

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 17TH JANUARY, 2023 AT 6.00 PM
IN THE COMMITTEE ROOM, TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors White (Chairman), Fowler (Vice-Chairman), Alexander, Baker, Codling, V Guglielmi, Harris and Wiggins
Also Present:	Councillor G V Guglielmi
In Attendance:	Gary Guiver (Director (Planning)), John Pateman-Gee (Planning Manager), Ian Ford (Committee Services Manager), Joanne Fisher (Planning Solicitor), Jacob Jaarsmar (Planning Team Leader)(except items 85 and 86), Charlotte Cooper (Development Technician), Emma Haward (Leadership Support Assistant) and Hattie Dawson-Dragsic (Performance and Business Support Officer)

79. REPORT OF DIRECTOR (PLANNING) - A.4 - EXTENSION OF TIME IN RELATION TO PLANNING APPLICATION – 17/01229/OUT – LAND ADJACENT AND TO THE REAR OF 755 AND 757 ST JOHNS ROAD, CLACTON-ON-SEA

The Chairman informed the meeting that this application had been deferred as Essex County Council had made a late request to include an extra clause within the Section 106 Legal Agreement and consequently a further period of time was required to allow all parties to consider their position.

80. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was submitted on behalf of Councillor Placey (who was not substituted).

81. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on 20 December 2022, were approved as a correct record and signed by the Chairman.

82. DECLARATIONS OF INTEREST

Councillor Harris stated for the public record that he was a member of Tendring Parish Council and the Ward Member for Planning Application 22/00778/FUL (report item A.1). He confirmed, however, that he was not pre-determined on this application and that therefore he would take part in the Committee's deliberations on this matter. He also confirmed that he had not participated in the Parish Council's discussions on this application.

Councillor Alexander stated for the public record that he was a Ward Member for Planning Applications 22/01843/FUL (report item A.2) and 22/01829/ADV (report item A.3).

83. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were no such Questions on Notice submitted by Councillors on this occasion.

84. REPORT OF DIRECTOR (PLANNING) - A.1 - PLANNING APPLICATION – 22/00778/FUL – HILL FARM, CROWN LANE, TENDRING

Earlier on in the meeting, as reported in more detail under Minute 82 above, Councillor Harris had stated for the public record that he was a member of Tendring Parish Council and the Ward Member for this application.

It was reported that this application had been referred to the Committee as the proposed development would conflict with the requirements of the Development Plan, principally Policy SPL2 (Settlement Development Boundaries) of the Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022) being located outside of any defined settlement development boundary.

In the opinion of the Planning Officers the proposed dwelling was not considered to be so materially different in regards to siting and footprint compared to the development previously approved under prior approval 17/01559/COUNOT and the new dwelling previously approved in lieu of this prior approval under application 19/00236/FUL. Moreover, in respect of proposed design and external appearance, the proposal was considered by Officers to result in a significant improvement compared to the design and external appearance of the dwelling approved under application 19/00236/FUL. The overall height of the proposal exceeded that of the above-mentioned approvals however, given the siting of the building, coupled with the improvements outlined above, this minor increase in height was not considered to result in harm. The proposed dwelling would continue to utilise an existing private access off Crown Lane to include its widening to 4.8m (wide) for first 6m.

In the absence of any material harm resulting from the development in regards to its individual appearance, impact on the wider street scene and the character and appearance of the rural landscape, the application was therefore recommended by Officers for approval. Furthermore, Officers considered that the proposal would not result in any detrimental impact on neighbour amenity and there were no concerns raised in regard to parking and highway matters.

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 (Jacob Jaarsma) in respect of the application.

Eleanor Serghiou, an applicant, spoke in favour of her application.

Bill Marshall, a member of the public, spoke in favour of the application.

The Chairman of Tendring Parish Council (Parish Councillor Ted Edwards) spoke against the application.

Outline of matters raised by the Committee	Outline of the Officer response thereto
<i>Can you clarify that the original consent granted under Class Q in 2017 was superseded by the 2019 permission,</i>	<i>Yes, in essence. However, the demolition of the former pig farrowing building constitutes a lawful</i>

<i>which therefore negated Class Q and in turn is now superseded by this current application?</i>	<i>commencement of the previous permission and therefore there exists a strong fall-back position. Simply put, there will be a 3 bedroom dwelling built at this site – it is just a case of Members deciding which of the two alternatives has the better design.</i>
<i>Are the height sizes similar between the 2019 and current applications and are they comparable to the original pig farrowing building?</i>	<i>The Officer referred Members to the table in Section 6.14 of his written report.</i>
<i>Can you confirm that the proposed footprint has gone from 80sqm to 108sqm to now 130sqm. Do you consider this to be a reasonable increase in size from the original pig farrowing building?</i>	<i>This is difficult to answer as different points in time have different circumstances. Officers can only judge an application on its individual merits given the prevailing material circumstances at this time. The entirety of the original pig farrowing building, including its overhang, was 118sqm. Cannot deny there's a jump in size but there is no demonstrable planning harm. Essentially, this is just a matter of comparing the two designs whilst allowing for an increase of 13sqm.</i>
<i>What is the height of other buildings in the vicinity including the house currently under construction?</i>	<i>The house currently under construction is 20cm higher and the other existing dwellings in the vicinity are similar.</i>
<i>Have any objections been received from neighbours?</i>	<i>No.</i>
<i>Do you agree that this is a barn type design?</i>	<i>The design is simple in form and layout with modern features but there are strong nods to the historic barn in some features.</i>
<i>Do you feel that this design is in keeping with other dwellings and the general area in that vicinity?</i>	<i>Yes</i>
<i>Would this be classed as a "windfall" housing gain?</i>	<i>Overall, yes this would count towards the Council's housing provision figures.</i>
<i>Will there be a requirement for solar panels on the roof? Will there be a requirement for electric vehicle charging points?</i>	<i>There would not be a requirement for solar panels as this was not a condition that had been imposed on the 2019 approval. There is a proposed planning condition that would require EV charging points. Measures around the energy provision within the dwelling fall under the Building Regulations.</i>
<i>Will the onus of proposed planning condition 6 fall on the applicant?</i>	<i>Yes, this is an obligation placed upon them by the ECC Highways department.</i>
<i>Was that condition imposed on the other developments in the vicinity?</i>	<i>Can't be certain but probably not given that they were Prior Approvals under Class Q. In respect of this application site the plans approved under the 2019</i>

