

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 18TH JANUARY, 2022 AT 6.00 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors White (Chairman), Bray (Vice-Chairman), Alexander, Baker, Casey, Fowler, Harris and Placey
Also Present:	Councillor Chapman BEM, Coley, G Guglielmi and Councillor Nick Turner.
In Attendance:	Gary Guiver (Acting Director (Planning)), Joanne Fisher (Planning Solicitor), Graham Nourse (Assistant Director, Planning), Trevor Faulkner (Planning Manager), Susanne Chapman-Ennos (Planning Officer), Emma Haward (Leadership Support Officer) and Matthew Cattermole (Communications Assistant).

191. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Codling, with no substitute.

192. DECLARATIONS OF INTEREST

Councillor Bray, reminded the Committee that he had not been present when **A.1 PLANNING APPLICATION 21/00046/FUL – TOPSL HOUSE, HIGH STREET, MISTLEY, MANNINGTREE** had originally been brought before the Committee and that therefore he would withdraw from the meeting at the appropriate juncture and would take no part in the Committee's deliberations and decision making on this application.

Councillor Harris declared a personal interest in **A.2 PLANNING APPLICATION 21/00202/FUL – MANOR FIELD, THORPE ROAD, TENDRING** due to the fact that he had "called-in" the application and that he was the Ward Member. He stated that he was not pre-determined on this matter and that, therefore, he would participate at the appropriate juncture in the Committee's deliberations and decision making on this application.

Councillor Bray declared a personal interest in **A.5 PLANNING APPLICATION 21/01527/FUL – 152 CONNAUGHT AVENUE, FRINTON ON SEA CO13 9AD** due to the fact that he was also a member of Frinton and Walton Town Council. He stated that he was not pre-determined on this matter however, on the grounds that he personally knew the applicant and he would not therefore, participate in the Committee's deliberations and decision making on this application.

193. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were none on this occasion.

194. CHAIRMAN'S OPENING REMARKS

The Chairman informed the Committee that prior to the commencement of the meeting Councillors Coley and G Guglielmi had informed the Council that they no longer wished to object to **A.1 PLANNING APPLICATION 21/00046/FUL – TOPSL HOUSE, HIGH STREET MISTLEY, MANNINGTREE.**

The Chairman advised the Committee and the public gallery that the Minutes of their previous meeting held on 21 December 2021 had not been published in time to be included on the Agenda for this meeting and that they would be taken now as an item at the next Committee meeting.

He further informed the meeting that agenda item **A.1 PLANNING APPLICATION 21/00046/FUL TOPSL HOUSE, HIGH STREET MISTLEY MANNINGTREE** was a previously deferred item and that consequently there would be no speakers under the Public Speaking Scheme on this application.

195. A.1 PLANNING APPLICATION – 21/00046/FUL – TOPSL HOUSE, HIGH STREET MISTLEY, MANNINGTREE

Further to Minute 192 above and for the reasons stated therein, Councillor Bray withdrew from the meeting during the Committee's consideration of this planning application and its decision making thereon.

Members recalled that this application had originally been referred to the Planning Committee at the request of Councillor Coley due to his concerns with the building being listed and being in a Conservation Area, the introduction of a stairway access to the first floor, change of use of the first floor to residential, and that the building was located on the edge of a busy working dock and there were parking issues. This application had been submitted to the Planning Committee's meeting held on 28th September 2021 when it had been deferred in order to allow for further negotiations on the application in relation to the omission or amendment of the balcony details to the rear and to address Essex County Council's (ECC) Heritage objections as well as consideration of the external staircase to address overlooking and private amenity issues with the immediate neighbouring property.

The Committee was informed that the application had now been amended with the external staircase omitted. As such, the application related now solely to the proposed balcony and window to a door to the Quay elevation only.

Members recalled that the application site was located within the 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 application site was also located within the Conservation Area and adjacent to a Grade II Listed Building.

It was reported that ECC Heritage had been consulted and had an objection to the proposed balcony.

The proposals were not considered by Officers to cause any impact upon the neighbouring amenities.

Mistley Parish Council had not commented on the amended application and no further letters of representations were received on the amended application.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

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

Due to the application being previously deferred, there were no speakers under the Public Speaking Scheme.

