap. [EB7.2.5 Green Gap Study 2020.pdf \(tendringdc.gov.uk\)](#)
 - **Essex County Council Heritage** – A member of the public commented that objections relating to the strategic green gap have been lodged by Essex County Council.

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- AONB (Area of Outstanding Natural Beauty) – Concerns were raised regarding the proposal and land being very close to the boundary of the AONB and the detrimental effect of this setting and its impact on the AOBN which should be protected.
- Loss of Residential Amenity & Character of Area – Objections were raised from various members of the public who reside very near to Mistley Place Park.
- Local and National Planning Policies – Various members of the public were opposed to the proposal because it contravenes various local (including the currently adopted and imminently adopted Local Development Plan) policies and national policies.
- Business Case – Open Space/Amenity Land & Tea Rooms Operation – A member of the public made comments about the necessity for a robust business plan/case for taking on and maintaining the future open space/amenity land and Tea Rooms, including the Section 106 developer agreement with the LPA.
- Mistley – Character of the Village – A member of the public made comments about the Village changing potentially into a more built-up environment and urban area.
- The Walls and Historic Environment of the Village – A member of the public commented on the current views from the river from Mistley Place Park and raised concerns about the loss of the current historic environment and loss of the green-gap.
- Development on New Road – Concerns were raised about the Increased traffic and the lack of infrastructure - which is already at capacity, with any proposed additional new dwellings adding to the current infrastructure pressures.
- Revisions to the Original Scheme – A member of the public considered that there are no material considerations to improve the scheme. The change regarding one of the bungalows was noted, but that there are no significant revisions regarding the views onto the AONB and the concerns and issues raised following the original application.
- Ownership/Responsibility in Local Community – A member of the public raised concerns about the custodial and duty to maintain the dwellings and land by the current owners of Mistley Place Park.
- Overdevelopment – Issues were raised in terms of the intensity of use, the demands on infrastructure, services and the impact on the local amenity and character of the area.
- Sustainability - A member of the public raised concerns about the environmental impact of the proposed development, including lighting pollution, lack of environmental standards, a design which is not sustainable, loss of biodiversity and wildlife, air quality concerns and climate resilience issues.
- Views from the Public – A few members of the public spoke about the scheme positively and wished support for it. Others were opposed to the proposal.

This public session closed at this point to facilitate the Parish Council going into its main Meeting session to consider and make comments/observations on the following:

4. **21/00453/FUL – Land at Mistley Place Park, New Road** – Proposed development of land to provide retirement living accommodation comprising of 42 apartments and 10 bungalows with associated amenity and landscaping, landscaping improvements to Mistley Place Park, new access to New Road and associated works, (revised drawings and supporting statements received 20/12/21, re-consultation). (Tendring District Council deadline for responses – 05.01.22. Extension to time requested by Mistley Parish Council on 29.12.21).

The Council noted the number of attendees at this Extraordinary Parish Council Meeting and the comments already lodged on the LPA planning portal at the current time.

- LPA Planning Portal – Members of the public were asked to make comments and observations on the LPA's planning portal, or to the LPA by email or in writing.
- LPA Deadline - The Council noted that the deadline for extensions to the timeframe for responses to these revisions has been extended.

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- Views of the Community - The Council noted the strength of feeling in the local community regarding these planning proposals/revisions and thanked members of the public for attending this Extraordinary Parish Council Meeting especially during the ongoing COVID-19. Councillor Howell asked for a general show of hands (without any further public comments) from the 45 members of the public regarding their respective views about whether this application should be supported or not. She asked for anyone involved commercially in the development to indicate this. One person indicated a commercial interest. 38 members of the public were opposed to the proposal, 3 were in favour and 4 people abstained.

