

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,  
HELD ON TUESDAY, 10TH MAY, 2022 AT 6.00 PM  
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,  
CO15 1SE**

<b>Present:</b>	Councillors White (Chairman) (except item 6), Alexander, Baker (except items 9 &10), Codling, Fowler (in the Chair for item 6)(except items 9 & 10(part)), V E Guglielmi and Harris (except item 7)
<b>Also Present:</b>	Councillors Bush, P B Honeywood (items 7 – 10 only) and Land
<b>In Attendance:</b>	Lisa Hastings (Deputy Chief Executive & Monitoring Officer) (except items 9 & 10), Gary Guiver (Acting Director (Planning))(except item 8), Graham Nourse (Assistant Director (Planning)), Joanne Fisher (Planning Solicitor), Jacob Jaarsmar, (Planning Team Leader), Susanne Chapman-Ennos (Planning Team Leader), Michael Pingram (Planning Officer), Emma Haward (Leadership Support Officer) and Matthew Cattermole (Communications Assistant)
<b>Also in Attendance:</b>	Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Gary Guiver (Acting Director (Planning)), Graham Nourse (Assistant Director (Planning)), Joanne Fisher (Planning Solicitor), Susanne Chapman-Ennos (Planning Team Leader), Jacob Jaarsmar (Planning Team Leader), Michael Pingram (Planning Officer), Emma Haward (Leadership Support Assistant) and Matt Cattermole (Communications Assistant)Matthew Bradley (Essex County Council Highways Department)

**1. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman informed the Committee that Councillor Bray was no longer a member of the Committee and that Councillor V E Guglielmi had replaced him.

**2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies were received from Councillors Placey and Wiggins, with no substitutions.

**3. MINUTES OF THE MEETINGS OF THE COMMITTEE HELD ON 30 MARCH AND 12 APRIL 2022**

It was moved by Councillor Harris, seconded by Councillor Alexander and **RESOLVED** that the minutes of the meeting of the Committee held on 30 March 2022 be approved as a correct record.

It was then moved by Councillor Alexander, seconded by Councillor Baker and **RESOLVED** and that the minutes of the meeting of the Committee held on 12 April 2022 be approved as a correct record.

**4. DECLARATIONS OF INTEREST**

Councillor White declared a personal interest in Planning Application **A.1 21/01000/FUL – ST JOHNS PLANT CENTRE, EARLS HALL DRIVE, CLACTON ON SEA, ESSEX**

**CO16 8BP** due to his being a Ward Member. He considered that he was pre-determined and that therefore, he would withdraw from the meeting at the appropriate juncture and not participate in the Committees deliberations and decision-making on this application.

Councillor Fowler declared a personal interest in **Planning Application A.4 2/00250/FUL – LAND TO THE SOUTH WEST OF HAMMOND DRIVE RAMSEY CO12 5EJ** due to being a nearby resident. She did not consider herself pre-determined but would withdraw from the meeting at the appropriate juncture and not participate in the Committees deliberations and decision-making on this application.

Councillor Harris declared a personal interest in **Planning Application A.2 CHINESE COTTAGE RESTAURANT, HIGH STREET, THORPE-LE-SOKEN, CLACTON-ON-SEA CO16 0DY** due to his being a regular customer of the restaurant. He therefore did not participate in the Committees deliberations and decision making for this application.

Councillors Baker, Codling, Fowler and V E Guglielmi each stated for the public record that in relation to **Planning Application A.1 21/01000/FUL ST JOHNS PLANT CENTRE, EARLS HALL DRIVE CLACTON-ON-SEA CO16 8BP** that they had been absent from both the site visits and the Committee meeting that had taken place on 30 March 2022 at which this application had first been considered. However, they each further stated that, having received advice from the Officers, they had attended that day the Committee's site visit to this application site and had both read the Officer report submitted to the Committees meeting on 30 March 2022 and the audio-visual recording of that meeting. Councillors Baker, Codling, Fowler and V E Guglielmi would therefore participate in the Committee's deliberations and decision making on this application.

Gary Guiver, Acting Director (Planning) declared a personal interest in **Planning Application A.3 22/00186/FULHH BEMERTON GARDENS, KIRBY CROSS, FRINTON-ON-SEA CO13 0LG** due to his being the applicant for this application and that therefore he would leave the meeting during the Committee's deliberations and decision making on this application.

