



## PLANNING COMMITTEE

**DATE:** Tuesday, 19 January 2021  
**TIME:** 6.00 pm  
**VENUE:** Meeting to be held pursuant to provisions of Statutory Instrument 2020/392. Link to live stream will be available via <https://www.tendringdc.gov.uk/livemeetings>

### MEMBERSHIP:

Councillor White (Chairman)  
Councillor Bray (Vice-Chairman)  
Councillor Alexander  
Councillor Cawthron  
Councillor Casey

Councillor Fowler  
Councillor V Guglielmi  
Councillor Harris  
Councillor Placey

Most Council meetings are open to the public and press.

Agendas and Minutes are published on the Council's website [www.tendringdc.gov.uk](http://www.tendringdc.gov.uk). Agendas are available to view five working days prior to the meeting date and the Council aims to publish Minutes within five working days of the meeting.

Meeting papers can be provided, on request, in large print, in Braille, or on disc, tape, or in other languages.

For further details and general enquiries about this meeting, contact Ian Ford Email: [democraticservices@tendringdc.gov.uk](mailto:democraticservices@tendringdc.gov.uk) or Telephone on 01255686584.

DATE OF PUBLICATION: Monday, 11 January 2021

## AGENDA

### 1 **Apologies for Absence and Substitutions**

The Committee is asked to note any apologies for absence and substitutions received from Members.

### 2 **Minutes of the Last Meeting (Pages 1 - 18)**

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on Tuesday 15 December 2020.

### 3 **Declarations of Interest**

Councillors are invited to declare any Disclosable Pecuniary Interests or Personal Interest, and the nature of it, in relation to any item on the agenda.

### 4 **Questions on Notice pursuant to Council Procedure Rule 38**

Subject to providing two working days' notice, a Member of the Committee may ask the Chairman of the Committee a question on any matter in relation to which the Council has powers or duties which affect the Tendring District **and** which falls within the terms of reference of the Committee.

### 5 **A.1 - PLANNING APPLICATION – 20/00662/FUL – ANCHOR INN, HARWICH ROAD, MISTLEY, MANNINGTREE, CO11 1ND (Pages 19 - 40)**

Change of use of premises from a public house and residential unit to 2no. Residential units together with the associated demolition and removal of single storey attached outbuildings.

The application has been referred to the Planning Committee by Councillor Coley, a local Ward Member, due to the *“negative impact upon the neighbours, and as the Anchor Inn is the last remaining Public House in the centre of the Parish and serves the immediate surrounding community.”*

### 6 **A.2 - PLANNING APPLICATION – 20/01409/FUL – LAND ADJACENT 2 WIVENHOE ROAD, ALRESFORD, CO7 8AD (Pages 41 - 54)**

Variation of condition 2 of application 19/01261/FUL (approved on appeal APP/P1560/W/19/3244048) for revisions to plot one and access road.

This application is to be determined by the Planning Committee as one of the applicants is employed by Tendring District Council within the Planning Department.

### 7 **A.3 - PLANNING APPLICATION – 19/01910/LBC – TENDRING DISTRICT COUNCIL, CLACTON TOWN HALL, STATION ROAD, CLACTON-ON-SEA, C015 1SE (Pages 55 - 68)**

Restoration of Committee Room and associated works following the removal of a number of partition walls and the removal of false ceilings and associated works under previous approved application number 18/01498/LBC.

This Listed Building Consent application is referred to the Planning Committee as the applicant is Tendring District Council.

**Date of the Next Scheduled Meeting**

*The next scheduled meeting of the Planning Committee is to be held at 6.00 pm on Wednesday, 17 February 2021.*

# Tendring District Council



## PLANNING COMMITTEE MEETINGS PUBLIC SPEAKING SCHEME May 2017

This Public Speaking Scheme is made pursuant to Council Procedure Rule 38 and gives the opportunity for a member of the public and other parties identified below to speak to Tendring District Council's Planning Committee when they are deciding a planning application.

### TO WHICH MEETINGS DOES THIS SCHEME APPLY?

Usually any public meeting of the Council's Planning Committee, which are normally held every 4 weeks in the Council Chamber at the Council Offices, Thorpe Road, Weeley CO16 9AJ beginning at 6.00 pm. In some instances, the Planning Committee may be held at the Town Hall, Station Road, Clacton-on-Sea CO15 1SE and the public are encouraged to check the venue on the Council's Website before attending.

### WHO CAN SPEAK & TIME PERMITTED? All speakers must be aged 18 or over:

1. One member of the public who wishes to comment on or to speak in favour of the application or someone who produces a signed, written authority to speak on their behalf. A maximum of 3 minutes is allowed;
2. One member of the public who wishes to comment on or speak against the application or someone who produces a signed, written authority to speak on their behalf. A maximum of 3 minutes is allowed;
3. Where the proposed development is in the area of a Parish or Town Council, one Parish or Town Council representative. A maximum of 3 minutes is allowed;
4. All District Councillors for the ward where the development is situated ("ward member") or (if the ward member is unable to attend the meeting) a District Councillor appointed in writing by the ward member. Member(s) of adjacent wards or wards impacted by the proposed development may also speak with the agreement of the Chairman. Permission for District Councillors to speak is subject to the Council's Code of Conduct and the declarations of interest provisions will apply. A maximum of 5 minutes is allowed;
5. In accordance, with Council Procedure Rule 34.1, this Public Speaking Scheme takes precedence and no other Member shall be entitled to address or speak to the Planning Committee under Rule 34.1;
6. The applicant, his agent or representative; or (where applicable) one person the subject of the potential enforcement action or directly affected by the potential confirmation of a tree preservation order, his agent or representative. A maximum of 3 minutes is allowed; and

7. A member of the Council's Cabinet may also be permitted to speak on any application but only if the proposed development has a direct impact on the portfolio for which the Cabinet member is responsible. The Leader of the Council must approve the Cabinet Member making representations to the Planning Committee. A maximum of 3 minutes is allowed.

Any one speaking as a Parish/Town Council representative maybe requested to produce written evidence of their authority to do so, by the District Council's Committee Services Officer (CSO). This evidence may be an official Minute, copy of standing orders (or equivalent) or a signed letter from the Clerk to the Parish/Town Council and must be shown to the DSO before the beginning of the Planning Committee meeting concerned.

No speaker, (with the exception of Ward Members, who are limited to 5 minutes) may speak for more than 3 minutes on any agenda items associated with applications (such as a planning application and an associated listed building consent application). Speakers may not be questioned at the meeting, nor can any public speaker question other speakers, Councillors or Officers. Speakers are not permitted to introduce any photograph, drawing or written material, including slide or other presentations, as part of their public speaking.

All Committee meetings of Tendring District Council are chaired by the Chairman or Vice-Chairman (in their absence) whose responsibility is to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community. The Chairman of the Planning Committee therefore, has authority to use their discretion when applying the Public Speaking Scheme to comply with this duty.

#### **WHICH MATTERS ARE COVERED BY THIS SCHEME?**

Applications for planning permission, reserved matters approval, listed building consent, conservation area consent, advertisement consent, hazardous substances consent, proposed or potential enforcement action and the proposed or potential confirmation of any tree preservation order, where these are the subject of public reports to the Planning Committee meeting.

#### **HOW CAN I FIND OUT WHEN A MATTER WILL BE CONSIDERED?**

In addition to the publication of agendas with written reports, the dates and times of the Planning Committee meetings are shown on the Council's website. It should be noted that some applications may be withdrawn by the applicant at short notice and others may be deferred because of new information or for procedural reasons. This means that deferral takes place shortly before or during the Planning Committee meeting and you will not be able to speak at that meeting, but will be able to do so at the meeting when the application is next considered by the Planning Committee.

#### **DO I HAVE TO ATTEND THE PLANNING COMMITTEE MEETING TO MAKE THE COMMITTEE AWARE OF MY VIEWS?**

No. If you have made written representations, their substance will be taken into account and the Committee report, which is available to all Planning Committee Councillors, will contain a summary of the representations received.

#### **HOW DO I ARRANGE TO SPEAK AT THE MEETING?**

You can:-

Telephone the Committee Services Officer ("CSO") (01255 686585) during normal working hours on any weekday after the reports and agenda have been published,

## **OR**

On the day of the Planning Committee meeting, you can arrive in the Council Chamber at least 15 minutes before the beginning of the meeting (meetings normally begin at 6.00pm) and speak to the DSO.

If more than one person wants to speak who is eligible under a particular category (e.g. a member of the public within the description set out in numbered paragraph 1 above), the right to speak under that category will be on a “first come, first served” basis.

Indicating to the Chairman at a site visit that you wish to speak on an item is NOT formal notification or registration to speak; this must be made via the Committee Services Officer in the manner set out above.

### **WHAT WILL HAPPEN WHEN THE MATTER CONCERNED IS CONSIDERED?**

- Planning Officer presents officer report
- Public speaking takes place in the order set out above under the heading “WHO CAN SPEAK?”
- Officer(s) may respond on factual issues arising from public speaking and may sum up the key policies and material planning considerations relevant to the application
- Committee Members may ask Officers relevant questions and may move, debate and vote

Normally, the Committee then determines the matter, but sometimes the Councillors decide to defer determination, to allow officers to seek further information about a particular planning issue. If a matter is deferred after the public speaking, the Committee will not hear public speaking for a second time, unless there has been a substantial change in the application which requires representations to be made. The Executive Summary section of the Planning Committee Report will identify whether public speaking is going to be permitted on an application being reconsidered after deferral. If there is an update since the Report was published, the Council’s website will confirm this information.

### **WHAT SHOULD I SAY AT THE MEETING?**

Please be straightforward and concise and try to keep your comments to planning matters which are directly relevant to the application or matter concerned. Planning matters may include things such as planning policy, previous decisions of the Council on the same site or in similar circumstances, design, appearance, layout, effects on amenity, overlooking, loss of light, overshadowing, loss of privacy, noise or smell nuisance, impact on trees, listed buildings or highway safety.

Matters such as the following are not relevant planning matters, namely the effect of the development on property value(s), loss of view, personality or motive of the applicant, covenants, private rights or easements and boundary or access disputes.

Please be courteous and do not make personal remarks. You may wish to come to the meeting with a written statement of exactly what you want to say or read out, having checked beforehand that it will not overrun the 3 minutes allowed.

### **WHO DO I CONTACT FOR MORE INFORMATION?**

The Council's website will help you and you can also contact the relevant planning Case Officer for the matter. The name of the Officer is on the acknowledgement of the application or in the correspondence we have sent you.

Tendring District Council, Planning Services, Council Offices, Thorpe Road, Weeley,  
CLACTON-ON-SEA, Essex CO16 9AJ Tel: 01255 686161 Fax: 01255 686417  
Email: [planningservices@tendringdc.gov.uk](mailto:planningservices@tendringdc.gov.uk) Web: [www.tendringdc.gov.uk](http://www.tendringdc.gov.uk)

It always helps to save time if you can quote the planning application reference number.

**Monitoring Officer  
Tendring District Council  
in consultation with Head of Planning and  
Chairman of the Planning Committee  
(Council Procedure Rule 38)  
May 2017**

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**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,  
HELD ON TUESDAY, 15TH DECEMBER, 2020 AT 6.00 PM**

<b>Present:</b>	Councillors White (Chairman), Bray (Vice-Chairman), Alexander, Cawthron, Casey, Fowler, V Guglielmi, Harris and Placey
<b>Also Present:</b>	G Guglielmi and P Honeywood
<b>In Attendance:</b>	Ian Davidson (Chief Executive), Paul Price (Deputy Chief Executive & Corporate Director (Place and Economy)), Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), Graham Nourse (Assistant Director (Planning)), Trevor Faulkner (Planning Manager), Susanne Chapman-Ennos (Planning Team Leader), Alison Cox (Planning Officer), Amy Lang (Planning Officer), Keith Durran (Democratic Services Officer), Debbie Bunce (Legal and Governance Administration Officer) and Emma Haward (Leadership Support Assistant)

**78. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were none.

**79. MINUTES OF THE LAST MEETING**

It was moved by Councillor Bray and seconded by Councillor Harris and **RESOLVED** that the minutes of the last meeting of the Committee held on Tuesday 17 November 2020 be approved as a correct record.