Following the vote, (proposed by Councillor Coiley and seconded by Councillor Bell), the Council agreed not to support the application and to strongly recommend **refusal** of the proposal. (Councillors Chaplin, Nutter and Peacock abstained from the vote). Refusal being on the grounds of the following material planning reasons/considerations:

- Manningtree and Mistley Conservation Area – The site is within the Manningtree and Mistley Conservation Area. The Planning (Listed Buildings and Conservations Areas) Act 1990 provides specific protection for areas (and nearby buildings/structures/monuments) of special architectural or historical interest, i.e. The Mistley Towers. The effect of the development on the setting of this area will have an adverse effect on the character and appearance of the Conservation Area and the heritage assets within it. This historic environment needs and deserves to be protected and enhanced.
- Mistley Towers – The elements of this setting and its close proximity to the proposed development are key reasons to ensure that any development does not have an adverse impact on the cultural significance of Mistley Towers. The setting and importance of The Towers need protection because of the significance of this heritage asset.
- Area of Outstanding Natural Beauty – (AONB) – Mistley Place Park is immediately adjacent to the extension area along the southern edge of the Stour estuary to the Suffolk Coasts and Heaths Area of Outstanding Natural Beauty Partnership and Tendring District Council. The proposal would be detrimental because of its close proximity to the landscape, it would be visually intrusive and have an adverse effect on the aesthetic value. This important area needs to be protected, enhanced and locally it is a key and important landscape. Planning policies (local and national) are in place to mitigate the impact of any development on the landscape and should be utilised by the LPA for this proposal when reaching a decision.
- Designated Green Gap – This proposal falls within this boundary and Mistley Conservation Area. This area should be preserved and enhanced because of being within the Green Gap and Conservation Area, but also because of the landscape, its special value and importance and character of the historic area.
- Massing – Local and National Planning Policy is being ignored with this application and the proposal is over-bearing, out of scale and out of character in terms of appearance.
- Overdevelopment and Cumulative Impact – The applicant's proposed development would have an adverse impact on all local infrastructure. The proposal is extending beyond the housing area designated for growth and is excessive in terms of buildings, intensity of use, demands on infrastructure and services, together with the impact and character of the area including noise and disturbance.
- Infrastructure/Highway Safety – The proposed development will significantly increase the volume of vehicles and subsequent traffic to New Road and The Walls. The likelihood of traffic accidents and congestion along New Road would increase considerably. New Road is the principal road for the majority of heavy goods vehicle journeys into and out of the village.
- Density / Design / Appearance – The current position and height of the two-and-a-half-

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storey apartment block proposed for this site is unacceptable and would be inappropriate for this open area which is considered to be of primary importance to the local community for the historic open views across the park from The Walls and from New Road towards the river.

- Planning Policies (Local and National Planning Policies) – Mistley Place Park was identified in the 2007 Local Plan as an important green, open area and the site was designated as part of a Local Green Gap and also as a Protected Existing Recreational Open Space. In the 2012 Draft Local Plan, the site was again identified as forming part of a Strategic Green Gap and a Safeguarded Local Green Space. Development of Mistley Place Park would be contrary to Tendring District Council’s saved and draft plan policies, phase 1 of which was adopted in 2021. As part of the “signed-off” phase 1, the site in question is not within the settlement development boundary. The proposal contravenes NPPF (National Planning Policy Framework) and the revised framework (July 2021). (This NPPF includes achieving sustainable development, good decision-making, making effective use of land (a clear strategy about use of brownfield land being used), achieving well-designed places, protecting Green Belt land, meeting the challenges of climate change, flooding and coastal change, conserving and enhancing the natural environment, conserving and enhancing the historic environment. [National Planning Policy Framework \(publishing.service.gov.uk\)](https://www.gov.uk/government/publications/national-planning-policy-framework)
- The following policies and documents have been considered.
 - [National Planning Policy Framework \(publishing.service.gov.uk\)](https://www.gov.uk/government/publications/national-planning-policy-framework)
 - [Essex coast recreational disturbance avoidance and mitigation strategy \(RAMS\) | Tendring District Council \(tendringdc.gov.uk\)](https://www.tendringdc.gov.uk/ramsc)
 - [SITE CODE \(tendringdc.gov.uk\)](https://www.tendringdc.gov.uk/site-code)

5. Next Meetings –

- Full Parish Council Meeting – Monday 7th February 2022 at 7.30pm – Mistley Village Hall.
- Planning Committee – Thursday 3rd February 2022 at 7.30pm – Mistley Village Hall.

There being no other business the Meeting closed at 9.34pm.

SignedChairman

Date