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

There were none on this occasion.

**6. A.1 PLANNING APPLICATION 21/01000/FUL – ST JOHNS PLANT CENTRE, EARLS HALL DRIVE, CLACTON ON SEA CO16 8BP**

Earlier on in the meeting, as recorded under Minute 4 above, Councillor White had declared a Personal Interest in relation to this application and had stated that he was pre-determined. Councillor White accordingly vacated the Chair and withdrew from the meeting at this point in the proceedings.

In the absence of the Chairman, it was moved by Councillor Alexander, seconded by Councillor Baker, and **RESOLVED** that Councillor Fowler occupy the Chair and act as Chairman of the Committee whilst this application was being considered and determined.

Members recalled that this application had been deferred by the Planning Committee at its meeting held on 30th March 2022 in order to allow an Essex County Council

Highways Officer to attend and Officers to request the applicant to look at their proposal against policies SP7, SPL3, LP4 and L4 and to submit changes if necessary.

It had previously been confirmed that an Officer from Essex County Council would be present at the meeting and that, following correspondence with the agent/applicant, no changes to the scheme were proposed.

The Committee was reminded that the application site comprised 7.6 hectares of horticultural land and was located approximately 300m to the western edge of Clacton-on-Sea, but was now included within the Parish of St Osyth. It was to the north of St. Johns Road (B1027), with the majority of the site being to the rear of a ribbon of residential development that fronted onto the road (even nos. 690 – 762).

It was reported that, currently, the vehicular access to the site was via Earls Hall Drive, a private road which passed along its western boundary. It was proposed to provide a footpath/cycleway within the current curtilage of 762 St Johns Road adjacent to the existing lane. In addition, the application site also included a chalet bungalow and its garden at 700 St Johns Road which it was proposed to demolish, in order to provide a new, replacement vehicular access to the site, in lieu of the Earls Hall Drive one.

Members were reminded that the site lay within the settlement development boundary for Clacton-on-Sea where there was no objection, in principle, to residential development.

The Committee was further reminded that this application sought full planning permission for the demolition of the nursery glasshouses, buildings and structures and No. 700 St Johns Road and the redevelopment of the site with a predominately residential scheme. The proposed residential scheme comprised of: 180 Residential units comprising 10 no. 2 bed houses; 83 no. 3 bed houses; 24 no. 4 bed houses; 15 no. 5 bed houses; 16 no. 1 bed apartments; 24 no. 2 bed apartments and 8 no. live/work units (mixed commercial totalling 1064 square metres with flats above), with associated roads, open space, drainage, landscaping and other associated infrastructure.

Officers were content that, subject to the imposition of reasonable planning conditions and Section 106 planning obligations, the general principle of this level of development on the site was acceptable. It was in keeping with both the site's location on the edge of Clacton, and met the need to facilitate on site strategic landscaping, open space and the retention of existing landscape features. Furthermore, the proposal would ensure that the living conditions of existing and future residents would be protected from any materially detrimental impacts.

The recommendation of Officers was therefore to approve planning permission, subject to the completion of a legal obligation under Section 106 of the Town and Country Planning Act 1990, a dormouse survey and the imposition of a number of controlling 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 Team Leader (SC-E) in respect of the application.

An update sheet had been circulated to the Committee prior to the meeting with details of a consultation response received from the NHS.

The Chairman reminded the meeting that there would be no speakers under the Public Speaking Scheme on this application as this had taken place at the meeting held on 30 March 2022.