Matters raised by Members of the Committee:-	Officer's response thereto:-
Had any objections been received?	The Planning Officer referred to paragraph 5 of the officer's report, where it stated that no objections had been received.

Due to a need to rectify a problem with her motor vehicle Councillor Fowler left the meeting at this juncture and did not return before the meeting had ended.

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

RESOLVED that the Assistant Director (Planning) (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following planning and 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:
 - Drawing no. TH05 REV12
 - Drawing no. TH06 REV1
 - Drawing no. TH12 REV1

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

3 Before any work is commenced drawings to a scale of not less than 1:20 fully detailing the new windows and doors and their surrounds to be used and indicating: materials; cross sections for glazing bars, cills, heads etc at a scale of 1:20; and method of glazing shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be installed/carried out in complete accordance with the approved details.

Reason - The application relates to a building in the Conservation area and adjacent to a Grade II Listed building and therefore such details are necessary in order to preserve and enhance the historic character.

4 No development shall be commenced until a schedule of external finish materials shall be submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development and permanently maintained as such.

Reason - To ensure materials are of a very high quality to respect the building and its setting.

- In addition, the removal of the staircase.

196. A.2 PLANNING APPLICATION – 21/00202/FUL – MANOR FIELD, THORPE ROAD, TENDRING

Further to Minute 192 above and for the reasons stated therein, Councillor Harris had declared a Personal Interest in this matter.

The Committee was aware that the application had been called in by Councillor Peter Harris.

Officers reported that the proposal was for the change of use of part of an existing agricultural building into an agricultural vehicle repair workshop for agricultural vehicles, machinery and limited models of Land Rover vehicles. The site was located within a larger site which was used for agricultural purposes including sheep farming.

Members were informed that the proposal was in a rural location and would serve the surrounding agricultural community. Objections from Essex County Council Highways regarding the access from Thorpe Road and this Council’s Environmental Protection regarding noise and ventilation had been overcome and subject to conditions was considered by Officers to be acceptable.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council’s Planning Manager (TF) in respect of the application.

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

- (1) A further third party objection that had been received.
- (2) Amendments to Proposed Conditions 3, 7 10 and 11.

Victoria Patten, a local resident, spoke in support of the application.

Jill Brattan, a local resident, spoke against the application.

Parish Councillor Ted Edwards, representing Tendring Parish Council, spoke against the application.

Matters raised by Members of the Committee:-	Officer’s response thereto:-
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<p>A member of the Committee asked the Planning Officer to clarify that the barn was granted permission in 2018? Would officers have been likely to approve if the application initially proposed the use of a workshop?</p>	<p>The Planning Officer confirmed. The Planning Officer confirmed that the building was not agricultural and therefore, would not have been recommended for approval if brought to the Committee for the proposed use in 2018.</p>
<p>It was also raised by a member of the Committee the definitive use of Land Rover Defenders.</p>	<p>Officers were unsure why Land Rover Defenders in particular were specifically noted. The Planning Officer advised that a condition could be put before the Committee whereby, the vehicle was not specified.</p>
<p>Were the sound reduction techniques of an approved standard?</p>	<p>The noise impact assessment raised initial concerns when submitted. The sound reduction techniques were in accordance with requirements.</p>
<p>There was a need for storage and disposal. There was no evidence of this in the plans.</p>	<p>The Planning Officer advised that submissions allowed storage for disposal to be taken off site. The officer referred to Condition 6 whereby, a proposed Waste Management System must be approved by local Planning Authority. Condition 11 also stated that 'no goods should be stacked, stored or deposited illegally'.</p>
<p>It was raised by a member of the Committee concerns relating to water and waste. Was there a proposal on how to address comforts such as washing hands?</p>	<p>The Planning Officer confirmed that it was not referred to specifically. A mobile facility could be conditioned by the Committee.</p>
<p>A member of the Committee referred to the use for vehicles that belong to the premises, was this correct?</p>	<p>The Planning Officer advised that the use was for agricultural repairs and machinery from other sites.</p>
<p>When the noise assessment was completed, was it completed under the assumption that doors would be closed?</p>	<p>The Planning Officer confirmed that the assessment was completed based on the assumption that the doors would be closed.</p>
<p>A member of the Committee referred to the floor plans, how much of the 23m length was proposed to have been taken up by the workshop?</p>	<p>The Planning Officer suggested that 60% of the building would have consisted of the workshop.</p>
<p>How effective would the log book have been, and how often would it have been inspected?</p>	<p>The Planning Officer informed the Committee that it was under the owners' discretion. The condition could be worded to record a timeframe.</p>
<p>It was clear that the application was outside of the development boundary of the emerging local plan. Was it correct that the application must have significant benefits to the local economy for permission to be granted?</p>	<p>The Planning Officer advised the Committee that the application was outside of the settlement boundary. The diversification of the application must be considered.</p>
<p>A member of the Committee asked if the site was unique in its merits.</p>	<p>The Planning Officer confirmed that the application was not unique and the services</p>

