

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 16TH JUNE, 2020 AT 6.00 PM
THE MEETING WAS BE HELD REMOTELY IN ACCORDANCE WITH THE
PROVISIONS OF SI 2020/392. LINK TO LIVE STREAM IS FOUND HERE:
[HTTPS://WWW.TENDRINGDC.GOV.UK/LIVEMEETINGS](https://www.tendringdc.gov.uk/livemeetings)**

Present:	Councillors White (Chairman), Bray (Vice-Chairman), Alexander, Cawthron, Codling, Fowler, Harris, McWilliams and Placey
In Attendance:	Graham Nourse (Acting Assistant Director (Planning)), Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), Keith Simmons (Head of Democratic Services and Elections), Trevor Faulkner (Temporary Planning Team Leader), Amy Lang (Planning Officer), Emma Haward (Leadership Support Assistant) and Hattie Dawson-Dragisic (Appentice (Democratic Services & Elections))

10. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

11. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Committee, held on Tuesday 19 May 2020, were agreed by the Chairman of the Committee. Proposed as a correct record by Councillor Bray and seconded by Councillor McWilliams.

12. DECLARATIONS OF INTEREST

Councillor Fowler declared a personal interest in Planning Application 20/00150-FUL – The Lawford Surgery, 2 Edgefield Road, Lawford CO11 2HD due to being the Ward Member.

Councillor Placey declared a non-pecuniary interest in Planning Application 19/01906/OUT – Land West of 70 Crome Road, Clacton-on-Sea CO16 8YG.

13. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were no questions on notice on this occasion.

14. A.1 PLANNING APPLICATION 19-00188-FUL LOWER FARM EAST END GREEN BRIGHTLINGSEA CO7 0SX

It was reported that this application had been referred to the Planning Committee as it represented a departure from the Local Plan. The development applied for related to the construction of 104 holiday lodges and an associated function/club house building, 36 retirement apartments for over 60yr olds, 5 private dwellings along with ancillary landscaping/engineering works, a glamping area, toilet facilities, boating jetties and children's play area.

The Committee was informed that the application site was situated on the north-eastern edge of Brightlingsea on land to the north of Robinson Road. The site comprised approximately 81 acres of former gravel workings which established a low-level restoration profile. The site had been left to self-seed, which had created areas of open scrub, grassland and woodland around three former silt lagoons, which had formed five open lakes. The site was located outside of the defined settlement boundary for Brightlingsea in both the saved and emerging local plan and within a coastal protection belt within the saved plan only.

In respect of the tourism use, it was felt that the development of the Lower Farm Park site would offer the opportunity to deliver diversification from its current limited low-level use through its integrated connectivity into the local area. It would offer: both direct and indirect employment opportunities within the local area; attract both national and international tourism; and, promote economic growth of the immediate and local areas. The mixed-use proposals across the site had been designed to align themselves with the overarching objectives and policies of the emerging Local Plan and the Council's Tourism Strategy.

In terms of the private housing Members were made aware that this was proposed to, in part, finance the tourism use and trigger points were proposed accordingly to ensure an appropriate provision of tourism lodges prior to the occupation of the residential elements of the site. In terms of the merits of the residential aspects of the scheme, the site was located on the edge of a smaller urban settlement with good access to local services/facilities and there was residential development on land directly to the south and south-west of the site. The site contained mature vegetation along its perimeters with Robinson Road. As a consequence there would be minimal landscape impact whilst sufficient spacing to existing residential properties was retained to safeguard amenity.

The Committee was aware that in the current situation the Council was unable to demonstrate a 5 year housing supply and therefore in accordance with the provisions of the National Planning Policy Framework (NPPF) the presumption in favour of sustainable development applied. The mixed use development was considered to meet the economic, environmental and social strands of sustainability as outlined in the NPPF.

Therefore, subject to the applicant entering into a Section 106 agreement to cover the provision of an affordable housing contribution and public open space/RAMS contributions, the proposal was considered by Officers to be acceptable with no material harm to visual or residential amenity, heritage assets, ecology interests or highway safety, and the application was therefore recommended 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 representations received and a recommendation of approval.

At the meeting, Councillor John White declared that this item was deferred to allow alterations to the original application.