**80. DECLARATIONS OF INTEREST**

Councillor Bray declared a personal interest in **Planning Application 19/01598/FUL – CROSSWAYS GARDEN CENTRE THORPE ROAD LITTLE CLACTON CLACTON ON SEA CO16 9RZ** due to being the Ward Member. He was not pre-determined.

Councillor V Guglielmi declared a personal interest in **Planning Application 20/00273/FUL – RIVERSIDE HOUSE RIVERSIDE AVENUE WEST LAWFORD MANNINGTREE CO11 1UN** due to being the Ward Member. She was pre-determined and therefore, did not vote on this application.

Councillor G Guglielmi declared a personal interest in **Planning Application 20/00273/FUL – RIVERSIDE HOUSE RIVERSIDE AVENUE WEST LAWFORD MANNINGTREE CO11 1UN** due to being the Ward Member.

Councillor Bray declared a personal interest in **Planning Application 20/01285/FUL – SPENDELLS HOUSE NAZE PARK ROAD WALTON ON THE NAZE CO14 8JJ** due to being a member of Frinton and Walton Town Council. He was not pre-determined.

**81. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

There were none on this occasion.

**82. A.1 PLANNING APPLICATION - 19/01598/FUL - CROSSWAYS GARDEN CENTRE THORPE ROAD LITTLE CLACTON CLACTON ON SEA CO16 9RZ**

Councillor Bray declared a personal interest in **Planning Application 19/01598/FUL – CROSSWAYS GARDEN CENTRE THORPE ROAD LITTLE CLACTON CLACTON ON SEA CO16 9RZ** due to being the Ward Member. He was not pre-determined.

It was reported that this application had been referred to the Planning Committee as it represented a departure from the adopted Tendring District Local Plan, as the site lay outside of the Settlement Development Boundary and due to viability issues the required contributions had not been fully provided.

The Committee was informed that this application sought full planning permission for the erection of 21 no. dwellings on a site which was a former garden centre. The site, whilst outside the Settlement Development Boundary in the Saved Plan, had been included within the Settlement Development Boundary in the Draft Plan and was therefore considered to be a sustainable location for residential development, which outweighed the potential for loss of employment land.

The design, density, scale and layout of development was considered by Officers to be acceptable and the impact on neighbouring resident’s amenities was not considered sufficient to warrant a reason for refusal.

The proposal did not provide the full financial contributions or affordable housing, however, this had been supported by a Financial Viability Assessment which had been independently assessed. It was therefore considered that the payments proposed were reasonable given the nature of the site.

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 (SCE) in respect of the application.

Robert Pomery, the agent acting on behalf of the applicant, spoke in support of the application.

During the Committee’s debate on this application, Members discussed and asked questions on the following matters:-

<b>Matters raised by a Committee Member:-</b>	<b>Officer’s response thereto:-</b>
Reference made to Essex County Council’s Ecology Report.	Reference was made to condition 17 whereby; no development could take place without the necessary assessment.
Concerns were raised regarding pedestrian access.	It was proposed that a condition be made for a pedestrian access as agreed by the applicant.
‘Little Clacton and Weeley’ ward had been noted incorrectly in the Officer report. It	It was confirmed that all figures were calculated according to the current ward

was asked if all figures were correct according to the current ward boundaries for 'Little Clacton'.	boundaries for 'Little Clacton' ward.
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Following discussion by the Committee, it was moved by Councillor Alexander, seconded by Councillor Harris and **RESOLVED**

that the Assistant Director (Planning) (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to:

(a) Within 6 (six) months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):

- Financial Contribution towards RAMS (£2,637.18)
- Primary Education Contribution (£91,456.50)
- Primary School Transportation (£90,744.57)
- Financial Contribution towards future speed reduction measures for Thorpe Road (£10,925)
- Affordable Housing Off-Site Financial Contribution (£120,000)
- Open Space financial contribution (£53,504.95)
- Management of amenity areas and open space by Management Company
- Review mechanism in relation to viability

(b) the following 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 Drawing Nos:

0493\_A\_DD\_001  
 0493\_A\_DD\_010/D  
 0493\_A\_DD\_011\_A  
 0493\_A\_DD\_012\_A  
 0493\_A\_DD\_013\_A  
 0493\_A\_DD\_014\_A  
 0493\_A\_DD\_015\_B  
 0493\_A\_DD\_016\_B  
 0493\_A\_DD\_017\_B  
 0493\_A\_DD\_018\_B  
 0493\_A\_DD\_019\_A  
 0493\_A\_DD\_020\_A  
 0493\_A\_DD\_021\_B  
 0493\_A\_DD\_022\_A  
 0493\_A\_DD\_023\_C

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

3. No development shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

Reason - To ensure that materials of an acceptable quality appropriate to the area are used and insufficient information has been submitted in this regard.

4. No development shall commence, including any groundworks, until a Construction Method Statement has been 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;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- 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.

5. Prior to commencement of the development the planning application drawings shall be revised and submitted to and approved in writing by the Local Planning Authority to show the following:

- a) A revision to the vehicle access and parking arrangements for Plots 6 to 10.
- b) Kerb radii measuring 6m.
- c) A straight section of carriageway to be provided from the entrance junction for 10 metres.
- d) Special junction detail featuring entrance ramp/table.
- e) 2x2m Footways on both sides of the access road/ bell mouth.
- f) Visibility splays clear of any parking spaces.
- g) 2 x 20 metre visibility splays at all junctions between a private road and adoptable road
- h) 6 metres in front of all parking spaces.
- i) A 0.5 metres no build zone on both sides of the 6-metre road.
- j) No windows, doors or other projections should extend over public areas.

- k) 1.5 x 1.5 metre pedestrian visibility splays at all vehicle accesses and clear of trees.
- l) 13.6 metres centre line bend radius kerbs on the 6-metre road and appropriate forward visibility (25 metres).
- m) The footways tapered to join the shared surface.

The development shall be carried out in accordance with the approved drawings.

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.

6. No occupation of the development shall take place until a priority junction off Thorpe Road to provide access to the proposal site has been completed. The junction shall include but not be limited to a 6.0-metre wide carriageway, 2no. 6 metre kerbed radii and a 2.4 x 180 metre visibility splay southbound and 2.4 x 205 metre visibility splay northbound.

Reason - To protect highway efficiency of movement and safety and to ensure the proposal site is accessible.

7. Prior to commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) 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.

Reason - To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety.

8. Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason - To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

9. Prior to occupation of the development each vehicular access shall be constructed at right angles to the highway boundary and to the carriageway. The width of the access at its junction with the highway shall not be more than 3.6 metres (equivalent of 4 low kerbs) for an individual access, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

Reason - To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

10. The proposed boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason -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.

11. No dwelling shall be occupied until such time as the vehicle parking area indicated on the approved plans, for that dwelling, has been hard surfaced, sealed and marked out in parking bays. 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 and that appropriate parking is provided.

12. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, (to include six one day travel vouchers for use with the relevant local public transport operator free of charge).

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.

13. No above ground development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction.

Reason - In the interests of visual amenity and the character of the area.

14. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details 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 interests of visual amenity and the character of the area.

15. No above ground development shall take place until precise details of the provision, siting, design and materials of screen walls and fences have been submitted to and approved in writing by the Local Planning Authority. The approved screen walls and fences shall be erected prior to the dwellings to which they relate being first occupied and thereafter be retained in the approved form.

Reason - To protect the amenities and privacy of occupiers and in the interest of visual amenity.

16. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Extended Phase 1, Bat Emergence and Reptile Surveys (Hillier Ecology, November 2019) already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason - To conserve and enhance Protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

17. No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the local planning authority.

The Reptile Mitigation Strategy shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason - To allow the Local Planning Authority to discharge its duties under the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

18. Prior to the commencement of development, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason - To enhance Protected and Priority Species/habitats and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

19. Prior to any above ground works, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason - To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

20. No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to 1.1l/s for all storm events up to an including the 1 in 100 year rate plus 40% allowance for climate change. If foul water is proposed to be treated and discharged to the watercourse then it should be done so within the 1.1l/s discharge rate in order to ensure that flood risk is not increased.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1:100 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. It should be noted that downstream defenders do not provide treatment for soluble metals and therefore, alone, are not a suitable form of treatment.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.



- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

21. Prior to first occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided. The development shall be maintained in accordance with the approved details.

Reason - To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

22. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason - To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

23. Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason: To prevent environmental and amenity problems arising from flooding.

24. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a scheme to assess the nature and extent of any contamination on the site, and any necessary remediation measures. The works shall be carried out in accordance with the approved details.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

25. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be erected or carried out except in

accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of the amenities of the occupants of neighbouring property.

26. Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no provision of buildings, enclosures, swimming or other pool shall be erected except in accordance with drawings showing the design and siting of such building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of the amenities of the occupants of neighbouring property.

Including an additional condition as follows:-

27. No development shall commence until details of a pedestrian footpath to the eastern side of the southern boundary have been submitted to and approved in writing by the Local Planning Authority. The footpath shall provide a link to the neighbouring development approved under application 18/01800/DETAIL. The footpath shall be provided in accordance with the approved details, prior to the first occupation of any development hereby permitted and maintained in perpetuity.

Reason – To ensure adequate pedestrian links, in the interest of highway safety.

Informatives:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. The applicant is reminded that this permission is linked to a planning obligation under Section 106 of the Town and Country Planning Act 1990.
3. Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).
4. Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
5. Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

6. It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

7. On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

8. The area(s) directly adjacent to the carriageway(s) in which the trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway. In paved areas, whether the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.

9. Any work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at: [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

10. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

11. With regard to the proposed landscaping scheme, it is advised that this should include new tree planting and that it would be desirable to retain the established hedgerow along the eastern boundary.

**83. A.2 PLANNING APPLICATION - 20/00273/FUL - RIVERSIDE HOUSE RIVERSIDE AVENUE WEST LAWFORD MANNINGTREE CO11 1UN**

Councillor V Guglielmi declared a personal interest in **Planning Application 20/00273/FUL – RIVERSIDE HOUSE RIVERSIDE AVENUE WEST LAWFORD MANNINGTREE CO11 1UN** due to being the Ward Member. She was pre-determined and therefore, did not vote on this application.

Councillor G Guglielmi declared a personal interest in **Planning Application 20/00273/FUL – RIVERSIDE HOUSE RIVERSIDE AVENUE WEST LAWFORD MANNINGTREE CO11 1UN** due to being the Ward Member.

It was reported that this application had been referred to the Planning Committee at the request of Councillor G Guglielmi as he felt that it was an overdevelopment of the site and there was a lack of residential amenities.

The Committee was made aware that the application related to the first and second floors above a commercial food-preparation outlet which sold fish and chips at the front of the building.

Members were informed that the site was centrally located within the Lawford 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. The principle of residential development in this location was therefore acceptable subject to detailed design and impact considerations. It was also recognised that the site unusually lay on a trading estate which was in this case a 'Principal Business and Industrial Area' within the adopted Local Plan 2007 where employment development was directed and sought to be retained. In this case, it was noted that the existing ground floor business (commercial food-preparation and Fish & Chip Shop), allowed on appeal in 2007, was to be retained and as such an employment generating use would not be lost from this site. Whilst it was unusual to find residential accommodation in such a location, it was material to note that the use of the first floor for residential use had already been established through the 2016 'Prior Approval' application to change the use from B1 (Business) to Residential flat. Furthermore, the site was considered highly sustainable as it was within walking distance of local shops and services and public transport (including Manningtree Railway Station).

The application sought retrospective full planning permission for the conversion of the first and second floors to three flats. Adequate access to a parking/turning area existed forward of the shop-front.

The building benefitted from a Prior Approval notification granted in June 2016 for the conversion of the first floor into one flat. The development which had been undertaken was the sub-division of the one flat in to two flats and a further flat at second floor level. Other alterations undertaken were the re-orientation of the extension to the side, thereby creating a specific entrance to the flats and containing the staircases internally to the original structure and the provision of an external staircase to provide an emergency fire escape/flood evacuation refuge.

Members were advised that the development was in a location supported by Local Plan policies and material considerations and would not, in the opinion of Officers, result in any material harm to the character of the area, residential amenities or highway safety.