	could be provided elsewhere.
Concerns were raised regarding the lack of plans for exhaust fumes extraction, ramps, or location for scrap materials or an air compressor.	The Planning Officer referred to condition 11 whereby 'all materials will be kept within the premises'.
There was no mention of air tools within the report. Had the sound assessment taken into account these specific tools? Was there a possibility for air conditioning to be installed?	It was advised that air tools were not specifically assessed. Condition 5 referred to a Ventilation System to support air quality in the premises. It would be possible to re-word the condition.

Following discussion by the Committee, it was moved by Councillor Bray, seconded by Councillor Harris and unanimously **RESOLVED** that, contrary to the Officer's recommendation of approval, the Assistant Director (Planning) (or equivalent authorised officer) be authorised to refuse planning permission for the development due to the following reasons:-

- does not offer any 'essential' need to warrant approval (Policy PP13);
- does not respond positively to local character & context to preserve & enhance the quality of existing places and their environs (Policy SP7);
- inappropriate location for this activity;
- precedent for other such applications;
- change from rural to industrial character; and
- other more suitable sites for such uses & no reason to site it in this rural location.

197. A.3 PLANNING APPLICATION – 20/00907/FUL – LAND REAR OF 87 TO 89 TOWER STREET, LIME STREET, BRIGHTLINGSEA

Members were informed that the application had been referred to the Planning Committee at the request of Ward Councillor Jayne Chapman BEM, due to her concern over the scale of the proposed storage building and the site's location (remote from the host dwelling), in an area liable to flooding where historic covenants would preclude the development.

The Committee was informed that the proposal was situated in an edge-of-settlement location, divorced from the applicant's flatted dwelling in Brightlingsea. Nevertheless, development plan policy would not have precluded the proposal in principle and it would not have materially harmed the character or appearance of the area, or wider landscape. There was a recreational functional need for the development to be located in this location and the proposal was compatible with adjoining land uses. Members were reminded that the site was not at risk of flooding and the proposal would not harm the residential amenity of neighbours, having particular regard to privacy and outlook, noise and disturbance. There would have been no harm to sites protected for their biodiversity importance, and there was no objection from the Local Highway Authority.

Subject to conditions, in the opinion of Officers the proposal would have therefore complied with the requirements of the development plan and material considerations did not contradict that.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

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

An update sheet had been circulated to the Committee prior to the meeting to advise that Ward Councillor Jayne Chapman BEM had emailed Officers to comment that Brightlingsea Town Council had no objection to the use of the land as a garden, but were concerned about the size of the outbuilding and questioned why anyone would want an area of outdoor amenity space remote from a dwelling.

Also, that the Town Council was concerned over the potential for a residential use of the storage building in the future. The area was outside of the Settlement Development Boundary and was liable to flooding. Restrictions had been placed during the winter months on approved commercial uses [uses for commercial storage of boats and caravans]. Application TEN/1658/88 for open storage of boats, trailers and associated equipment had been refused planning permission on 27 September 1988 (east of Lime Street at the rear of the Masonic Hall).

Councillor Chapman BEM, a local Ward Member who had "called in" the application, spoke against the application.