15. A.2 PLANNING APPLICATION 20-00150-FUL - THE LAWFORD SURGERY 2 EDGEFIELD AVENUE LAWFORD CO11 2HD

It was reported that this application had been referred to the Planning Committee at the request of Councillor Coley due to his concerns with the alterations to the roof being out of character and impinging on the privacy and visual aspect of neighbouring properties; and due to the increase in staff numbers being unsupported by the existing car parking area.

Members were made aware that the application related to the long established Lawford Surgery located on the corner of Edgefield Avenue and Colchester Road within the Settlement Development Boundary of Lawford as defined within both the adopted Tendring District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017. The rear boundary of the site adjoined the rear of the newly constructed bungalows within Florence Gardens on the Summers Park development.

The Committee was advised that the application sought full planning permission for alterations and extensions to the roof of the building in order to allow for the creation of 2 administration/office rooms, a bathroom and kitchenette for staff within the roof space. The works included the raising of the overall roof height by just under 1.5 metres, the insertion of 4 no. high level roof lights to the rear, insertion of 1 no. end gable window overlooking the car park and the erection of 3 no. pitched roof dormer windows to the front elevation. The application had been subsequently amended to now incorporate the regularisation of the 1.8 metre fence that had been erected enclosing the car park and to include the formal laying out of the existing parking areas into bays.

It was considered that the raising of the roof and resulting roof pitch would not result in any material loss of sunlight, daylight or outlook to neighbouring properties due to the separation distance and minor scale of the alterations. The proposed roof lights were high level with the bottom windowsill being approximately 1.7 metres above the finished floor level meaning that no harmful overlooking or loss of privacy would occur. The dormer windows were in proportion with the overall scale of the building and resultant roof being acceptable in design terms. The distance to neighbouring properties opposite ensured no harmful overlooking would result from the dormer windows.

Members were informed that the site was located within a well built up residential area. Edgefield Avenue was characterised by bungalows and Colchester Road was characterised by 2 storey dwellings. The proposed development and resultant 1.5 storey appearance was not considered by Officers to be harmful in this mixed character area.

In the absence of any material harm and having regard to the benefits of the scheme for local residents from the improved medical facilities, the application was therefore recommended 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 representations received and a recommendation of approval.

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

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

(1) 1 additional letter of objection received (from a previous objector). The points raised can be summarised and addressed as follows (officer response in italics);

- If approved, sets a precedent for all bungalows in the area wishing to add height to their properties, e.g. all of Edgefield Avenue and the bungalows in Florence Gardens.
- Could result in a significant change to the character of the area.

Liz Dunnett, a local resident, spoke against the application.

Councillor Coley, a local Ward Member, spoke against the application.

Following discussion by the Committee, it was moved by Councillor Alexander, seconded by Councillor Bray and RESOLVED that the Acting Assistant Director (Planning) (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to:

- Full obscured glazed windows together with rear roof lights at top level as agreed by the agent.
- Opening hours to remain for staff as to be agreed by surgery manager.

Conditions and Reasons:

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 54-2019-04PA, 54-2019-03P and 54-2019-05PA.

Reason - For the avoidance of doubt and in the interests of proper planning.

3) Notwithstanding the details shown on the approved plans, the lower half of the 3 no. dormer windows on the south facing front elevation of the building shall be obscure glazed up to a mid-point of 0.5 metres. The obscure glazing shall be installed prior to occupation of the development and retained in this approved form in perpetuity.

Reason – In the interests of residential amenity.

4) Prior to the commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the local planning authority. The Construction Method Statement shall provide for:

- safe access to/from the site;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- wheel washing facilities;
- measures to control the emission of dust and dirt during demolition and construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;

- details of hours of deliveries relating to the demolition and construction of the development;
- details of hours of site clearance and construction;
- a scheme to control noise and vibration during the demolition and construction phase, including details of any piling operations.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason - To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

5) Prior to occupation of the development, the vehicle parking area including any parking spaces for the mobility impaired, shall be marked out in parking bays in accordance with approved drawing number 54-2019-05PA. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason - To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety.

6) Prior to the occupation of the development, details of the siting and design of secure, convenient, covered Cycle / Powered Two-wheeler parking that accords with the Parking Standards shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained in its approved form unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety.

7) All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details drawing number 54-2019-05PA shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - In the interest of visual amenity.