<b>Matters raised by Members of the Committee:-</b>	<b>Officer's response thereto:-</b>
Had a further survey been carried out as St Johns Road was experiencing high volumes of traffic? Would ECC be prepared to look at another traffic survey during July and August?	The most current survey carried data collected from 2017, this had informed the original application that subsequently had went to appeal. In the interim, it had not appeared appropriate to undertake another survey due to Covid lockdowns the consequent reduction in road use and ECC felt that traffic conditions were acceptable to the highway authority.
Concerns raised regarding the upgrade to the road, linked to the Rouses Lane development, which had not been undertaken.	The Rouses Farm planning application had also been assessed on its own merits and, via a Transport Assessment, ECC had considered the application to be acceptable, subject to conditions. Public transport contributions had been requested to mitigate matters.
Further concerns relating to traffic were raised.	ECC advised that the application was commented upon by them solely as a consultee.. The application had been prepared according to correct standards and represented the relevant data and ECC were content that the development was acceptable subject to conditions.
According to Highways, had trip generation been considered and what were the parking provisions for cars?	The Planning Officer confirmed that there were 2 parking spaces per dwelling with visitor spaces and under the assumption that some would use public transport. A trips database was a collection of surveys across the county to interpret and form an impact from the development.
What type of businesses would the units be open to?	The Planning Officer confirmed that there was potential for small workshops and professional services.
A member of the Committee asked why the data was collected in the North-West of the country.	ECC advised that there were similar trip data for residential developments in the North West at appropriate times. The data was accurate and relevant.
Why was it not important that summer months were not considered?	ECC confirmed that various sources of data had been cross-referenced with trip data and traffic flows. It was also noted that the Traffic Network varied up to 10% in its level of use. Members were asked to be mindful of

	monitoring peak times and the potential for overall findings to be artificially high.
A member of the Committee referred to ECC's response from 10 December 2021. In January 2020, the Planning Inspectorate had referred to an accident where the cause was unknown due to evidence of the development access affecting the area not being provided.	ECC could not confirm on behalf of the Road Safety Team if the accident causes had been resolved and the investigation concluded. Areas of concern would be a series of accidents at the same location, and causation found resulting from the highways layout. Intervention from the highways authority would take place as a result.
a A member of the Committee raised concerns relating to the Inspector's interpretation of the 2018 traffic report. Would the site be suitable and safe for the proposed developments on St Johns' Road?	The ECC representative confirmed that from the information provided, the authority were satisfied that no severe impact would be made based on their consultations subject to conditions as proposed in the TDC Officers' recommendation.
A Committee member asked Officers to confirm that 10% of the 180 properties would be affordable housing.	The Planning Officer confirmed that 10% of the proposed dwellings would be affordable. The Planning Officer confirmed that the affordable houses would be submitted as part of a Section 106 agreement.
A member of the Committee referred to the Inspector's findings in relation to a survey completed in the month of April.	The ECC representative reiterated that mitigation against the development would be according to standard practice and accurate data.
Additional concerns relating to traffic were raised. Had a roundabout been considered?	Roundabouts are used as a tool for "equal flow" areas to manage traffic flow. The Rouses Lane application had proposed, as part of their application, traffic light signals and a right turn only lane in order to manage traffic flow.
What would the significant impact have to be in order for ECC to take action?	The ECC representative referred to a paragraph in the NPPF, where if the impact and residual impact would be severe, this would result in action being taken.
The demolition of no.700 was raised by a Committee member, what would the width of the road be to cater for traffic?	The Planning Officer confirmed that the width of the access road was proposed to be 5.5 meters. An additional exit would also be available with bollards for emergency vehicles. Bollards would be controlled by a mechanism available only to the emergency services.
A member of the Committee referred to ecology considerations.	The Planning Officer referred to the ECC Ecology report whereby the application was recommended for approval with an extra condition for a dormouse survey to be completed.

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

- a) The lack of submission and approval of a dormouse survey.
- b) That such legal agreement has not been completed, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.
- c) Transport Assessment insufficient to demonstrate no adverse Highway impact.
- d) Adverse impact on amenities of neighbouring residents adjacent to the proposed access.

7. **A.2 PLANNING APPLICATION 21/02022/FUL – CHINESE COTTAGE RESTAURANT, HIGH STREET, THORPE LE SOKEN, CLACTON ON SEA CO16 0DY**

Councillor White returned to the meeting and re-occupied the Chair. Councillor Harris, had earlier in the meeting, declared a personal interest in **this application** due to his being a regular customer of the restaurant. Councillor Harris withdrew from the meeting at this point in the proceedings whilst the Committee considered this application and reached its decision.

It was reported that this application was before Members at the request of Councillor Land, the Ward Member as he had concerns regarding the development's potential impact on the urban design/street scene, highways impact and/or other traffic issues and impact on neighbours.