Matters raised by Members of the Committee:-	Officer's response thereto:-
A member of the Committee referred to the Ward Member's concern for use.	The Planning Officer confirmed that the landscape was an improvement for the site, the use with condition 2 could be monitored.
Why was it necessary for 2 water tanks?	It is not clear for the reasons of 2 tanks, they will be placed adjacently and therefore were not deemed unacceptable.
A member of the Committee referred to paragraph 6.15 of the officer's report regarding the removal of permitted development rights.	The Planning Officer referred the Committee to condition 4 in relation to the boundary treatment to Lime Street.
What was the height of the proposed property and what would be stored?	The Planning Officer confirmed that the overall height was between its highest at 5m and lowest point of 3m.
Was there electricity on site? Members were informed that there was no water facility or electricity accessible from the site.	It was unknown. However, there was a water supply where the hose was gravity-fed from the proposed water tanks.

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

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

Location Plan Dated 25.07.2020
Site Plan Dated 22.06.2021, Dwg. No. TC 01.22
Elevations and Layout, Dwg. No. TC 01.21
Photographs of Summer House and Water tanks

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

2 The use of the storage building hereby permitted shall be limited to private use only, as set out in the application, and shall not be used for any B8 storage and distribution or any other commercial use.

Reason: In the interest of protecting the residential amenity of neighbours.

3 External lighting shall only be installed in accordance with scheme of external lighting which shall have first been submitted to and agreed in writing by the local planning authority.

Reason: In the interest of preventing unnecessary light pollution.

4 Any boundary treatment to Lime Street shall only be erected in accordance with details which shall have first been submitted to and approved in writing by the local planning authority.

Reason: In the interest of visual amenity.

5 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 boundary treatment to Lime Street shall be erected other than as may have been expressly authorised by Condition 4 of this permission.

Reason: In order that such development can be controlled in the interests of visual amenity.

6 External materials and finishes, windows and doors of the storage building hereby approved, and any remaining hard/soft landscaping to be carried out, shall be in accordance with precise details which shall have first been submitted to and agreed in writing by the local planning authority.

Reason: In the interest of visual amenity.

Revised condition 2 (and reason):

The use of the storage building hereby permitted shall be limited to private use only, as set out in the application, and shall not be used for any b8 storage and distribution or any other commercial use, or for any residential occupation as a dwelling.

Reason: in the interest of protecting the residential amenity of neighbours and to ensure compliance with the development plan.

Additional condition 7 (surface water drainage – adapted from pins model conditions) prior to first use of the storage building, surface water drainage works shall have been

carried out in accordance with details which shall have been submitted to and approved in writing by the local planning authority.

Reason: in order to address surface water run-off and ensure appropriate drainage.

198. A.4 PLANNING APPLICATION – 21/01270/FUL – TESCO EXPRESS 32 - 34 HIGH STREET, MANNINGTREE CO11 1AJ

The Committee was informed that the application had been referred to the Planning Committee by Councillor Giancarlo Guglielmi on grounds of *“the negative impact on the street scene and the Manningtree and Mistley Conservation Area with the incongruous gas cooler sited inappropriately imparting a constant noise by its humming which not only impacted on neighbours’ amenity, but also on their quality of life.”*

It was reported that the application sought retrospective planning permission for the CO2 gas cooler and as part of the application a timber enclosure was proposed.

Officers stated that it was regrettable that the CO2 gas cooler had already been installed prior to a grant of planning permission, however the application presented a development that was deemed to be acceptable in terms of design, visual impact and heritage considerations and so was recommended by Officers for approval subject to the necessary conditions set out in the Officer’s report.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council’s Planning Officer (SC-E) in respect of the application.

An update sheet had been circulated to the Committee prior to the meeting to advise that the applicant’s (Tesco) Project Team had confirmed that they had reviewed all the available locations and based on the proximity to all resident properties, they had advised the current location would have been most suitable as to cause minimum impact from the noise and visual aspect. Post which, noise assessment had been carried out to validate the suitability of this location and required mitigation had been proposed.

Mrs Mandy Rose, a local resident, spoke against the application.

Councillor G Guglielmi, a local Ward Member who had “called-in” the application, spoke against the application.

