

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,  
HELD ON TUESDAY 1 MAY 2018 AT 6.00 PM,  
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

<b>Present:</b>	Councillors White (Chairman) (except item 6), Heaney (Vice-Chairman), Alexander, Baker, M Brown, Fowler, V E Guglielmi, Hones and McWilliams
<b>Also Present:</b>	Councillors B E Brown, Davis, Everett and Nicholls
<b>In Attendance:</b>	Cath Bicknell (Head of Planning), Charlotte Parker (Solicitor (Property, Planning and Governance)), Susanne Chapman-Ennos (Planning Team Leader) (except item 6), Alison Newland (Planning Team Leader) and Katie Sullivan (Committee Services Officer)

**1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillor Everett (with Councillor V E Guglielmi substituting) and Councillor Bennison (with no substitute).

Councillor Cawthron was absent.

**2. MINUTES OF THE LAST MEETING**

The minutes of the last meeting of the Committee, held on 28 March 2018, were approved as a correct record and signed by the Chairman.

**3. DECLARATIONS OF INTEREST**

Councillor White declared a Personal Interest in Planning Application 15/00578/FUL, insofar as he had relatives who owned an adjacent property to the site. Councillor White also declared that he was pre-determined and that he would vacate the Chair for this item, speak from the gallery and would not take part in the determining of this application.

**4. A.1 - PLANNING APPLICATION - 16/00500/OUT - TAMARISK, 19 THE STREET, KIRBY-LE-SOKEN, CO13 0EE**

It was reported that this application had been referred to the Planning Committee at the request of Councillor Bucke, a local Ward Member.

Members recalled that this application had been included in the 31 October 2017 Planning Committee agenda, however, the item had not been discussed and instead it had been deferred in order to enable further assessment of information by Officers.

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 (CB) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of errors within the committee report that required correction.

Councillor Everett, speaking in his capacity as a member of the public, spoke against the application.

John Spencer, the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Hones, seconded by Councillor Fowler and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following conditions:

1. Standard conditions for submission of reserved matters and time limit for commencement.
2. Accordance with approved plans.
3. Highways conditions (as recommended by the Highway Authority).
4. Surface water drainage/foul drainage scheme.
5. SuDS maintenance/monitoring plan.
6. Hard and soft landscaping plan/implementation.
7. Tree protection plan.
8. Details of lighting, materials and refuse storage/collection points.
9. Broadband connection.
10. Contamination.
11. Noise.
12. Emission Control.
13. Archaeology – Trial Trenching.
14. Compliance with the Great crested nest assessment and precautionary method statement.

It was requested that any reserved matters application for this development should come back to Planning Committee for its consideration.

5. **A.2 - PLANNING APPLICATION - 17/01310/DETAIL - LAND SOUTH WEST OF HORSLEY CROSS ROUNDABOUT, CLACTON ROAD, HORSLEY CROSS, CO11 2NZ**

It was reported that outline Planning Application 13/00745/OUT had been approved on 4 August 2014 by the Council.

Members were informed that the application before them sought the approval of reserved matters for appearance, landscaping, layout, and scale, pursuant to condition 1 imposed upon the grant of outline planning consent; together with details pursuant to conditions 3, 4, 5, 6, 7 (in part), 12 (in part), 15, 18 and Schedule 7 (in part) of the Unilateral Undertaking for the development.

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 (SC-E) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of additional comments that had been received from the Council's Tree and Landscape Officer.

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

Following discussion by the Committee, it was moved by Councillor Alexander, seconded by Councillor Baker and unanimously **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following condition:

1. Development to be carried out in accordance with the approved plans.

**6. A.3 - PLANNING APPLICATION - 15/00578/FUL - 26 ROSEMARY ROAD, CLACTON-ON-SEA, CO15 1NZ**

Councillor White had earlier declared a Personal Interest in Planning Application 15/00578/FUL, insofar as he had relatives who owned an adjacent property to the site. Councillor White had also declared that he was pre-determined on this item. He therefore vacated the Chair and sat in the public gallery whilst the Committee considered the application and reached its decision. Councillor Heaney Chaired the Item.