The application was therefore recommended for approval subject to conditions and the completion of the required legal agreement.

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 (AC) in respect of the application.

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

(1) Paragraph 6.7 of the report to be corrected to read that the staircase has **not** yet been erected and it will, once erected, not cause harm to the character of the street scene.

Councillor G Guglielmi, a local Ward Member, spoke against the application on behalf of Lawford Parish Council.

During the Committee's debate on this application, Members discussed and asked questions on the following matters:-

<b>Matters raised by a Committee Member:-</b>	<b>Officer's response thereto:-</b>
Reference was made to cycle parking, it was asked where the location of parking was and what the need for this would be.	It was confirmed that cycle-parking allowed any development access to sustainable modes of transport, no location was submitted.
Concerns were raised regarding the staircase.	It was proposed that a condition be submitted with a timescale for the staircase to be erected.
Concerns were raised regarding fire safety and parking.	It was proposed that a condition be submitted for signage to be placed for emergency exits and markings for parking.

Following discussion by the Committee, it was moved by Councillor Cawthron, seconded by Councillor Fowler and:-

**RESOLVED** that the Assistant Director (Planning) (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to:

- (a) the completion of a legal agreement to account for contributions towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and toward improvements at the play area located on Heath Road, Tendring as set out in the table below:

CATEGORY	TERMS
Financial contribution towards RAMS.	£125.58 per dwelling

- (b) the following Conditions (and Reasons):-

1. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason - To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: RMJ/DW/03A, RMJ/DW/04A and RMJ/DW/05A; received 1st December 2020.

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

Including two additional conditions as follows:-

3. Within three months of the date of this permission, four cars parking spaces as indicated on drawing no. RMJ/DB/01 shall be marked out on the ground and signage should be provided which clearly indicates that the spaces are for the residential properties. These spaces shall thereafter be kept available at all times for the parking of vehicles associated with the residential properties.

Reason: To ensure adequate parking space is provided in accordance with the Council's adopted Parking Standards.

4. Within three months of the date of this permission, a safety platform (to provide a safe means of escape in the event of fire/flood) shall be erected and permanently retained in situ for the lifetime of residential occupation of the first and second floor accommodation.

Reason: To ensure adequate safety measures are put in place for the residential occupiers of the approved flats in terms of risks from fire and localised flooding.

Informatives:

Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways – reduced parking standards

In main urban areas with frequent and extensive public transport, cycling and walking links, the EPOA Parking Standards recommend that a reduced parking standard provision may be applied to residential developments. A reduced parking standard provision level can be applied to this proposal as it is located very close to regular public transport services and public car parking facilities.

Highways – works affecting the highway

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

**84. A.3 PLANNING APPLICATION - 20/01285/FUL - SPENDELLS HOUSE NAZE PARK ROAD WALTON ON THE NAZE CO14 8JJ**

Councillor Bray declared a personal interest in **Planning Application 20/01285/FUL – SPENDELLS HOUSE NAZE PARK ROAD WALTON ON THE NAZE CO14 8JJ** due to being a member of Frinton and Walton Town Council. He was not pre-determined.

It was reported that this application was before Members as the site was within the ownership of Tendring District Council. The Assistant Director of Housing and Environment had made the application.

The Committee was informed that this application related to Spendells House Sheltered Housing Scheme located on the southern side of Naze Park Road, Walton-on-the-Naze. The site lay within the Settlement Development Boundary of Walton-on-the-Naze as defined within both the adopted Tendring District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). A mixture of residential development comprising single and two storey dwellings, with five storey blocks of flats to the west, surrounded the site.

On 23rd March 2018 the decision had been made by Cabinet to close Spendells House due to very low demand from those eligible to live in sheltered housing; whilst homelessness applications and temporary accommodation placements had been increasing over recent years. Temporary accommodation was currently sourced externally via local property owners and bed and breakfast establishments.

Members were made aware that the development proposal consisted of a change of use from C3 (dwellinghouse) to a Sui Generis (Hostel accommodation). The building would provide council owned and managed temporary accommodation to households to whom the Local Housing Authority owed a statutory duty to accommodate under homelessness legislation. The development did not propose any significant external changes to the building. Internal alterations would consist of changes to the layout and accommodation including some new bathrooms, a fully accessible flat and staff/office areas, but overall the layout would remain largely unchanged.

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 in need, which was supported by national policy. Furthermore, the site was located in a highly sustainable, built up area within easy walking distance of a local convenience store, a café, the beach and other amenities. There was a bus stop to the front of the site providing regular services to Walton, Frinton and Clacton.

The proposal was for a residential use comparable to the residential use currently permitted within Spendells House. Whilst it was recognised that the proposed use would

adopt a more transient nature and include younger residents and families, officers did not consider that any material harm to the character of the area, residential amenities or highway safety would result.

It was felt that the development would ensure a vacant premises was brought back into use as council owned and managed temporary accommodation providing a better quality and more versatile provision than was currently available externally, thus providing a valuable contribution to the housing mix for the District in a sustainable location. The application was 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.

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

Councillor Paul Honeywood, Portfolio Holder for Housing, spoke in support of the application.

Tim R Clarke, the applicant, spoke in support of the application.

During the Committee's debate on this application, Members discussed and asked questions on the following matters:-

<b>Matters raised by a Committee Member:-</b>	<b>Officer's response thereto:-</b>
It was asked whether there would supervision present out of office hours.	It was confirmed that out-of-hours contact would be available from Tenancy Management staff; including Careline services.
Access to laundry and play facilities raised.	It was confirmed that play facilities for children living in the accommodation were within walking distance. Internal alterations included wash facilities also.
What was the timescale in which the alterations would be completed?	It was unknown when alterations would be completed, based on the application, a matter of months.

Following discussion by the Committee, it was moved by Councillor Bray, seconded by Councillor Alexander and unanimously:-

**RESOLVED** that the 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.

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

A2020/20/01 P	Proposed First Floor Plan
A2020/20/01 P	Proposed Ground Floor Plan
A2020/20/04 P	Proposed Elevations
A2020-02-03	Amended Site Plan and Block Plan
A2020/20/PARK	Parking Provisions and Public Transport Links

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

2. Prior to the beneficial use of the development details of public transport facilities (timetables and locations of bus stops etc), walking and cycling routes to shops and local amenities shall be made available to residents and prominently displayed and regularly updated and maintained in perpetuity within the site.

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport.

4. The development shall not be occupied until such time as the car parking provision and cycle store shown on the approved drawings have been hard surfaced, sealed and made available. The parking and cycle parking provision shall be retained in this form at all times for the sole purpose of parking in relation to the approved use.

Reason – To ensure parking provision for the site is maximised and retained in the interests of highway safety.

5. All new hardstanding and parking areas 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 or surface within the curtilage of the site.

Reason - In the interests of sustainable development and to ensure that run-off water is avoided to minimise the risk of surface water flooding.

6. No vehicle connected with construction works shall arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours shall be restricted to between the hours of 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

Reason – In the interests of residential amenities and noise sensitive premises in close proximity of the application site.

7. Prior to the occupation of the development hereby approved, precise details of the siting and appearance of the refuse and recycling stores 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 the approved form.

Reason – In the interests of visual amenity as insufficient details have been provided with the application.

Informatives:

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

The meeting was declared closed at 8.25 pm

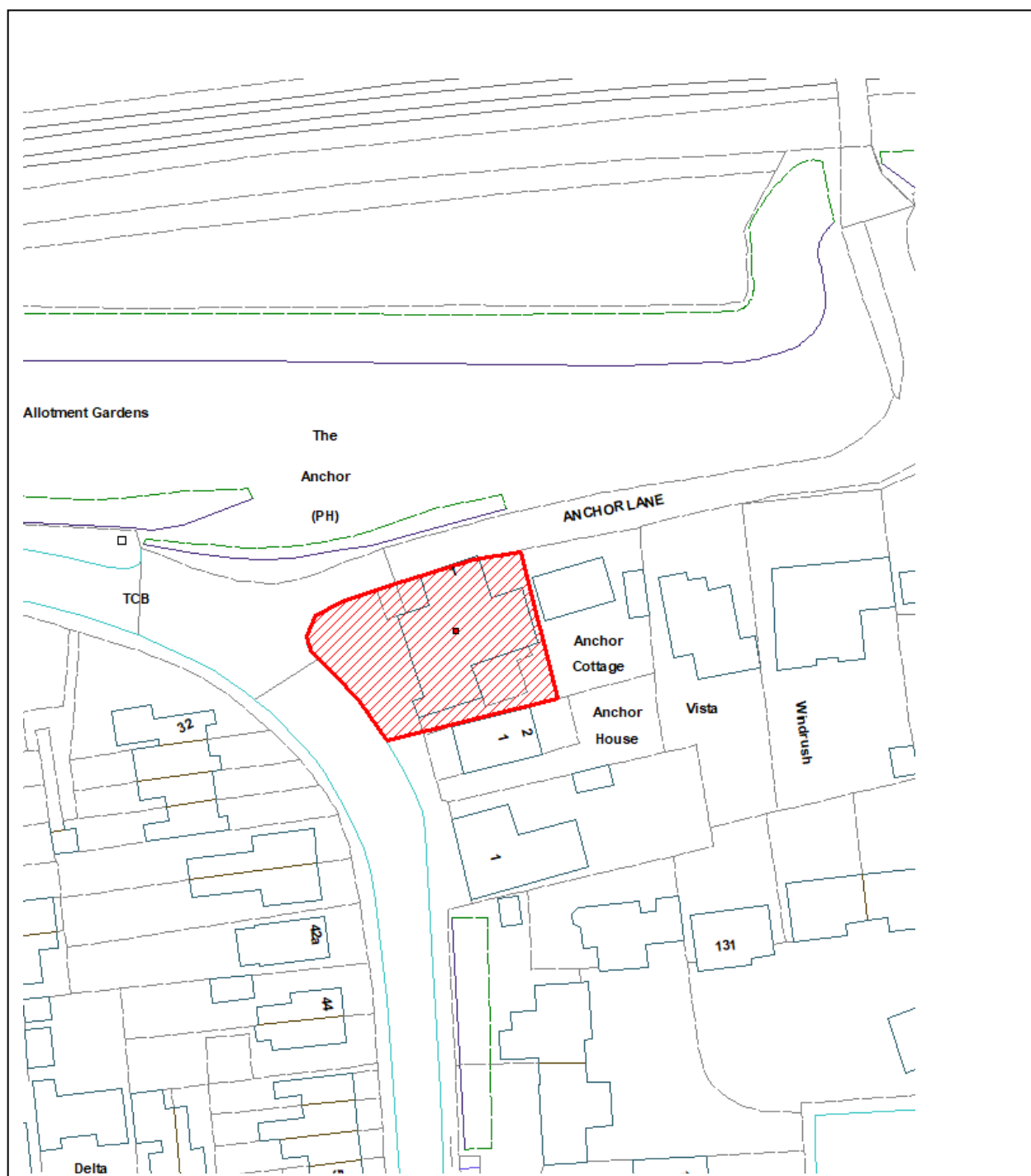
**Chairman**

## PLANNING COMMITTEE

19<sup>TH</sup> JANUARY 2021

### REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

#### A.1 PLANNING APPLICATION – 20/00662/FUL – ANCHOR INN HARWICH ROAD MISTLEY MANNINGTREE



## DO NOT SCALE

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**Application:** 20/00662/FUL

**Town / Parish:** Mistley Parish Council

**Applicant:** Ankerinn Ltd

**Address:** Anchor Inn Harwich Road Mistley Manningtree CO11 1ND

**Development:** Change of use of premises from a public house and residential unit to 2no. Residential units together with the associated demolition and removal of single storey attached outbuildings.