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

Matters raised by Members of the Committee:-	Officer’s response thereto:-
It was raised by a member of the Committee that an application was previously refused. Was there alternative solutions available to the applicant? Was the impact on the	The Planning Officer confirmed that two previous applications were submitted and refused based on the impact on neighbours and the lack of details around the necessity. Members were reminded that no objections had been raised for

surrounding areas highlighted?	this application.
Was there still an impact on the neighbours?	The Planning Officer advised that a noise assessment, according to the British Standard had been carried out. The Planning Officer informed the Committee that the assessment took readings from the closest residential dwellings.
At what point was the assessment carried out?	The Planning Solicitor confirmed that the assessment had been carried out between the hours of 7:30pm and 12:00am.
A member of the Committee referred to the preservation or enhancement of the conservation area.	The Planning Officer informed the Committee that no objections had been raised with regards to the conservation perspective of the application.
What difference would a fence make to the acoustics?	The Planning Officer confirmed that the fence was to hide the visuals of the proposals. Conditions could be put forward whereby an acoustic fence could be recommended.
A Member referred to article 1, would it be relevant to this application?	The Planning Solicitor referred Members to paragraphs 1.8 and 1.10 of the officer's report whereby it stated 'human rights are always assessed', in particular articles 8, 1 and 10.
In terms of the environmental impact and CO2 hydrocarbons, was it more environmentally-friendly?	The Planning Officer confirmed that the impact was more environmentally-friendly.
Could the noise have been enclosed where there was necessary air flow?	The Planning Officer advised that a condition could be recommended for an alternative acoustic fence.

Following discussion by the Committee, it was moved by Councillor Harris, seconded by Councillor Alexander and unanimously **RESOLVED** that, contrary to the Officer's recommendation of approval, the Assistant Director (Planning) (or equivalent authorised officer) be authorised to refuse planning permission for the development due to the following reasons:-

Contrary to Policy EN17 of Adopted Local Plan and Policies SP7 and SPI3 of Emerging Local Plan with respect to local amenity issues/disturbance by reason of unacceptable noise impacts & Policy PPI8 of emerging Local Plans in terms of impact on conservation area.

At this point in the proceedings, the Chairman requested approval from Members of the Committee to continue the meeting past the allowed period of 3 hours as required by Council Procedure Rule 35.1. It was moved by Councillor Harris, seconded by Councillor Placey and **RESOLVED** that the Committee continue its deliberations.

199. A.5 PLANNING APPLICATION – 21/01527/FUL – 152 CONNAUGHT AVENUE, FRINTON ON SEA CO13 9AD

Further to Minute 192 above and for the reasons stated therein Councillor Bray left the meeting at this juncture and did not return before the meeting had ended.

It was reported that Councillor Turner had “called-in” the application, in relation to the impact of the proposal on the Conservation Area.

The Committee was reminded that the proposal was for a disabled access ramp to be located at the front entrance to the Pharmacy. The site was located within the defined Settlement Development Boundary of Frinton-on-Sea and also sat within the Frinton and Walton Conservation Area.

Members were informed that the proposal was considered by Officers to be of a size, scale and design in keeping with the overall site and surrounding area. There were no concerns raised regarding the impact on the neighbouring residential properties and subject to conditions it was considered acceptable.

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 (SC-E) in respect of the application.

Councillor Turner, a local Ward Member who had “called-in” the application, spoke against the application.

Matters raised by Members of the Committee:-	Officer’s response thereto:-
A member of the Committee raised concerns regarding the handrail and requested that this be a condition.	The Planning Officer advised that it would be permissible to condition a handrail however, it would compromise the findings of ECC Heritage.
A member of the Committee referred to condition 3 regarding ground works. It was requested than further more detailed plans be provided.	
It was requested by a Member that a condition be recommended for a handrail to be included in the application contrary to ECC Heritage findings.	The Assistant Director for Planning proposed deferring the application on the grounds of including details for a handrail.

Following discussion by the Committee, it was moved by Councillor Harris, seconded by Councillor Alexander and unanimously **RESOLVED** that consideration of this application be deferred for the following reasons:

- To give further consideration to the design of the access ramp and in particular the need for a safety rail. Consideration should be given to discussing re-design with Town Council and ECC Heritage. Revised plans should be more detailed to confirm external finishes.

The meeting was declared closed at 9.35 pm

Chairman