Members recalled that this application had originally been considered at Planning Committee on 22 September 2015 when it had been resolved that the application be deferred in order to discuss possible amendments to overcome concerns relating to the retention of the façade of the Villas, parking and the relationship of the rear block to dwellings to the east.

Members also recalled that an amended application had returned to Planning Committee on 5 January 2016 when it had been resolved that planning permission be granted in accordance with the recommendation, which had included provision that the Head of Planning be authorised to refuse planning permission in the event that the legal agreement had not been completed within six months i.e. by 5 July 2016.

It was reported that the buildings had been demolished in February 2016 under a Building Notice as they had posed a serious safety risk. The site was cleared and fenced.

It was further reported that, following the Planning Committee's resolution to approve the application, the applicant had stated that the Section 106 contributions would render the proposal financially unviable and that he had intended to submit a viability assessment to confirm this and to also amend the proposal to add five additional flats.

Members were informed that the applicant had now submitted an alternative proposal which had been subject to full re-consultation prior to returning to the Committee for its determination. Members were further informed that the applicant had confirmed that this was their final proposal and had stated that this level of development was required in order to make the proposal viable. However, no viability assessment had been provided to confirm this statement.

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 split recommendation of approval and refusal.

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

An update sheet was circulated to the Committee prior to the meeting with details of:

- (1) Errors within the committee report that required correction;
- (2) Comments received from ECC SUDs on the amended surface water drainage information;
- (3) An amendment to recommended reason for refusal No. 4;
- (4) A request from the applicant requesting that the application be deferred and details of the Officers' response to his request; and
- (5) An email received from the applicant confirming agreement to an amended description of the proposed development.

Councillor White, speaking in his capacity as a member of the public, spoke against the application.

Royston Simons, the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Baker, seconded by Councillor V E Guglielmi and **RESOLVED** that that the Head of Planning (or equivalent authorised officer) be authorised to approve demolition of all existing buildings subject to the following condition:

1. Details of boundary treatments to be submitted for approval within 2 months, and to be retained and maintained as approved until the site is redeveloped.

Also, following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Alexander and **RESOLVED** that that the Head of Planning (or equivalent authorised officer) be authorised to refuse planning permission for the development, for the following reasons:-

1. The National Planning Policy Framework (2012) states good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Saved Policy QL9 of the Adopted Tendring District Local Plan (2007) states all new development should make a positive contribution to the quality of the local environment and protect or enhance local character. Planning permission will only be granted where new development relates well to its site and surroundings particularly in relation to its height, scale, massing, and design. Saved Policy QL11 seeks to ensure that the scale and nature of development is appropriate to the

locality. These requirements are also included in Draft Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The surrounding area is characterised by a wide variety of architectural styles and construction materials with buildings generally being of two storeys but with numerous examples of 2.5 and three storey properties. The eastern neighbour at No. 28 Rosemary Road is 3.5 storeys and the western neighbour at No. 24 Rosemary Road is two storey. Surrounding development is generally of more traditional design with decorative features such as bay windows, dormer windows, and a combination of brick, render and stonework. The proposed buildings are much plainer with little variation in fenestration and are solely constructed of brick.

When viewed from the west the front building would be clearly visible above the roofs of the neighbouring buildings which are all two storey and of domestic scale with hipped or pitched roofs. In contrast, the third floor element comprising part of flat numbers 16 and 17 would appear as a bulky, incongruous feature in the street scene out of character with the height, scale and detailed design of surrounding development to the serious detriment of visual amenity.

The proposed rear building at up to seven storeys high and with a substantial bulk at fourth and fifth storey height would be an incongruous feature in the area clearly visible through gaps and above surrounding rooflines from Rosemary Road, Orwell Road, Beach Road, High Street, and Colne Road resulting in material harm to visual amenity and out of keeping with the scale and character of surrounding development. This harm is exacerbated by both proposed buildings being of excessive height and bulk, and at the western side being separated by only 10.5 metres thereby increasing their prominence in the street scene. The proposed development therefore fails to make a positive contribution to the quality of the local environment and protect or enhance local character.