The Committee was made aware that the application sought full planning permission for the erection of a single storey dwelling, with an attached car-port to the right hand side. The dwelling's footprint would be a reversed L-shape with a rear-gable projection and a featured over-sail porch roof to the front elevation. Both the main roof and that of the car-port would be gabled-ended. The eaves of the dwelling would be in the region of 2.7m and it would have a ridge of approximately 5.5m. Areas of hardstanding were proposed to the perimeter of the dwelling, along with a grassed back garden with bin-storage to the rear right hand boundary.

Members were made aware that the restaurant had a limited number of seats (covers) and was in a highly sustainable location in the village centre being close to a number of bars. It was accessible on foot and by public transport.

Members were reminded that the application had been listed on a previous agenda (30th March 2022 meeting) but that it had been withdrawn in order to allow time for the agent to provide both an amended site layout and a swept path analysis (SPA). The amended site layout showed the separation distance between the customer-parking and the dwelling had increased from 6.2m to 7.3m; the increase permitted greater manoeuvrability for vehicles entering/exiting the parking spaces. The manoeuvrability of vehicles was exhibited on the SPA.

The Committee was reminded that Thorpe-Le-Soken High Street had the character of a typical village high street with a number of eating establishments, boutique shops and a small supermarket. In terms of the surroundings, the scale of development which had a direct relationship with the street scene comprised a variety of two and 1.5 storey buildings with the odd-example of very low-key 1.5 and single storey buildings. The character of the locale was evidentially of a historic core which was demonstrated by the number of listed buildings and the conservation area designation.

It was noted that the area behind the Chinese Cottage restaurant neither enhanced nor contributed to the character of the conservation area, comprising a fairly large informal (untidy) un-marked out area for vehicles using the restaurant.

It was considered by Officers that the low-key scale of the proposal would preserve the character of the conservation area. Sufficient space had been retained around the dwelling and to neighbouring properties to not appear cramped or result in any material harm to residential amenities. The proposed dwelling provided ample parking and retained at least seven (marked-out) spaces for the restaurant.

In the absence of any material harm resulting from the development in regards to its individual appearance, its impact on the wider street scene, its impact on the character of the Conservation Area, its impact on neighbours in regards to amenity and the parking provision for both the new dwelling and existing restaurant, the application was recommended by Officers for approval.

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

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

An update sheet had been circulated to the Committee prior to the meeting with details of a correction to Paragraph 6.16 as follows:-

*“6.16 Whilst it is acknowledged the dwelling would be sited further to the rear of the existing pattern of development along this section of High Street, the approval of application 18/01388/FUL which is immediately adjacent the application site, holds significant weight as a material consideration. The proposed dwelling is single storey only and will have a maximum height of 5.5m (ground level to ridge) and a height of 2.7m from ground level to eaves. There are further notable examples of development similarly set back to the north-west, whilst the overall character of the immediate surrounding area is not particularly well defined.”*

Ian Coward, the agent acting on behalf of the applicant, spoke in support of the application.

Parish Councillor Martyn Cooper, representing Thorpe Parish Council, spoke against the application.

Councillor Dan Land, the local Ward Member, spoke against the application.

<b>Matters raised by Members of the Committee:-</b>	<b>Officer's response thereto:-</b>
A member of the Committee raised the Magnolia-Lily Inter-flora tree positioned on site, would the tree be removed?	The Planning Officer referred to 6.92 of the report whereby, this tree and 2 others were proposed to be removed.
Are any of the listed buildings Grade II*?	The Planning Officer confirmed that the Baptist Church was listed as Grade II and Bell Inn was listed as Grade II*.

Concerns were raised relating to the car parking spaces proposed alongside the dwelling. How many spaces would be allocated for the restaurant?	The Planning Officer confirmed that 7 spaces would be allocated for the restaurant. It was accepted by Planning Officers that some customers would be local.
Concerns were raised relating to wildlife, specifically bats.	The Planning Officer advised that the use of the new dwelling had been reviewed.
Overall, was there sufficient parking since a large reduction in car parking spaces had been proposed?	The Planning Officer confirmed that parking was adequate for the proposal according to policies.

The Chairman, at this time, 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 Baker, seconded by Councillor Alexander, and **RESOLVED** that the Committee continue its deliberations.