### 1. **Executive Summary**

- 1.1 The application is referred to the Planning Committee by Councillor Coley, due to the negative impact upon the neighbours, and as the Anchor Inn is the last remaining Public House in the centre of the Parish and serves the immediate surrounding community. The Anchor Inn is integral to the Parish and has a historical and cultural benefit. The Councillor has great sympathy for the situation the licensee finds himself in during the depth of the Coronavirus Pandemic. Operating a public house in these circumstances is extremely challenging. However, everything possible must be done to retain this facility within the community. Before the Anchor is lost to the community and replaced with two dwellings there must be clear evidence that this business is no longer viable. Before this application is approved the owner must provide evidence that it has been offered for sale as a going-concern and that a sale as a Public House has been impossible.
- 1.2 This application seeks planning permission for the change of use of the premises from a public house and residential unit to two residential units with the associated demolition and removal of the single storey attached outbuildings.
- 1.3 The application site is located within the defined Settlement Development Boundary for Mistley, as defined by the Saved Tendring District Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 1.4 It is considered that sufficient marketing information has been provided by the applicant to demonstrate that a sustained marketing campaign has been undertaken since July 2018. Supporting information demonstrates that the Anchor Inn has experienced an extended period of declining trade and has been vacant for a number of months. It is for this reason that the applicant has explored other uses for the property. The applicant has demonstrated that the proposed development complies with Policy COM3 of the Tendring District Local Plan, as the applicant has demonstrated that there is an alternative facility within walking distance and that the Anchor Inn is no longer viable and that reasonable attempts have been made to sell or let the premises for continued operation in its existing or last use without success.

- 1.5 The principle of residential development in this location is acceptable and subject to conditions there is not considered to be any material visual harm, harm to neighbouring amenities, harm to highway safety and parking provision or harm to the Conservation Area. A completed unilateral undertaking secures a financial contribution towards RAMs.
- 1.6 Mistley Parish Council recommend this application for refusal and 14 letters of objection have been received.

**Recommendation: Approval**

That the Head of Planning be authorised to grant planning permission for the development subject to:-

- a) Subject to the conditions stated in section 8.2

**2. Planning Policy**

- 2.1 The following Local and National Planning Policies are relevant to this planning application.

**National Policy:**

National Planning Policy Framework  
National Planning Policy Guidance

**Local Policy:**

Tendring District Local Plan 2007

QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
HG1	Housing Provision
HG6	Dwelling Size and Type
HG9	Private Amenity Space
HG14	Side Isolation
COM3	Protection of Existing Local Services and Facilities
COM6 Development	Provision of Recreational Open Space for New Residential

EN6A	Protected Species
EN11A	Protection of International Sites European Sites and RAMSAR Sites
EN17	Conservation Areas
EN29	Archaeology
TR1A	Development Affecting Highways
TR4	Safeguarding and Improving Public Rights of Way
TR7	Vehicle Parking at New Development

*Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)*

CP1	Sustainable Transport and Accessibility
HP2	Community Facilities
HP5	Open Space, Sports & Recreation Facilities
LP1	Housing Supply
LP2	Housing Choice
LP3	Housing Density and Standards
LP4	Housing Layout
PPL4	Biodiversity and Geodiversity
PPL7	Archaeology
PPL8	Conservation Area
SP1	Presumption in Favour of Sustainable Development
SPL1	Managing Growth
SPL3	Sustainable Design

**Status of the Local Plan**

2.2 The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are

unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

- 2.3 Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10<sup>th</sup> December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.
- 2.4 The Council is now making arrangements to formally adopt Section 1 of the Local Plan in its modified state and this is expected to be confirmed at the meeting of Full Council on 26<sup>th</sup> January 2021 – at which point will become part of the development plan and will carry full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan. In the interim, the modified policies in the Section 1 Local Plan, including the confirmed housing requirement, can be given significant weight in decision making owing to their advancement through the final stages of the plan-making process.
- 2.5 The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) is now expected to proceed in 2021 and two Inspectors have already been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.
- 2.6 Where emerging policies are particularly relevant to a planning application and can be given weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices.
- 2.7 In relation to housing supply:
- 2.8 The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.
- 2.9 At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate technically falls below 5 years – but this is only because, until the

modified Section 1 Local Plan is formally adopted at the end of January 2021, housing supply has to be calculated against a housing need figure derived through the government's 'standard methodology' – a figure that is significantly higher than the 'objectively assessed housing need' of 550 dwellings per annum in the Section 1 Plan and confirmed by the Inspector in his final report to be sound. Because of this technicality, the NPPF still requires that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations.

2.10 However, because the housing land supply shortfall is relatively modest when applying the standard method prescribed by the NPPF and significant weight can now be given, in the interim, to the sound policies in the modified Section 1 Plan (including the housing requirement of 550 dwellings per annum), the reality is that there is no housing shortfall and, on adoption of the Section 1 Plan, the Council will be able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years. Therefore, in weighing the benefits of residential development against the harm, the Inspector's confirmation of 550 dwellings per annum as the actual objectively assessed housing need for Tendring is a significant material consideration which substantially tempers the amount of weight that can reasonably be attributed to the benefit of additional new housing – particularly in the consideration of proposals that fall outside of the settlement development boundaries in either the adopted or the emerging Section 2 Local Plan.

### 3. **Relevant Planning History**

95/01303/CON	Demolition of single storey sections of existing building	Approved	13.12.1995
95/01304/FUL	Alterations and improvements	Approved	13.12.1995
05/00477/FUL	First floor side extension to extend living accommodation.	Approved	27.05.2005
15/01572/FUL	Creation of a one bedroom dwelling within part of the public house that was previously used for bed and breakfast purposes.	Refused	10.12.2015
20/00662/FUL	Change of use of premises from a public house and residential unit to 2no. residential units together with the associated demolition and removal of single storey attached outbuildings.	Current	
20/01190/ACV	Nominated and recorded on the List of Assets of Community Value held and maintained by		17.10.2020



## Tendring District Council.

### 4. Consultations

Essex County Council Heritage  
25.08.2020

The building is a non-designated heritage asset and is located in Manningtree and Mistley Conservation Area.

ECC Heritage have no objections to this application.

Essex County Council Archaeology  
28.07.2020

The above planning application has been identified on the weekly list as having the potential to harm a non-designated heritage asset.

The Essex Historic Environment (HER) Record shows that the building proposed for conversion is a historic public house which is depicted on the 1st edition OS map and so must predate c.1870. It is located within the historic settlement of Mistley and within the Conservation Area. The Anchor Inn is a two storey building comprising two abutting ranges. The older range fronts Harwich Road and has sash windows. The building is clad in white painted timber weatherboarding with slate roofs and a veranda along the northern range. The application fails to provide any information on the survival of any historic features within the building.

Public Houses are facing a high rate of loss through demolition and conversion in recent times and the origin, structure and evolution of the heritage asset should be preserved by record prior to its conversion.

The following recommendations are made in line with the National Planning Policy Framework:

RECOMMENDATION: Historic building record.

1. No demolition or conversion can commence until a historic building record has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority.

2. Following completion of the historic building record, the applicant will submit to the local planning authority a report ready for deposition with the EHER.

Further Recommendations:

A brief outlining the level of historic building recording will be issued from this office on request. Tendring District Council should inform the applicant of the recommendation and its financial implications.

ECC Highways Dept  
30.07.2020

Due to COVID-19 restrictions, no site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth photo dated May 2019. It is noted that the entire forecourt of the property is currently in use for parking in association with the present use of the premises and this will

form the main parking area for the two residential units, other than the provision of a small amount of landscaping immediately in front of the existing building.

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. The proposed development shall not be occupied until such time as a domestic car parking for a minimum of two vehicles has been provided for each residential unit in accordance with the Parking Standards, details to be agreed with the Local Planning Authority. The agreed car parking shall be retained at all times for such purpose.

Reason: To ensure that on street parking of vehicles in the adjoining streets/roads does not occur and that appropriate parking is provided in accordance with Policy DM8.

2. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

3. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

4. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative 1: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 2: All work within or affecting the highway is to be

laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

## **5. Representations**

- 5.1 Mistley Parish Council have commented on this application and have stated that they recommend refusal. Refusal being on the grounds of there being no evidence to demonstrate that the public house has been marketed and no evidence of the business being un-viable under an improved business case - possibly with a different public house owner. The change of use would be a loss of amenity in the community as this is the only public house in the Village. The Committee asked for District Councillor Coley to "call-in" the application such that it is determined by the LPA's Planning Committee as opposed to an Officer delegated decision.
- 5.2 14 letters of objection have been received with a summary below:
- Pub unviable due to unwelcoming landlord
  - Trade wound down and asking an unrealistic price for potential purchasers
  - Pub a focal point of the community in Mistley
  - Landlord has a record of winding down pubs to allow for redevelopment
  - 150 year old pub could be up to 260 years old
  - New local development will ensure the pub is viable
  - No local need for two residencies on the site
  - No need for any more houses

## **6. Assessment**

### Site Context

- 6.1 This is a long established public house situated on a prominent corner plot at a right angle bend in the road at the junction of Harwich Road with Anchor Lane, which is an unmade road running down the northern boundary of the site and onwards in an easterly direction to serve a number of residential properties.
- 6.2 The site is within the Manningtree and Mistley Conservation Area and lies in an elevated position. The land drops sharply down to the north and west towards the Stour estuary, with rough ground and allotments separating Anchor Lane and the shoreline to the estuary.

- 6.3 The main part of the building, currently utilised as a public house, is a two storey twin flank gabled design, with a two-storey gable fronted pitch-roofed element incorporating veranda to the front to its northern side. The building is clad in white painted weatherboarding. There are a number of single storey attached structures to the rear which appear to have been added at varying recent times which it is proposed should be demolished.
- 6.4 Part of the ground floor is currently the Public House element of the building whilst part that located alongside Anchor Lane, together with the first floor in its entirety is currently in use for residential purposes.
- 6.5 The public house is currently vacant.

#### Planning History

- 6.6 Planning permission was refused under planning application reference 15/01572/FUL for the creation of a one bedroom dwelling within part of the public house that was previously used for bed and breakfast purposes. The application was refused as the proposal was contrary to Policy ER3 of the Tendring District Local Plan 2007 as the supporting evidence did not demonstrate that other forms of employment had been explored and a sustained marketing campaign had been undertaken. The second reason for refusal related to the lack of private amenity space provided.

#### Proposal

- 6.7 This application seeks planning permission for the change of use of premises from a public house and residential unit to 2no. Residential units together with the associated demolition and removal of single storey attached outbuildings.

#### Principle of Development

- 6.8 The application site falls within the Settlement Development Boundary for Mistley in both the 2007 Adopted Local Plan and the Emerging 2013-2033 Tendring Local Plan Publication Draft.
- 6.9 Paragraph 85 of the National Planning Policy Framework (2019) states planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
- 6.10 Supporting information demonstrates that the Anchor Inn has experienced an extended period of declining trade and has been vacant for a number of months. It is for this reason that the applicant has explored other uses for the property.
- 6.11 Saved Policy COM3 of the adopted Local Plan seeks to protect community facilities. The policy has three limbs, of which one (either a, b or c) must be met to justify the loss of an existing community facility.
- 6.12 To comply with Policy COM3 applicants must demonstrate their compliance with one limb of the policy (a, b, or c). Here it is notable that the Mistley Thorn (High Street,

Mistley, Essex CO11 1HE) is located approximately 370 metres from the property and therefore the application can demonstrate compliance with COM3a.

- 6.13 The proposal will see the change of use of the Public House (Sui Generis) and Residential (C3) into Residential (C3).
- 6.14 Information has been supplied to demonstrate that a sustained marketing campaign has been undertaken.
- 6.15 The marketing information submitted can be summarised as follows:
- The marketing for the public house commenced in mid July 2018 through to the present day;
  - The property was marketed by Christie & Co (a leading specialist company dealing with the sale of public houses) on a freehold basis for offers in the region of £425,000.
  - Christie & Co has 70,000 users and the sales particulars were emailed to 1650 potential applicants;
  - Christie & Co has confirmed that although 10-15 applicants viewed the sale particulars online per week, which resulted in a number of conversations with potential applicants, it did not generate any offers for the property. All potential applicants were made aware of the potential for alternative business uses that may be suitable subject to any necessary planning permission being obtained; and
  - Correspondence is also submitted from a firm of Chartered Accountants which states that the Public House has incurred losses for the last 8 years despite every effort being made to make the business successful. Indeed, in December 2019 the business was de-registered for VAT due to declining turnover.
- 6.16 It is, therefore considered that the information supplied has demonstrated that the site is no longer viable or suitable for any form of employment use.
- 6.17 Consequently, the applicant has demonstrated that there are alternative facilities within walking distance (COM3a); that the facility is no longer viable; and that reasonable attempts have been made to sell or let the premises for continued operation in its existing or last use without success (COM3c).
- 6.18 As such, the principle of residential development here is acceptable as the scheme has demonstrated that there will be no unnecessary loss of a community facility. The site lies within a sustainable location and the principle of residential development is acceptable subject to the detailed considerations as set out below.