16. A.3 PLANNING APPLICATION 20-00202-FUL - BRICK BARN RESIDENTIAL CARE HOME 106 WALTON ROAD KIRBY LE SOKEN CO13 0DB

It was reported that this application had been referred to the Planning Committee at the request of Councillor Knowles due to her concerns with the negative impact on neighbours and previous poor Care Quality Commission (CQC) reports.

The Committee was informed that the application related to Brick Barn Residential Care Home located at 106 Walton Road within the Parish of Kirby-le-Soken. The site lay a short distance from the edge of the Kirby-le-Soken Settlement Development Boundary as defined within the adopted Tendring District Local Plan 2007 but was within the extended Kirby-le-Soken Settlement Development Boundary as defined within the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Members were made aware that the application sought full planning permission for the change of use of the existing Care Home (within use Class C2 of the Town and Country Planning (Use Classes) Order 1987 as amended) to a Hostel for the Homeless (a "sui generis" use) including internal alterations reducing the current accommodation from 15 bedrooms to 9.

The Committee was advised that this application followed a previously refused application under planning application reference 19/01532/FUL for the proposed change of use from care home to HMO (House in Multiple Occupation) with no alterations. Since that previous application, it had come to light that the proposal would involve internal alterations and the use would in fact fall under the definition of a Hostel and not a HMO as previously considered by Officers. The facility would be supported by 4 full time staff and 4 part time staff and therefore would not result in the loss of the employment use and would not require assessment under the provisions of Saved Policy ER3 of the adopted Tendring District Local Plan 2007.

It was felt that given the current shortage of affordable homes in the District, facilities such as this played a vital role in providing short term accommodation for sections of society, which is supported by national policy.

Members were advised that the site is located within easy walking distance of the local convenience store and post office with other facilities and employment opportunities within the village. There were bus stops in close proximity to the site providing regular services to Walton, Frinton and Clacton, and also offering a service to Colchester. The sustainability of the site is reflected in the Council's inclusion of the site within the extended settlement development boundary in the emerging Local Plan.

The proposed use would see a reduction in residents to 9, which would in turn reduce the number of associated movements and potential for any noise or disturbance to neighbouring properties.

Officers considered that the proposal would ensure a vacant premises is brought back into use; facilitating new employment and providing a valuable contribution to the housing mix for the District in a sustainable location recognised by National and Local Plan policies. The application is therefore recommended for approval subject to conditions.

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.

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

(1) Removed from Agenda by Planning Committee Chairman to seek additional information.

At the meeting, Councillor John White declared that this item was deferred, further information was required.

17. A.4 PLANNING APPLICATION 19-01906-OUT - LAND WEST OF 70 CROME ROAD CLACTON ON SEA CO16 8YG

The Committee was reminded that this application was before it as the application was being made by Tendring District Council.

It was reported that the application related to a parcel of land approximately 0.06 hectares in size located to the west of 70 Crome Road within the Cann Hall estate, Clacton on Sea and sought outline planning permission with all matters reserved for the erection of 2 detached dwellings.

Members were advised that on 18th January 2019 the Portfolio Holder for Corporate Finance and Governance had decided to initiate the process to dispose of the land and to explore the opportunity to develop the land asset for 2 dwellings in order to support local housing provision. This disposal is formed part of the Council's land rationalisation project.

The Committee was informed that the site lay within the Clacton-on-Sea Settlement Development Boundary as defined within both the adopted Tendring District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017. As such the principle of siting 2 dwellings on this land was considered to be acceptable subject to the detailed considerations.

It was reported that the site was not safeguarded open space within either the adopted or emerging Local Plans and was surrounded by existing housing; the site had limited visual amenity value being devoid of any soft landscaping; and the site had limited recreational value lacking any street furniture. The amenity and recreational value of the land was therefore limited and its re-development for 2 dwellings was not considered to result in any significant harm.

Members were made aware that the plot size was considered sufficient to accommodate 2 dwellings in a manner which would not result in a cramped development providing sufficient private amenity space and parking for both dwellings, as demonstrated by the accompanying indicative layout plan. The resultant density would appear in keeping with the existing pattern of development and would not result in any significant harm to the character of the area.

The Committee was informed that the application had been accompanied by a completed unilateral undertaking securing the financial contribution toward recreational disturbance in accordance with the Essex coast Recreational disturbance Avoidance and Mitigation Strategy.