2. The National Planning Policy Framework (2012) states Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Saved Policy EN17 of the Adopted Tendring District Local Plan (2007) states development within a conservation area must preserve or enhance the character or appearance of the conservation area including the relationship between buildings, and the height, siting, form, massing, proportions, elevation, design, and materials. Development outside a conservation area should be refused where it would prejudice the settings and surroundings of the conservation area or harm the inward or outward views.

Draft Policy PPL8 (Conservation Areas) of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) states proposals will only be permitted where they have regard to the desirability of preserving or enhancing the special character and appearance of the area especially in terms of a. scale and design, particularly in relation to neighbouring buildings and spaces; b. materials

and finishes; and e. any important views into, out of, or within the Conservation Area.

The Conservation Area Character Appraisal (2006) for this area considers, amongst other things, that: "The special character of Clacton Seafront Conservation Area is derived from its seaside architecture and formal planned street pattern. The Area is the heart of the coastal resort and includes Victorian and Edwardian seaside buildings that were part of the early planned development of the resort ..." The Appraisal also says that Orwell Road "is of great interest. This character is enhanced by views northwards to Sandles Inn, of strong period character with an attractive mid-Victorian campanile".

The demolished building on the site was previously a positive feature within the Clacton Seafront Conservation Area and represented an undesignated heritage asset. Any redevelopment of this important site should also enhance, or at least preserve, the character and appearance of the conservation area. However, as detailed above the height, bulk and detailed design of the proposed redevelopment would result in material harm to visual amenity, out of keeping with the scale and character of surrounding development failing to preserve or enhance the character and appearance of the Clacton Seafront Conservation Area.

In this case the proposed development would result in less than substantial harm to the heritage asset Clacton Seafront Conservation Area. The public benefits of the proposal are the provision of employment and tourist accommodation which would not outweigh the significant harm to the character and appearance of the Clacton Seafront Conservation Area.

3. Paragraph 17 of the National Planning Policy Framework (NPPF) states that planning should always seek to secure a high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Saved Policy QL11 of the Adopted Tendring District Local Plan (2007) and Draft Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017) states development will only be permitted if it would not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The eastern side of the proposed rear building is two storeys high with balconies on the roof and is sited a minimum 3 metres from the rear garden boundaries of No.s 47, 49, 51 and 53 Beach Road which are two storey semi-detached houses. The building then rises to four storeys with the glazed winter garden on the roof, and then six stories with balconies. This results in a very tall, bulky building to the serious detriment of the outlook of the residents at 47, 49, 51 and 53 Beach Road. The proposed balconies at second floor level are only 4.5m from the rear boundary of the gardens of these properties resulting in serious loss of privacy. The communal winter garden at fourth floor level would also overlook these dwellings, and to a lesser extent the two balconies on the sixth floor.

The proposal is situated approx. 3.2 metres from the boundary with properties in the High Street (Nos. 18-20 and 24), which comprises of commercial units with flats above. Due to the height of the proposal and the orientation the proposal

results in an increase in overlooking, loss of sunlight/daylight and results in an overbearing impact which would be significantly detrimental to residential amenity.

The proposal is therefore contrary to the above policies.

4. Paragraph 103 of The National Planning Policy Framework (2012) requires Councils, when determining planning applications, to ensure flood risk is not increased elsewhere. Paragraph 109 requires that new development does not contribute to water pollution.

Draft Policy PPL1 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017) states that all development proposals should include appropriate measures to respond to the risk of flooding on and/or off site. Furthermore Draft Policy PPL5 states that all new development must make adequate provision for drainage and sewerage and should include Sustainable Drainage Systems as a means of reducing flood risk, improving water quality, enhancing the Green Infrastructure network and providing amenity and biodiversity benefits.

An inadequate surface water drainage strategy has been provided which does not provide a suitable basis for assessment to be made of the flood or water pollution risks arising from the proposed development. The proposal does not therefore demonstrate that flood risk or water pollution will not be increased as a result of the proposal contrary to the provisions of the National Planning Policy Framework.

The meeting was declared closed at 7.30 pm

**Chairman**