#### Asset of Community Value

- 6.19 The Localism Act 2011 gave communities a number of rights to help them take greater control over the way their local area develops and the way services are provided. One of these rights is to help communities keep buildings or land which they value in community use if they are disposed of by the owner. This may be a public building such as a community centre or a police station, or it may be a privately owned building such as a shop or a pub. This right is known as the community right to bid and buildings or land which are protected are known as 'assets of community value' (ACV).

- 6.20 The Localism Act requires local authorities to keep a register of these community assets so that if an owner decides to sell a listed property, the community is given the opportunity to bid to buy it and keep its community use. It is not the purpose of such a designation to prevent the redevelopment or change of use of an ACV in perpetuity.
- 6.21 The first element introduces a 6 week interim period, which will apply in all cases; from the point when the owner notifies the Local Authority. This will allow community interest groups to make a written request to be treated as a potential bidder. If none come forward within this prescribed period, the owner is free to sell their asset at the end of the 6 week period. If a community interest group as defined in regulation 12 of the Regulations (referring to the bodies in paragraph (1) (d) to (g) of regulation 5) does make a request during this interim period, then a full 6 month moratorium (again from the point the owner notifies the Local Authority) will operate. During this period, the owner may continue to market and negotiate sales, but may not exchange contracts (or enter into a binding contract to do so later). There is one exception. The owner may sell to a community interest group during the moratorium period. After the moratorium period – either the 6 weeks if there has been no community interest, or the full 6 months – the owner is free to sell to whomever they choose and at whatever price, and no further moratorium will apply for the remainder of a protected period lasting 18 months (running from the same start date when the owner notified the local authority of wishing to sell). The process and lengths of the moratorium periods are contained in section 95 of the Act.
- 6.22 If the nomination is accepted the Council will include the asset on the ACV list, give notice of its inclusion to the nominator, owner, freeholder, leaseholders and lawful occupiers, include the listing on the Local Land Chargers Register and enter a restriction on the Land Register.
- 6.23 An application was made by Mistley Parish Council on 14 August 2020 to nominate the Anchor Inn as an Asset of Community Value. The Council notified the relevant parties of the nomination. The proposal was heard at the Council's Cabinet Meeting on 9 October 2020 and agreed that the proposal met the criteria and it was added to the Council's ACV List. A restriction on the Land Register Title Document for the property has yet to be confirmed.
- 6.24 The inclusion of the site as an ACV is a material planning consideration but not in itself a reason to withhold planning permission for a change of use of the premises. However, as stated above, notwithstanding any planning permission that may be granted, the ACV designation means that before any sale of the premises it must follow the procedures set down in the Localism Act 2011 in terms of the right for the community to 'bid' to buy the premises to retain its community use.

#### Design, Layout and Appearance

- 6.25 Paragraphs 127 and 170 of the National Planning Policy Framework (2019) states that developments should function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history, including the surrounding built environment and landscape setting and planning policies and decisions should contribute to and enhance the natural and local environment by, inter alia, recognising

the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.

- 6.26 Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan 2007 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design. Policy SPL3 of the emerging Tendring District Local Plan Publication Draft 2017 carries forward these sentiments stating that all new development must make a positive contribution to the quality of the local environment and protect or enhance local character.
- 6.27 The proposed development involves the conversion of the public house and residential to the first floor to a one bedroom dwelling and a three bedroom dwelling.
- 6.28 The plans provided demonstrate that there will be some changes to the fenestration to the ground floor rear elevation and the introduction of a door to the side elevation as well as changes to the rear of the building where the external façade will be provided with white painted weatherboarding to match the remainder of the building. The changes are considered acceptable in terms of design and appearance.
- 6.29 Policy HG9 of the Tendring District Local Plan 2007 states that for houses with three or more bedrooms a minimum of 100 square metres of private amenity space is required, for a two bedroom dwelling, a minimum of 75 squares is required and for a one bedroom dwelling, a minimum of 50 square metres is required.
- 6.30 The plans provided demonstrate that there is approximately 50 square metres of private amenity space provided for the one bedroom dwelling and approximately 100 square metres for the three bedroom dwelling. The proposed development therefore complies with Policy HG9 of the Tendring District Local Plan 2007.

#### Impact to Neighbouring Amenities

- 6.31 The NPPF, in paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'.
- 6.32 The only external changes to the rear elevation are to the ground floor rear elevation and the white painted weatherboarding. The rear first floor windows are being retained, it is therefore considered that the proposal will not cause any additional impact upon the neighbouring amenities to the rear.

#### Highway Safety and Parking Provision

- 6.33 County Highways have noted that the entire forecourt of the property is currently in use for parking in association with the present use of the premises and this will form the main parking area for the two residential units, other than the provision of a small amount of landscaping immediately in front of the existing building. Accordingly, they have no objections subject to conditions relating to car parking area, cycle parking,

residential travel pack and storage of materials. The cycle parking condition will not be imposed as there is sufficient space within the private amenity space to provide cycle parking. The application is for a minor application and therefore a residential travel pack would not be reasonable. The storage of building materials will be imposed as an informative.

- 6.34 Furthermore, the Council's Adopted Parking Standards require that for a dwelling with one bedroom, one parking space is required or for a dwelling with two or more bedrooms that a minimum of two parking spaces are required. Parking spaces should measure 5.5m x 2.9 metres and garages, if being relied on to provide a parking space, should measure 7m x 3m internally.
- 6.35 A parking feasibility plan has been provided to demonstrate that both dwellings will be served by two parking spaces both measuring 5.5 metres by 2.9 metres in line with Essex Parking Standards.

#### Trees and Landscaping

- 6.36 There are no trees or other significant vegetation on the application site. A soft landscaping condition will be imposed to facilitate a degree of new planting that would soften and enhance the character and appearance of the Conservation Area.

#### Heritage Impact

- 6.37 Policy EN17 of the Tendring District Local Plan 2007 and Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016) state that development within a Conservation Area must preserve or enhance the special character or appearance of the Conservation Area.
- 6.38 The ECC Historic Environment Team have been consulted on this application have stated that the building is a non-designated heritage asset and is located in Manningtree and Mistley Conservation Area. However, they have no objections to the proposed works from a heritage perspective.

#### Archaeology

- 6.39 ECC Place Services Archaeology Team have identified this application as having the potential to harm a non-designated heritage asset. The Essex Historic Environment (HER) Record shows that the building proposed for conversion is a historic public house which is depicted on the 1st edition OS map and so must predate c.1870. It is located within the historic settlement of Mistley and within a Conservation Area. The 'Anchor Inn' is a two-storey building comprising two abutting ranges. The older range fronts Harwich Road and has sash windows. The building is clad in white painted timber weatherboarding with slate roofs and a veranda along the northern range. The application fails to provide any information on the survival of any historic features within the building.
- 6.40 Public Houses are facing a high rate of loss through demolition and conversion in recent times and the origin, structure and evolution of the heritage asset should be preserved by record prior to its conversion. Conditions will be imposed to ensure that no demolition or conversion can commence until a historic building record has been



secured and undertaken in accordance with a Written Scheme of Investigation. A condition will also be imposed following completion of the historic building record a report will be submitted to the LPA.

#### Legal Obligations – Open Space

- 6.41 Policy COM6 of the adopted Tendring District Local Plan 2007 states *"For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built"*.
- 6.42 No contribution is requested from the TDC public realm team in this instance.

#### Habitat Regulations Assessment

- 6.43 Following Natural England's recent advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation). Within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings.
- 6.44 Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.
- 6.45 The application scheme proposes a new dwelling on a site that lies within the Zone of Influence (Zoi) being is approximately 0.3km away from Stour and Orwell Estuaries RAMSAR and SPA.
- 6.46 In accordance with Natural England's advice there is no requirement to consult them due to the specified mitigation.
- 6.47 New housing development within the Zoi would be likely to increase the number of recreational visitors to the Stour Orwell Estuary and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.
- 6.48 A completed unilateral undertaking has been received to secure the financial contribution required to mitigate against any recreational impact from the new dwelling and to ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

## **7. Conclusion**

- 7.1 The site is located within the settlement development boundary and is considered to represent a sustainable form of development that accords with the aims of national and local plan policy.
- 7.2 Officers consider that sufficient marketing information has been submitted which demonstrates that a sustained marketing campaign has been undertaken. The proposed conversion to two dwellings is acceptable in terms of design and appearance, there is no harm to neighbouring amenities, the development complies with highway safety and parking provision and there is no impact upon the Conservation Area. Conditions have been recommended with regards to Archaeology and a completed unilateral undertaking has been received to secure a financial contribution towards RAMs. The application is, therefore recommended for approval.

**8. Recommendation**

- 8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informative and the prior completion of a section106 legal agreement with the agreed Heads of Terms, as set out in the table below:

CATEGORY	TERMS
Financial contribution towards RAMS.	£125.58 per dwelling

**8.2 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 and document:

- Site Plan and Block Plan scanned 28<sup>th</sup> May 2020
- Drawing Number 2014/5 – Ground Floor as Proposed
- Drawing Number 2014/6 Rev A – First Floor as Proposed
- Drawing Number 2014/7 – Proposed Front/Rear Elevations
- Drawing Number 2014/8 – Proposed Side Elevations
- Drawing Number 2014/9 - Parking Feasibility Plan
- Marketing Information scanned 28<sup>th</sup> May 2020
- Planning Statement scanned 28<sup>th</sup> May 2020
- Additional Information from Agent scanned 07 December 2020

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

3. 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.

4. 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.

5. 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.

6. 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.

7. No demolition or conversion can commence until a historic building record has been secured and undertaken in accordance with a Written Scheme of Investigation, shall be submitted to and approved in writing by the Local Planning Authority.

Reason -The proposed development is located within an area with potential for below ground archaeological deposits

8. Following completion of the historic building record, the applicant is required to submit a report ready for deposition with the Essex Historic Environment Record, which shall be submitted to and approved in writing by the Local Planning Authority

Reason -The proposed development is located within an area with potential for below ground archaeological deposits

9. Prior to the commencement of any above ground works, a scheme of hard and soft landscaping works 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 and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction.

Reason - To enhance the visual impact of the proposed works

10. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details 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 - To ensure that the landscaping scheme is suitably implemented within an appropriate timescale.

11. The proposed development shall not be occupied until such time as a domestic car parking for a minimum of two vehicles has been provided for each residential unit in accordance with the Parking Standards, details to be agreed with the Local Planning Authority. The agreed car parking shall be retained at all times for such purpose.

Reason- To ensure that on street parking of vehicles in the adjoining streets/roads does not occur and that appropriate parking is provided

12. No development shall take place until the ground conditions on the site have been subject to a Risk Assessment. This will enable Tendring District Council to decide whether the site is suitable for its proposed use prior to any development taking place.

Reason- There are a number of areas of contaminated land within and surrounding this site.

### 8.3 Informatives

#### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

#### Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

#### Highways Informatives

Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 – Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

#### Environmental Protection

*The Risk Assessment*

This will incorporate a 'phase one' assessment in the form of a desktop study/site walkover report. This will include a review of previous investigations; previous uses; potential sources of contamination; and potential pathways and receptors. If necessary, this shall be followed up by a 'phase two' risk assessment that shall incorporate a detailed intrusive investigation referring to the phase one study.

## **9. Additional Considerations**

### Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:
  - 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
  - 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

### Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and

correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

#### Finance Implications

- 9.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 9.12 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

#### **10. Background Papers**

- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link.