Following discussion by the Committee, it was moved by Councillor Fowler, seconded by Councillor Baker 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
  - Financial Contribution towards Open Space
- b) the planning conditions (and reasons) listed below.
- c) That the Assistant Director (Planning) be authorised to refuse planning permission in the event that the legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms would not have been secured through a Section 106 planning obligation.

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: 112, 210, 211, OS 2015-20.2 REV A, OS 2015-20.3 and the recommendations contained within the Arboricultural Impact Assessment, OS 2015-20-Doc1 Rvs A; received 26th November 2021 and OCA-114\_002\_REV A, OCA-114\_110-REV A, OCA-114\_REV A and SK01; received 12th April 2022.



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

3 As indicated on drawing no. 002 Rev. A, the existing parking spaces to the rear of the Chinese Cottage Restaurant shall as per the Essex Parking Standards (Parking Standards: Design and Good Practice, Sept 2009) have a minimum 6.1 metres provided behind each parking space to allow for manoeuvring.

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

4 Each vehicular parking space shall have minimum dimensions of 2.5 metres x 5.0 metres.

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

5 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.

6 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.

7 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for: i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials iii. storage of plant and materials used in constructing the development iv. wheel and underbody washing facilities.

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

8 Sample panels of the exterior brickwork demonstrating the colour, texture, face bond and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The development shall be completed in accordance with the approved details before the building is occupied.

Reason - The development is publicly visible and therefore sympathetic materials are a visually essential requirement.

9 Before the installation of all external windows/doors, details which confirm that the frames will be timber (indicating the colour and finish), shall be submitted to and approved in writing by the local planning authority. The development shall be carried out and retained for the lifetime of the development in accordance with the approved details.

Reason - The development is publicly visible and therefore sympathetic materials are a visually essential requirement.

10 No development or preliminary ground-works can commence until a programme of archaeological trial trenching 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. Following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/or preservation in situ through re-design of the development, shall be submitted to the local planning authority.

Reason - The Tendring Historic Environment Characterisation project and Essex HER show that the proposed development is located within an area with potential for below ground archaeological deposits. The development could result in harm to non-designated heritage assets with archaeological interest.

11 No development or preliminary ground-works can commence until a programme of archaeological evaluation 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.

Reason - The Tendring Historic Environment Characterisation project and Essex HER show that the proposed development is located within an area with potential for below ground archaeological deposits. The development could result in harm to non-designated heritage assets with archaeological interest.

12 Following completion of the archaeological fieldwork, the applicant will submit to the local planning authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the planning authority), which will result in Page 146 the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason - The Tendring Historic Environment Characterisation project and Essex HER show that the proposed development is located within an area with potential for below ground archaeological deposits. The development could result in harm to non-designated heritage assets with archaeological interest.

13 No development shall be commenced until a Renewable Energy Generation Plan (REGP) has first been submitted to and approved in writing by the local planning authority. The REGP shall provide for electric vehicle charging points for the dwelling hereby approved (Type 2, 32 Amp), and set out the measures that will be incorporated into the design, layout and construction, aimed at maximising energy efficiency and the use of renewable energy. Thereafter, the development shall comply with the REGP and any approved measures shall be implemented prior to first occupation.

Reason - In order to ensure that the development contributes towards reducing carbon emissions in addressing climate change, in accordance with Policy PPL10 and SPL3.

8. **A.3 PLANNING APPLICATION 22/00186/FULHH – 9 BEMERTON GARDENS, KIRBY CROSS, FRINTON ON SEA CO13 0LG**

The Acting Director (Planning), Gary Guiver, had earlier in the meeting, as reported under Minute 4 above declared a personal interest in this application due to his being the applicant. He therefore withdrew from the meeting during the Committee's deliberations and decision making on this application.

Councillor Harris returned and Councillor Baker left the meeting.

It was reported that this planning application had been referred to the Planning Committee as the applicant held a politically-sensitive post in the Council.

Members were informed that the application sought planning permission to replace the existing rear conservatory with a single storey, mono-pitched extension clad externally with weatherboard; the cladding of the exterior walls for the parts above a 0.3m high brick plinth; internal alterations and the installation of air source heat pump.

It was reported that the area was heavily urbanised and that its layout was typical of post-war housing whereby a number of properties benefited from wide, open play areas. The dwelling was the left hand of a terrace of four dwellings and was constructed externally in a typical engineered red brick with an interlocking clay-pantile roof. The site was located within the Settlement Boundary of Frinton, Walton and Kirby Cross.