Officers considered therefore that sufficient space is was available on site to provide a development that, through the submission of a reserved matters application, could

achieve a development that would not detract from the character of the area or harm residential amenities. The application was therefore recommended 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 representations received and a recommendation of approval.

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

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

(1) Additional information was received from Tendring District Council Assets Team in relation to the decision to dispose of the land and how this contributed to the Council's corporate objectives and met Local Plan Policies. This additional information formed part of the application and is available to view online through Public Access.

Andrew Cartwright, a local resident, spoke against the application.

Following discussion by the Committee, it was moved by Councillor Alexander, seconded by Councillor Bray and RESOLVED that the Acting Assistant Director (Planning) (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to:

Conditions and Reasons:

1) Application for the approval of Reserved Matters must be submitted before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3) No development shall be commenced until plans and particulars of "the Reserved Matters" referred to in the above conditions relating to the Access, Appearance, Landscaping, Layout and Scale have been submitted to and agreed in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - The application as submitted does not provide sufficient particulars for consideration of these details.

4) Prior to the commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Construction Method Statement shall provide for:

- safe access to/from the site;

- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- wheel washing facilities;
- measures to control the emission of dust and dirt during demolition and construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- details of hours of deliveries relating to the demolition and construction of the development;
- details of hours of site clearance or construction;
- a scheme to control noise and vibration during the demolition and construction phase, including details of any piling operations.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason - In the interests of residential amenity and highway safety.

5) No above ground works shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the Local Planning Authority. The approved boundary treatment shall be implemented before the dwellings hereby permitted are occupied and retained in this approved form unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of providing adequate privacy for occupiers of the development and neighbouring residential properties and in the interests of visual amenity.

6) Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, C and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additions or alterations to the dwelling or its roof, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions and/or building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of residential amenities.

7) All new parking areas and areas of hardstanding shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area within the site.

Reason - In the interests of sustainable development and to minimise the risk of surface water flooding.

8) Any tandem vehicular parking shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles. If bounded by walls or enclosures this shall be 3.4 metres x 11 metres.

Reason - To ensure adequate space for parking off the highway is provided in the interest of highway safety.

9) No occupation of the dwellings shall take place until the following has been provided or completed:

- The extension of the footway on the east side of proposed dwelling accessed from Crome Road; southwards to a minimum width of 1.8 metres to the proposed driveway of the second dwelling.

Reason - To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

10) Scale of Development

To avoid neighbour amenity issues including loss of privacy, loss of outlook and loss of light, it is strongly advised that the scale of the development submitted at the reserved matters stages is for single storey properties only.

- Application returning for detail under reserved matters.

18. A.5 PLANNING APPLICATION 20-00160-FUL - NORTHBOURNE DEPOT VISTA ROAD CLACTON ON SEA CO15 6AY

The Committee was aware that this application had been referred as the applicant was Tendring District Council.

The application involved a proposed single storey extension to the existing storage building, extended compound and relocation of footpath.

Members were informed that the site was not allocated as Employment Land nor safeguarded for employment use in the Employment Land Review. Policy ER3 of the Tendring District Local Plan (2007) sought to ensure that land in or allocated for employment use would normally be retained for that purpose. The use of the site would be retained for employment purposes. The principle of development is was therefore considered to be acceptable subject to the detailed consideration.

Officers considered that the proposal would not result in any material harm to residential amenity or highway safety and would result in a slight visual improvement.

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 Manager (TF) in respect of the application.

Following discussion by the Committee, it was moved by Councillor Bray, seconded by Councillor Codling and unanimously RESOLVED that the Acting Assistant Director (Planning) (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to:

Conditions and Reasons:

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2) The development hereby permitted shall be carried out in accordance with the following approved plans:- 3447-PA-10, 3447-PA-11 and 3447-PA-12; received 5th February 2020.

Reason - For the avoidance of doubt and in the interests of proper planning.

3) Notwithstanding the requirement that the development hereby permitted shall be begun before the expiration of three years from the date of this permission; no obstruction of the current Public Footpath (Footpath No. 23) can take place unless/until the diversion under Section 257 of the Town & Country Planning Act 1990 (the authorising of the diversion of any footpath) is successful.

Reason - To ensure the continued safe passage of the public on the definitive right of way is maintained free and unobstructed at all times.

The meeting was declared closed at 9.00 pm

Chairman