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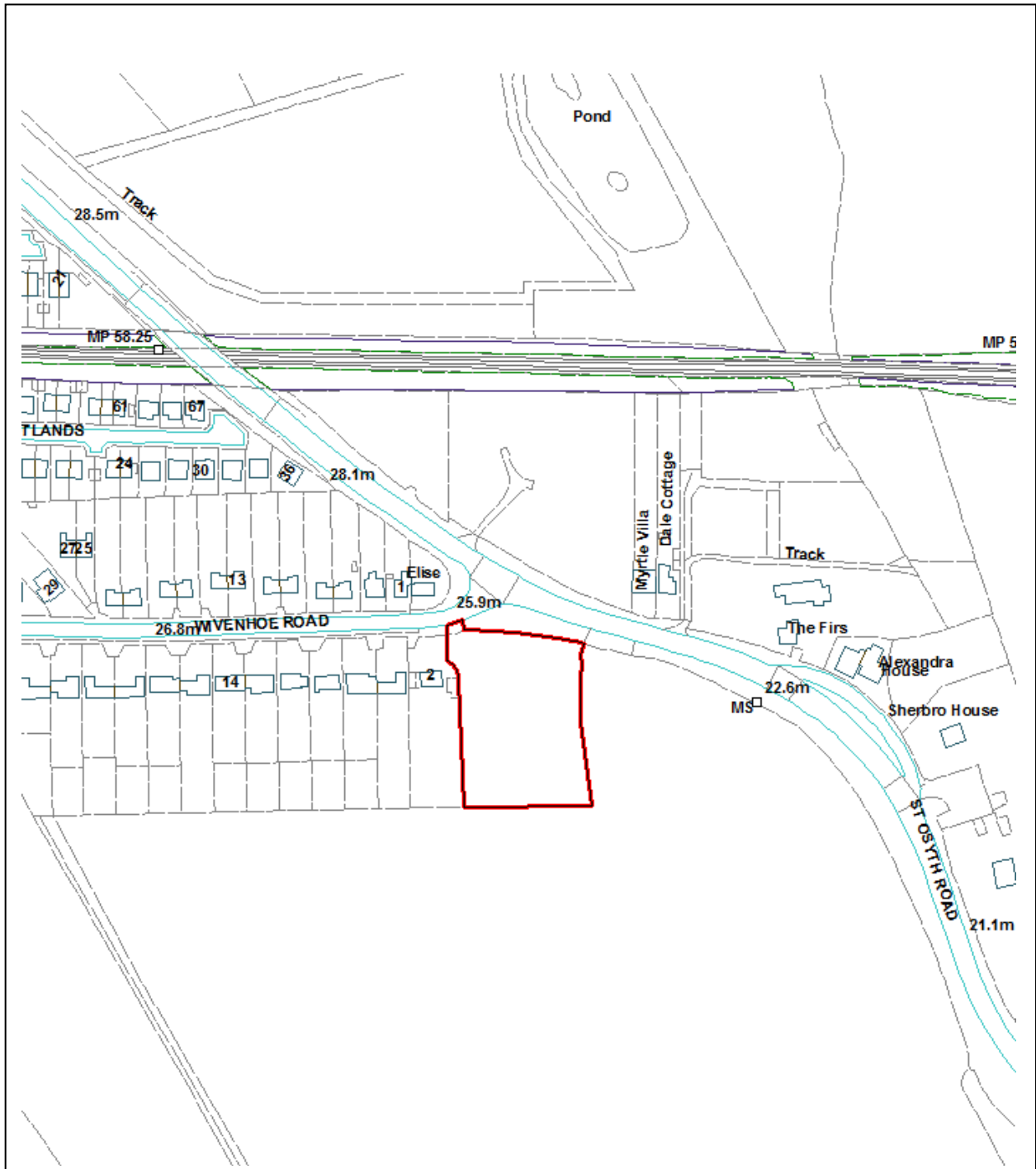


## PLANNING COMMITTEE

19<sup>TH</sup> JANUARY 2021

### REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

#### **A.2 PLANNING APPLICATION – 20/01409/FUL – LAND ADJACENT 2 WIVENHOE ROAD ALRESFORD CO7 8AD**



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**Application:** 20/01409/FUL

**Town / Parish:** Alresford Parish Council

**Applicant:** Mr & Mrs K Pope

**Address:** Land adjacent 2 Wivenhoe Road Alresford CO7 8AD

**Development:** Variation of condition 2 of application 19/01261/FUL (approved on appeal APP/P1560/W/19/3244048) for revisions to plot one and access road.

## 1. **Executive Summary**

- 1.1 This application is to be determined by the Planning Committee as one of the applicants is employed by Tendring District Council within the Planning Department.
- 1.2 The application site is located within the defined Settlement Development Boundary for Alresford, as defined by the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). The principle for residential development is therefore acceptable.
- 1.3 The proposal is for a variation to the approved planning permission for this site, which was recently allowed on appeal. The proposal was for erection of three dwellings on this site.
- 1.4 The submitted plans show a reconfiguration to the approved turning head and changes to Plot 1 in terms of the rear elevation including the introduction of a rear gabled section along with new rooflights to the rear and side roofslopes.
- 1.5 The proposed variation would not represent a significant departure from the approved scheme. It would not result in harm to the existing trees or to neighbouring amenities. County Highways support the application subject to conditions. A legal agreement to cover financial contributions towards Open Space and RAMS was completed as part of the approved application. Therefore, subject to a number of conditions, the application is recommended for approval.

**Recommendation: Approval**

That the Head of Planning be authorised to grant planning permission for the development subject to:-

- a) Subject to the conditions stated in section 8.2

**2. Planning Policy**

2.1 The following Local and National Planning Policies are relevant to this planning application.

*NPPF National Planning Policy Framework*

*National Planning Practice Guidance*

*Tendring District Local Plan 2007:*

COM6 Provision of Recreational Open Space for New Residential Development

EN1 Landscape Character EN6a Protected Species

EN11A Protection of International Sites: European Sites and RAMSAR Sites

EN29 Archaeology

HG1 Housing Provision

HG3 Residential Development within Defined Settlements

HG6 Dwelling Size and Type

HG9 Private Amenity Space

HG14 Side Isolation

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

*Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)*

LP1	Housing Supply LP2 Housing Choice
LP4	Housing Layout
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
PPL7	Archaeology
SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design

**Status of the Local Plan**

- 2.2 The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.
- 2.3 Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10<sup>th</sup> December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.
- 2.4 The Council is now making arrangements to formally adopt Section 1 of the Local Plan in its modified state and this is expected to be confirmed at the meeting of Full Council on 26<sup>th</sup> January 2021 – at which point will become part of the development plan and will carry full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan. In the interim, the modified policies in the Section 1 Local Plan, including the confirmed housing requirement, can be given significant weight in decision making owing to their advancement through the final stages of the plan-making process.

- 2.5 The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) is now expected to proceed in 2021 and two Inspectors have already been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.
- 2.6 Where emerging policies are particularly relevant to a planning application and can be given weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices.
- 2.7 In relation to housing supply:
- 2.8 The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.
- 2.9 At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate technically falls below 5 years – but this is only because, until the modified Section 1 Local Plan is formally adopted at the end of January 2021, housing supply has to be calculated against a housing need figure derived through the government's 'standard methodology' – a figure that is significantly higher than the 'objectively assessed housing need' of 550 dwellings per annum in the Section 1 Plan and confirmed by the Inspector in his final report to be sound. Because of this technicality, the NPPF still requires that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations.
- 2.10 However, because the housing land supply shortfall is relatively modest when applying the standard method prescribed by the NPPF and significant weight can now be given, in the interim, to the sound policies in the modified Section 1 Plan (including the housing requirement of 550 dwellings per annum), the reality is that there is no housing shortfall and, on adoption of the Section 1 Plan, the Council will be able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years. Therefore, in weighing the benefits of residential development against the harm, the Inspector's confirmation of 550 dwellings per annum as the actual objectively assessed housing need for Tendring is a significant material consideration which substantially tempers the amount of weight that can reasonably be attributed to the benefit of additional new housing – particularly in the consideration of proposals that fall outside of the settlement development boundaries in either the adopted or the emerging Section 2 Local Plan.

### 3. Relevant Planning History

01/01197/FUL	01/01877/FUL Change of use from agricultural to domestic	Approved	20.09.2001
01/01877/FUL	Timber garage	Approved	12.12.2001
06/01419/TPO	1 No. Oak - -remove all epicormic growth. Crown lift to 6 metres over road.	Approved	29.09.2006
13/00833/OUT	Outline application for 5 new dwellings.	Refused	14.11.2013
14/01144/OUT	Outline application for 5 dwellings (revised application following refusal 13/00833/OUT).	Withdrawn	01.04.2015
15/30239/PREAPP	Erection of 3 bed dwelling.		08.10.2015
15/01686/FUL	Construction of a new single storey low impact sustainable dwelling. The proposal will incorporate the provision of a driveway and double garage.	Approved	11.02.2016
18/01381/FUL	Residential development of 3 dwelling houses.	Refused	24.10.2018
18/01775/FUL	Proposed residential dwelling house and garage.	Approved	16.01.2019
19/01261/FUL	Residential development of 3no. dwelling houses.	Refused	25.10.2019
		Allowed on Appeal	14.08.2020
20/01409/FUL	Variation of condition 2 of application 19/01261/FUL (approved on appeal APP/P1560/W/19/3244048) for revisions to plot one and access road.	Current	

#### 4. Consultations

ECC Highways  
07.12.2020

It is noted that this application concerns variation of Condition 2, revisions to plot one and the access road; the vehicle access and allocated parking is unaffected by the change, therefore: the Highway Authority does not object to the proposals as submitted and in accordance with the revised drawings.

Informative:

1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Development Management Team  
Ardleigh Depot,  
Harwich Road,  
Ardleigh,  
Colchester, CO7 7LT

TDC Building Control and  
Access Officer  
20.11.2020

No adverse comments at this time.

TDC Tree & Landscape  
Officer  
18.11.2020

The proposed changes to the vehicular access will slightly reduce the visual impact of the development proposal on the street scene and the application is consequently an improvement on the existing approved planning permission to develop the land.

No trees or other significant vegetation will be adversely affected by the development proposal.

#### 5. Representations

- 5.1 Alresford Parish Council have no objections
- 5.2 One letter has been received raising no objections to the proposal

## 6. Assessment

### Site Context

- 6.1 The application site is located at the eastern edge of Alresford comprising of an open parcel of land situated to the end of a row of dwellings along the southern side of Wivenhoe Road.
- 6.2 Dwellings in this street are set in a close knit, linear form. The immediate area is suburban in character rather than the more open and rural character of the surrounding area.
- 6.3 The site falls adjacent to, but outside of, the Alresford Settlement Development Boundary within the Adopted Tendring Local Plan 2007 but falls inside the Settlement Development Boundary for Alresford within the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

### Description of Proposal

- 6.4 This application seeks planning permission for a variation of the approved planning permission reference 19/01261/FUL for the erection of three detached residential dwellings of 1.5 storey height, including four bedrooms each dwelling includes a single garage. The main changes to the approved scheme relate to plot 1 and involve the following changes:
- Reconfiguration of turning heads
  - Introduction of an additional rear gable
  - Introduction of new rooflights to the rear and side roof slopes

### Reconfiguration of turning head

- 6.5 The approved scheme includes a single triangular shaped turning head adjacent to plot 1, to the west of the site. The proposed variation includes the introduction of two turning heads to plots 1 and plot 2 adjacent.
- 6.6 It is considered that the proposed arrangement would reduce the impact of vehicles turning solely in front of plot 1 and the likely reduction in vehicular activity is to be welcomed. The highway officer raises no objection to the proposed arrangement which is acceptable.

### Introduction of an additional rear gable

- 6.7 An additional rear gable is introduced as part of the variation to the approved scheme. This would create symmetry to the rear elevation and the design of the proposed gable is consistent with the overall size and scale of the proposed building and includes matching materials.

### Rooflights to the rear and side roof slopes



- 6.8 Five new rooflights will be included to the rear roofslope replacing the two rooflights forming part of the approved scheme. In addition, four rooflights are proposed to the western and eastern elevations of the building existing and new gable.
- 6.9 It is considered that the proposed rooflights are acceptable in terms of size and proportions and the appearance within the roofslopes is considered acceptable.
- 6.10 With regard to the impact of the proposed variations to the streetscene, the main changes are confined to the side and rear elevations of the building, it is therefore considered that the impact of the proposed variations will not be discernible when viewed from the street and in the context of the setting of the neighbouring buildings which will remain unaffected by the proposal.
- 6.11 The proposed variations also include folding doors to all three rear exits to the rear garden. These changes are considered in keeping with the main design approach and are therefore considered to be acceptable.