Members were made aware that the scale, design and siting of the proposed development was considered by Officers to respect existing street patterns and was sympathetic to local character. The development proposal did not generate any additional need for parking nor did it diminish the existing level of parking. Overall, it was felt that the new development would protect the amenity of existing residents with regard to loss of light, overbearing and overlooking.

In the absence of any material harm resulting from the development the application was recommend by Officers for approval.

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

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

An update sheet had been circulated to the Committee prior to the meeting detailing matters controlled under Building Control Regulations in relation to the proposed air source heat pump as noted below:-

***“Planning permission is not required for an Air Source Heat Pump at the front of the property, provided it is not located at first floor level. This is covered in paragraphs 6.14 and 6.15 of the Committee Report.*”**

- *Building over a large shared drain is not desirable, and measures should be taken to guarantee the shared drain's future integrity."*

No questions were asked nor comments made by members of the Committee.

Following discussion by the Committee, it was moved by Councillor V E Guglielmi, 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 the following planning conditions and reasons:-

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:- 01B, 02G, 03G, 04B and 05B; received 16th March 2022.

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

Lisa Hastings, the Deputy Chief Executive & Monitoring Officer, left the meeting at this time.

**9. A.4 PLANNING APPLICATION 22/00250/FUL – LAND TO THE SOUTH WEST OF HAMMOND DRIVE, RAMSEY CO12 5EJ**

Councillor Fowler had earlier declared a personal interest in **this application, as reported under Minute 4 above**, due to being a nearby resident.

Councillor Fowler withdrew from the meeting whilst the Committee considered the application and reached its decision.

It was reported that this application had been called in by Councillor Bush on the grounds that, in his opinion, the proposal would create a negative impact on the street scene and adjacent neighbours, that it formed part of a wider piecemeal development of the site without affordable housing contributions, and that it would impact on a part disused footpath connecting Bay View Crescent to Lodge Road.

The Committee was informed that this proposal was for the construction of one dwelling, which would be of a 1.5 storey chalet bungalow design, in place of two dwellings previously approved within planning permission 20/00342/FUL.

Members were made aware that the dwelling, while acknowledged to be of a larger design than either of the existing bungalows previously approved or those dwellings contained within the Hammond Drive development, was not considered by Officers to represent a form of overdevelopment given that the overall footprint was broadly similar to that previously granted permission.

There were no concerns raised by Officers regarding the impact on the neighbouring residential properties and subject to conditions the development was also considered by Officers to be acceptable in regards to Highways and Parking, and its impact on trees.

It was reported that issues relating to the piecemeal development of the wider site and associated lack of affordable housing provision, were not a material consideration in relation to this particular planning application. These issues had previously been addressed and settled within planning permission 20/00342/FUL, when it had been concluded that the wider development should not be subject to an affordable housing provision. This proposal (for one dwelling where two dwellings had been previously approved) also did not trigger an affordable housing contribution due to the small scale nature of the proposal.

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 (MP) in respect of the application.

Councillor Mike Bush, the local Ward Member, spoke against the application.

<b>Matters raised by Members of the Committee:-</b>	<b>Officer's response thereto:-</b>
A member of the Committee referred to the previous application mentioned in paragraph 1.2. Were the 2 bungalows part of the previous application?	The Planning Officer confirmed that they were part of the original plan and if this application was refused, the former application would stand.
The matter of obscured windows was raised by a member of the Committee.	The Planning Officer confirmed that upon approval, windows for en-suites would be obscured.
If the application were deferred, could negotiations take place to determine ownership of the footpath?	The Planning Officer advised that it would not be appropriate to assess the footpath as it exceeded 30 meters distance from the site.
What parking provisions were available?	The Planning Officer advised that 2 parking spaces were proposed for the property with additional parking ability to the front of the property.