#### Impact on Residential Amenity

- 6.12 Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.13 The adjacent neighbour at plot 2, along the boundary to the east of the subject property, is separated by an intervening garage. There are no additional windows to the eastern elevation, that would affect the occupiers of plot 2, and the introduction of new gable elements would not be harmful to the amenities of the neighbouring property. No concerns are raised in relation to loss of light or visual intrusion.

#### Other matters

- 6.14 Issues related to Landscaping and Biodiversity and drainage will not be changed on the current application therefore the conditions attached to the approved scheme will be carried forward on the current application

### **7. Conclusion**

- 7.1 In summary, the proposed variation of condition 2 of the approved planning permission as outlined in the submitted plans is considered acceptable in terms of function appearance and impact on neighbouring occupiers and the street scene in general.
- 7.2 The integrity of the of the approved scheme has not been compromised by the proposed variations and the relevant legal agreements have already been signed as part of the original planning permission and therefore subject to the conditions shown below the application is recommended for approval.

## 8. Recommendation

8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives:

### 8.2 Conditions and Reasons

1 The development hereby permitted shall begin no later than 14 August 2023.

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: 40 Rev B, 41 Rev B, 42 Rev B, 43 Rev B, 48 Rev B and 49 Rev B.

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

3 Prior to any equipment, machinery or materials being brought onto the site for the purposes of the development hereby approved, details of tree protection measures shall be submitted to and approved in writing by the local planning authority (LPA). Development shall be carried out in accordance with such measures, which shall be installed prior to development commencing.

Reason - To ensure the protection of the retained trees on site.

4 Prior to the first occupation of the dwellings hereby permitted, a Landscaping Plan, including details of boundary treatments, hard surfacing, ground levels and the species and size of any trees and hedges to be planted, shall be submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details prior to occupation or, for any new trees or hedges, within the first available planting season.

Reason - In the interests of protecting the semi-rural landscape and in the interests of visual amenity.

5 If, within a period of 5 years from the date of planting, any new tree or hedge is removed, uprooted, destroyed or dies or becomes, in the opinion of the LPA, seriously damaged or defective, another tree or hedge of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree or hedge.

Reason - To ensure and maintain the enhance enhancement of the site.

6 Notwithstanding the provisions 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) no enlargement of the dwellinghouses, additions to their roofs or the construction of buildings incidental to their enjoyment, as

permitted by Classes A, B and E of Part 1 of Schedule 2 of that order, shall take place.

Reason - To protect the semi-rural landscape and in the interests of visual amenity.

- 7 Prior to the first occupation of the dwellings hereby approved, the vehicular access and off street parking and turning facilities as shown on approved drawing 41 Rev B, and an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority, shall be provided.

Reason: To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety.

- 8 No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the LPA. The Statement shall provide for; the parking of vehicles of site operatives and visitors, loading and unloading of plant and materials, storage of plant and materials and wheel washing facilities. The approved CMS shall be adhered to throughout the construction period for the development. 9) No unbound materials shall be used in the surface treatment of the vehicular access within 6m of the highway boundary.

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

- 9 No unbound materials shall be used in the surface treatment of the vehicular access within 6m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

### 8.3 Informatives

#### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

**SMO1 – Development Management Team**

**Ardleigh Depot,  
Harwich Road,  
Ardleigh,  
Colchester, CO7 7LT**

## **9. Additional Considerations**

### Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:
- 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
- 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

### Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).

9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

#### Finance Implications

9.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.

9.12 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

### **10. Background Papers**

10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.

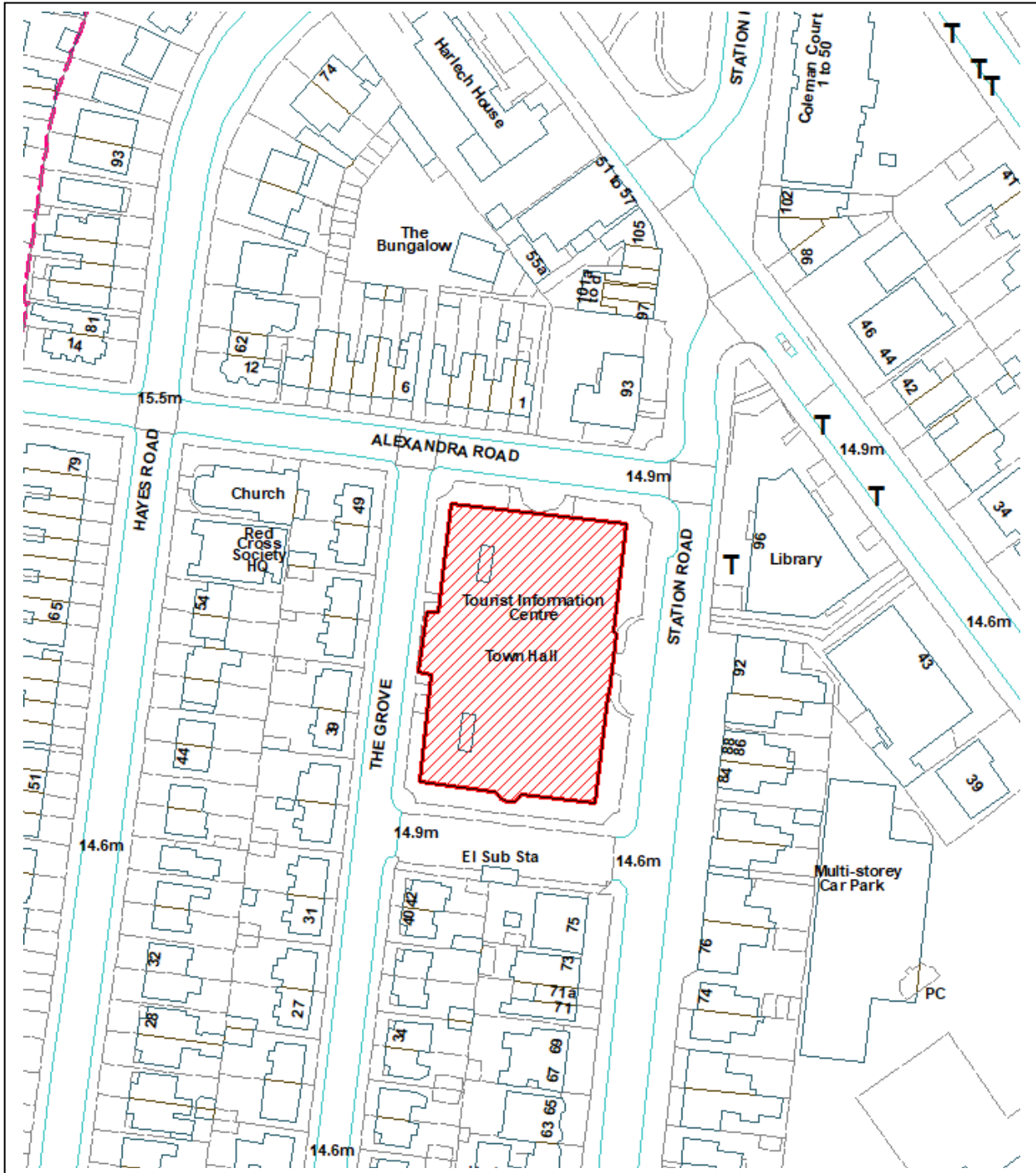
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PLANNING COMMITTEE

19<sup>th</sup> JANUARY 2021

REPORT OF THE HEAD OF PLANNING

**A.3 PLANNING APPLICATION – 19/01910/LBC – TENDRING DISTRICT COUNCIL  
CLACTON TOWN HALL STATION ROAD CLACTON ON SEA**



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**Application:** 19/01910/LBC

**Town / Parish:** Clacton Non Parished

**Applicant:** Mr Daniel Mills - Tendring District Council

**Address:** Tendring District Council Clacton Town Hall Station Road Clacton On Sea CO15 1SE

**Development:** Restoration Of Committee Room and associated works following the removal of a number of partition walls and the removal of false ceilings and associated works under previous approved application number 18/01498/LBC.

## 1. **Executive Summary**

- 1.1 This Listed Building Consent is referred to the Planning Committee as the applicant is Tendring District Council.
- 1.2 The Listed Building Consent seeks permission for internal changes to Clacton Town Hall Committee Room including;
  - Refurbishment and restoration of the plasterwork to both the walls and the ceilings and coving;
  - Restoration of the windows to insert new mullions;
  - Covering of the original glazing panels to the rooflight in Black Perspex;
  - Forming a new entrance into the committee room within the existing larger opening incorporating new entrance doors from the corridor;
  - Restoration of wall panelling around the new door opening;
  - Restoration of the timber parquet flooring;
  - Installation of speakers to the walls and ceiling suspended lighting scheme;
  - New service installations and fire protection; and
  - Existing original features including moulded architraves, cornices, skirting and picture rails to be repaired and where required replicated.
- 1.3 Having regard to the supporting documents and the submitted heritage statement it is evident that the works do not harm the special character, fabric and appearance of the listed building and in several cases represent an enhancement as original features are to be restored.
- 1.4 The proposed alterations are therefore considered to meet the requirements of the Council's saved and draft planning policies relating to the protection of listed buildings and the relevant paragraphs of the National Planning Policy Framework (2019).
- 1.5 **This application originally came before members at the 10<sup>th</sup> March 2020 Planning Committee. After discussion the Committee voted to defer decision. The minutes record the reasons as follows:**



- Scheme refinement and better drawings to be provided.
- Further thought to be given to the form and detailing of the roof light as the Committee do not consider the black perspex panels proposed within the roof light to be sensitive to the heritage asset; and
- Further consideration to be given to lighting and ability to introduce natural light.

Further matters discussed at the Committee meeting included the need to maintain a very traditional feel to the room and its size and capability to host large meetings.

Following the March 2020 meeting, further information has now been provided in the form of updated drawings and a statement addressing each of the issues raised by members above. A summary of the additional information submitted is provided below within the main body of the report.

**Recommendation: Approval**

- a) Subject to the conditions stated in section 8.2

**2. Planning Policy**

- 2.1 The following Local and National Planning Policies are relevant to this planning application.

NPPF National Planning Policy Framework 2019  
National Planning Practice Guidance

Tendring District Local Plan 2007

EN22 Extensions or Alterations to a Listed Building

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

PPL9 Listed Buildings

**Status of the Local Plan**

- 2.2 The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

- 2.3 Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended ‘main modifications’ on 10th December 2020. The Inspector’s report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three ‘Garden Communities’ proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.
- 2.4 The Council is now making arrangements to formally adopt Section 1 of the Local Plan in its modified state and this is expected to be confirmed at the meeting of Full Council on 26th January 2021 – at which point will become part of the development plan and will carry full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan. In the interim, the modified policies in the Section 1 Local Plan, including the confirmed housing requirement, can be given significant weight in decision making owing to their advancement through the final stages of the plan-making process.
- 2.5 The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) is now expected to proceed in 2021 and two Inspectors have already been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.
- 2.6 Where emerging policies are particularly relevant to a planning application and can be given weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices.