Following discussion by the Committee, it was moved by Councillor Harris, seconded by Councillor V E Guglielmi and unanimously **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.**
  - **Provision, specification and maintenance of on-site Open Space.**

b) the following planning 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.: 6104\_P01 - Location Plan Drawing No.: 6104\_P02 Rev A – Existing and Proposed Block Plan Drawing No.: 6104\_P03 Rev A – Proposed Ground Floor Plan Drawing No.: 6104\_P04 Rev A – Proposed First Floor Plan Drawing No.: 6104\_P05 Rev A – Proposed Roof Plan Drawing No.: 6104\_P06 Rev C – Proposed Front and Rear Elevations Drawing No.: 6104\_P07 Rev B – Proposed Side Elevations.

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

3 No development shall take place until the mature Oak tree on the site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping, and has been protected by the erection of temporary protective fences of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Any trees dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be agreed in writing with the Local Planning Authority, following the death of, or severe damage to the trees.

Reason - To ensure that no development impacts upon the protected trees.

4 Prior to occupation of the dwelling a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

5 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

6 There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

7 Prior to occupation of the dwelling the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 4.5 metres (equivalent to 5 drop kerbs), 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.

8 Any new 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.

9 The proposed dwelling shall not be occupied until such time as the vehicle parking area indicated on the approved plans, sealed and if required 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.

10 Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the estate road.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the estate road was not obstructed during the construction period in the interest of highway safety.

11 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, C, D 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 dwellings or their roofs, 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 - It is necessary for the Local Planning Authority to be able to consider and control further development in the interests of visual amenity and residential amenities.

12 No development shall be commenced until a Renewable Energy Generation Plan (REGP) has been first submitted to and approved in writing by the local planning authority. The REGP shall provide for electric vehicle charging point(s) for the dwelling (Type 2, 32 Amp), and set out measures that will be incorporated into the design, layout

and construction, aimed at maximising energy efficiency and the use of renewable energy. Thereafter, the development shall comply with the REGP and any approved measures shall be implemented prior to first occupation.

Reason: In order to ensure that the development contributes towards reducing carbon emissions in addressing climate change, in accordance with Policy PPL10 and SPL3.

10. **A.5 PLANNING APPLICATION 21/01850/FUL - 24A STATION ROAD, CLACTON-ON-SEA CO15 1SX**

Councillor Fowler returned to the meeting.

The Committee was informed that this application had been called in by Councillor P B Honeywood, the Ward Member.

It was reported that the application site was located on the eastern side of Station Road, Clacton-on-Sea, close to the junction with Pallister Road, within the main town centre. The site lay within the Settlement Development Boundary of Clacton-on-Sea as defined within the Tendring District Local Plan 2013-2033. The immediately vicinity was made up of three storey terrace buildings with a variety of commercial/retail uses at ground floor and residential flats at first and second floors.

The Committee was made aware that this development proposal consisted of a change of use from a residential flat to a six bed House of Multiple Occupation in order to provide accommodation for students (as described by the applicant) attending Tiffany Theatre College, which had relocated to Clacton and with which the applicant had strong links to.

The site was located in a highly sustainable, built up area of Clacton-on-Sea and within easy walking distance to a number of services and the college. The site was within walking distance of Clacton railway station which provided links to Colchester, London and beyond.

The Committee was made aware that the proposal was fully compliant with Policy LP11 and that there had been no objections from ECC Highways, TDC Housing ( subject to the grant of an HMO licence) or TDC Environment Protection.

For those summarised reasons, the application was therefore recommended by Officers 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 Team Leader (JJ) in respect of the application.

Melissa Wenn, the applicant, spoke in support of the application.

Councillor P B Honeywood, the local Ward Member, spoke against the application.

Councillor Fowler left the meeting at this point in the proceedings.



<b>Matters raised by Members of the Committee:-</b>	<b>Officer's response thereto:-</b>
A member of the Committee asked for clarification in relation to the Council's view on the application and whether conditions could be imposed.	The Planning Officer confirmed that conditions imposed were required to pass NPPF tests. It would not be suitable to impose conditions where the application is considered acceptable.
It was raised by a member of the Committee regarding the importance of considering the application as a HMO. Was this application suitable in aspects such as location?	The Planning Officer confirmed that the application i wassuitable.

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

- The site was in an unsuitable location for a HMO because within a 100m radius of the site, and if all forms of HMO's and bedsits were taken into account the proposal would exceed the 10% upper limit as outlined in Local Plan Policy LP11 (a) and will therefore be in conflict with this policy.

The meeting was declared closed at 22:55pm.

**Chairman**