### 3. **Relevant Planning History**

00/01532/LBC	Enlargement of existing plant room and associated works	Refused	22.11.2000
00/01533/FUL	Enlargement of existing roof plant room and associated works	Refused	22.11.2000
01/00510/LBC	Proposed alterations to rooms 25 and 35/37 at Town hall to provide additional office facilities for new political structure	Approved	17.05.2001
02/00125/LBC	Internal alterations.	Approved	13.03.2002
97/00769/LBC	Installation of air conditioning units and external condenser units	Approved	21.08.1997

97/00854/LBC	Alterations to ticket office	Approved	15.09.1997
97/01066/LBC	Alterations to existing offices, to create new management board members offices on ground floor	Approved	17.10.1997
97/01069/LBC	Alterations to increase size of existing one person office to two person office	Approved	03.12.1997
03/00399/FUL	Installation of 1 No.0.6 metre transmission dish and 2 No. 200mm square panel antennas	Approved	11.06.2003
03/00400/LBC	Installation of 1 No. 0.6 metre transmission dishes and 2 No. 200mm square panel antennas	Approved	11.06.2003
03/00689/LBC	Demolition of existing access ramp and construction of new disabled access ramp.	Approved	11.06.2003
03/00833/FUL	Temporary location of a portakabin on part of the Town Hall car park from 9/6/03 until 11/8/03 (9 weeks) for use as a temporary Tourist Information Centre (TIC)	Approved	11.06.2003
03/00868/LBC	Renovations to the Essex Hall - licenced bar/meetings room, to include removal and renewal of a suspended ceiling.	Approved	11.06.2003
03/00925/LBC	Internal alterations for new TIC	Approved	11.06.2003
03/01495/LBC	New plant on flat roof to serve new air conditioning unit.	Approved	03.09.2003
03/01543/FUL	Extension to time limited planning permission given for the temporary location of a portacabin for use as a Tourist information Centre from 31/8/03 to 16/11/03.	Approved	26.09.2003

04/00090/LBC	Demolition of existing access ramp and construction of two new disabled access ramps.	Approved	10.03.2004
04/01001/LBC	Fit 1 No. ceiling fan.		22.07.2004
18/01498/LBC	Proposal to remove a number of partition walls to provide open plan offices for each department within the council - this includes widening existing openings in three of the four corner turret towers to include these areas into the open plan. At ground floor level the work will include the removal of false ceilings & restoring the council chambers to near their original layout. The external facades remain unchanged.	Approved	25.10.2018
19/01910/LBC	Restoration Of Committee Room and associated works following the removal of a number of partition walls and the removal of false ceilings and associated works under previous approved application number 18/01498/LBC.	Current	

#### 4. **Consultations**

TDC Building Control and Access Officer

Building regulation approval required.

Essex County Council Heritage

No objections to this proposal. Recommend that conditions are attached requiring details of new heating feature covers and the paint scheme.

#### 5. **Representations**

5.1 No representations received.

#### 6. **Assessment**

##### Site Context

6.1 Clacton Town Hall is situated on the western side of Station Road on the northern edge of Clacton Town Centre. The building accommodates Tendring District Council

Offices along with the Princes Theatre and is a Grade II Listed Building. Construction work was completed in the early 1930's in a neo Georgian style. The buildings' listing is as follows;

*Town hall with incorporated theatre which originally housed a library as well. Completed in 1931 to the designs of Sir Brumwell Thomas in Neo-Georgian style. Brown brick in English bond with stone dressings and hipped or mansard pantilled roofs. Square on plan with central vestibule, theatre behind, council chamber and committee rooms to the south and originally library to the north, now theatre bar. Pediment has deeply carved stone wreath flanked by swags. Engaged Composite fluted columns and Doric piers at sides. Three round-headed arches with keystones and impost blocks and decoration of carved swags above. Steps to street and three round headed entrances behind with double doors. Flanking wings are of one storey and attics five bays with stone parapet, cornice and plinth. Curved dormers with 12 pane sashes and 18 pane sashes below. These wings terminate in one bay corner pavilions with hipped roofs and 18 pane sashes with Diocletian windows above, set in moulded architraves with brackets flanked by pilasters. South front is similar but with central five-light curved bay. North front similar but with central door case with cornice, moulded architrave, double door and rectangular fanlight with intersecting arches originally the library entrance. West front has central fly tower to theatre with blank square windows opening above roof level of theatre and central tall round headed opening with impost blocks, an architectural feature ingeniously disguising a utilitarian scenery door. The interior has entrance vestibule with coffered barrel-vaulted ceiling, theatre of five bays with coffered barrel-vaulted ceiling, round headed arches to sides and cambered proscenium arch with carved municipal coat of arms, council chamber, committee rooms and mayor's parlour with original joinery and corridors with round headed arches and marble floors.*

### Proposal

6.2 This Listed Building Consent proposes the following alterations to the proposed Committee Room:

- Refurbishment and restoration of the plasterwork to both the walls and the ceilings and coving;
- Restoration of the windows to insert new mullions;
- Covering of the original glazing panels to the rooflight in Light Grey Perspex;
- Forming a new entrance into the committee room within the existing larger opening incorporating new entrance doors from the corridor;
- Restoration of wall panelling around the new door opening;
- Restoration of the timber parquet flooring;
- Installation of speakers to the walls and ceiling suspended lighting scheme;
- New service installations and fire protection; and
- Existing original features including moulded architraves, cornices, skirting and picture rails to be repaired and where required replicated.

6.3 The alterations listed above are part of the Council's Office Transformation Project and are necessary to meet the requirements of other departments moving to the Town Hall. The project aims to streamline the economic running of Council affairs.

### Impact upon Listed Building

- 6.4 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 includes that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.5 Paragraph 194 of the National Planning Policy Framework 2019 ("the Framework") requires applicants to describe the significance of any heritage assets affected. This requirement is retained by saved policy EN22 of the Tendring District Local Plan (2007) draft Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Paragraph 196 of the Framework adds that 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.
- 6.6 Paragraph 194 of the Framework also requires the submission of a Heritage Statement, or any other means of describing the significance of the heritage asset, including any contribution made by their setting. The Heritage Statement should be of a level of detail proportionate to the asset's importance. A Heritage Statement has been submitted with the application. The Heritage Statement, in conjunction with the submitted Design and Access Statement, outlines the history of the Listed Building, the proposed works involved and the impact they would have to the Listed Building.
- 6.7 As stated above the sole planning issue is whether the proposals have appropriate regard to the preservation or enhancement of the special character, fabric and appearance of the listed building.
- 6.8 In this regard the first point to note is that no external alteration or repair is proposed. All external elevations of the building are to remain as they are. In respect of the proposed internal alterations the majority of the work concerns carefully managed alterations and additions to the existing structure to facilitate its use as a committee/meeting room.
- 6.9 The supporting documents submitted state that the proposal is to restore the committee room back to its original form, following the previous work to remove the suspended ceiling/modern partitions, by utilising matching materials and fabric on a like for like basis.
- 6.10 The works predominantly include restoring the plaster work, mouldings, skirting and coving along with the restoration of windows and the covering of the roof light panels with Light Grey Perspex. A new smaller entrance door is also to be formed with matching wall panelling proposed around the new entrance surround.
- 6.11 In addition to facilitate the use of the room as a meeting/function room new service installations are proposed including a new ceiling suspended lighting feature to avoid significant intrusion into the existing fabric along with a subtle wall mounted audio system and additional lighting.
- 6.12 **As stated within the executive summary above additional information has now been provided in response to issues raised by members of the Committee at the**

10<sup>th</sup> March 2020. Please find below a summary in response to each of those matters raised:

### **Scheme refinement and more detailed drawings**

All internal elevations and cross sections including matters such as the colour scheme and heater boxing that were previously to be secured via condition are now provided. The proposed work is to remove late twentieth century internal partitioning and to repair and restore the built form as it was constructed.

### **Form and detailing of the roof light**

It is proposed that the form of the roof light will remain as it was in the 1930s. Further modification of the structure would not be optimal. The roof light cannot be returned to lighting/ventilation use because office accommodation has been built above it.

The advice of the historic building specialist at Essex County Council Heritage has been sought and the consensus of officers is that it would not be proportionate to remove the office accommodation above and that the re-glazing of the roof light with opaque material (Perspex – Light Grey) is the most appropriate compromise in the circumstances.

### **Room colour scheme**

Officers have researched past paint colours in the room. It appears that colours have been:

- White (original)
- Pine effect wood graining
- Cream
- Mixed by later subdivisions: magnolia, blue and white.

Officers have agreed with the historic building advisor that the most sympathetic colour scheme would be a white palette referencing the original scheme. Building regulations require a tonal contrast between walls and doors to make the building accessible for users with impaired vision. Therefore the proposed colour scheme is as follows;

<b>Element</b>	<b>Colour</b>	<b>Finish</b>
Ceilings and cornice	Lime Wash White	Flat Matt
Walls and columns	Aged White	Diamond Matt
Skirtings frames and architraves	Lime Wash White	Gloss paint
Rooflight Framing	Lime Wash White	Gloss paint
Rooflight glazing	Grey 9981	Gloss
High level window glazing	Grey 9981	Gloss
Doors	Grey 91 YY 31/059	Gloss paint
Flooring	Self-colour – mid oak	Satin polish

### **Further consideration to be given to lighting and ability to introduce natural light**

As indicated in the submitted cross-sections and elevations drawings all of the former high level windows and the bulk of the rooflight are now covered by later first floor additions. The rooflight is covered by the floor of an office and the side windows adjoin voids between levels of the building. The result is that none of these can be used to introduce natural light.

Accordingly it is not feasible to introduce natural light. Officers have considered the potential to add artificial lighting to the rooflight but found that this would be out of keeping with the likely use of the room at night and produce an uneven distribution of light in the room.

It is unlikely that pendant fittings as seen in historical photographs will provide adequate intensity and distribution of illumination for modern use. The proposed lighting design by manufacturers, Ansell, is intended to compliment the rectilinear form of the ceiling beams and distribute light appropriately over the working areas. Modern materials provide clear legibility to distinguish historical and modern references.

#### **Restoration of traditional feel to the room**

The proposal is to return the room essentially to its 1930s original form and colour scheme. The room has a clear architectural form with strong articulation of the panelling and ceilings.

The proposed colour scheme respects the original vision for the room while meeting modern requirements.

#### **Size of room for meeting requirements**

Whilst not relevant to the determination of this Listed Building Consent, for some years the Full Council and larger Planning Committees have been held in the Princes Theatre. It is proposed that this is continued in the future. The proposed Committee Room is around 20m<sup>2</sup> smaller than the Council Chamber at Weeley. However, it is more conveniently shaped for a range of uses and will accommodate the furniture required for such meetings/committees.

Additionally the Town Hall has a number of rooms for overspill if required. Officers are in the process of procuring new audio and visual systems that will be able to cast proceedings to other rooms and to the web as desired.

- 6.13 The specification of the works have been informed by input from ECC-Place Services Heritage Team who have reviewed the final submission and have no objections.

## **7. Conclusion**

- 7.1 The changes proposed are considered to accord with the requirements of local and national planning policies, which seek to safeguard the special nature of Listed Buildings. In many cases, the work proposed enables original features to be enhanced and where alterations are proposed to original fabric matching materials including architraves, skirting and picture rails will be used to maintain the building's neo-Georgian styling.



7.2 Overall, the work proposed is intended to return the Committee Room back essentially to its original form, function and décor as it existed as the 1932 Council Chamber, while allowing for modern standards and the evolution of the building that has taken place. The introduction of natural light is not feasible but a clean white colour scheme and complimentary efficient modern lighting will create a bright and airy room while air source heating will create a comfortable but sustainable environment. Seating capacity will be broadly equivalent and a number of additional rooms will be available for overflow seating if needed. The proposals are aimed at a sympathetic return to use of the part of the building in line with its original form and function.

## **8. Recommendation**

8.1 The Planning Committee is recommended to grant Listed Building Consent subject to the following conditions

### **8.2 Conditions and Reasons**

1. The works hereby permitted shall begin before the expiration of three years from the date of this consent.

Reason - To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) 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 and documents:

- 52310/B/TDCrev – 1 Revision B
- 52310/B/TDCrev – 3 Revision B
- 52310/B/TDCrev – 2
- 52310/B/TDCrev – 4
- 52310/B/TDCrev – 5
- 52310/B/TDCrev – 6
- 52310/B/TDCrev – 7
- Schedule of Works Document (as prepared by Richard Jackson Building Consultants)
- Document Titled – ‘The design & installation of a Sound and Video system’
- Document Titled – ‘Proposed New Lighting’ (as prepared by Ansell Lighting – dated 17.07.19)
- Audio Specification Details (as prepared by EVID)
- Daikin Concealed Floor Standing Unit Specification
- Daikin Ventilation Technical Data Sheet

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

## **9. Additional Considerations**

Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:
- 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
- 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

### Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

## **10. Background Papers**

- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended

documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.

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