	<i>permission had included within them within the “red line” the proposed access.</i>
<i>Was the 2019 application approved under delegated powers?</i>	<i>Yes it was.</i>

Following discussion by the Committee:-

It was moved by Councillor Fowler, seconded by Councillor Harris and:-

RESOLVED unanimously that the Planning Manager be authorised to grant planning permission, subject to the conditions, as set out below, or as need to be varied as is necessary to ensure the wording is enforceable, precise and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained.

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 plan(s): 5695 PA_01 Revision C 5695 PA_02 Revision A 5695 PA_03 Revision A 5695 PA_04 Revision A 5695 PA_05 Revision A 5695 PA_06 Revision A 5695 PA_07 Revision A Preliminary Ecological Appraisal (by Liz Lord Ecology, March 2022).

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

3. There shall be no development above slab level until a scheme for all hard and soft landscaping works including a detailed plan, showing species to be used, planting positions, numbers of trees and shrubs and the sizes of the plants at time of planting and include wildlife friendly, native planting and locations for habitat boxes for roosting bats and nesting birds shall be submitted to and approved, in writing, by the Local Planning Authority.

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

4. 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 the adequate retention and maintenance of the approved landscaping scheme for a period of five years in the interests of visual amenity, the quality of the development and the character of the area.

5. No development above slab level shall commence under details of a suitable vehicle passing place along the access way leading to Hill Farm have been submitted to the LPA for written approval, indicating minimum dimensions of 5 metres wide x 6 metres in length. The details shall thereafter be implemented in accordance with the approved details prior to first occupation of the development hereby approved.

Reason: To provide adequate inter-visibility between vehicles using the shared access and those in the existing public highway in the interest of highway safety in accordance with policy DM1.

6. Prior to the occupation of the development hereby approved the private drive shall be constructed to a minimum width of 4.8 metres for at least the first 6 metres from the back of Highway Boundary (at its junction with Crown Lane).

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1.

7. Prior to occupation of the dwelling hereby approved, an electrical charging point, including all necessary switching and cabling to make it operational, shall be made readily available for future occupants of the dwelling.

Reason: In order to promote sustainable transport.

8. Notwithstanding the provisions of Schedule 2 Part 1 Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no extensions, additions, porches or alterations to the dwellings or their roofs shall be carried out and no outbuildings, enclosures, swimming or other pools shall be erected except in complete accordance with details which shall previously have been approved, in writing, by the Local Planning Authority following the submission of a planning application for such development.

Reason - To minimise and retain control over the amount of development that would otherwise be classed as 'permitted development' in this rural location, and due to the unique planning history on the site since planning permission been granted in lieu of a prior approval for a conversion to a new dwelling and such conversions do not have permitted development rights.

9. The development shall be carried out in full accordance with enhancement measures and details contained in Preliminary Ecological Appraisal (by Liz Lord Ecology, March 2022). This includes 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 LPA 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).

10. Prior to above ground works of the development hereby approved, a Biodiversity Enhancement Strategy (BES) for Protected and Priority species shall first been submitted to and approved in writing by the local planning authority. The BES 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 prior to occupation and shall be retained in that manner thereafter."

Thereafter the development shall proceed in accordance with the details as may have been approved. The approved biodiversity enhancement measures shall be retained for the lifetime of the development.

Reason: In order to conserve protected and Priority species and secure a net gain in biodiversity.

11. The development hereby approved shall not be brought into first use until a lighting design scheme shall be submitted to and approved in writing by the local planning authority. The lighting design scheme shall include the following:

- identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging;
- 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 as well as to minimise the impact of light spillage and luminance on nearby residents.

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. No other lighting except as may be approved by this condition shall be installed on the site.

Reason: In the interest of residential amenity and to allow the LPA 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).

85. REPORT OF DIRECTOR (PLANNING) - A.2 - PLANNING APPLICATION - 22/01843/FUL - ATLANTA BUILDING, KINGS PROMENADE, BELOW MARINE PARADE WEST, CLACTON-ON-SEA

Earlier on in the meeting, as reported under Minute 82 above, Councillor Alexander had stated for the public record that he was a Ward Member for this application.

It was reported that this application was before Members as the land was owned by Tendring District Council.

The Committee was informed that this application sought a new shopfront and creation of an external seating area at the Atlanta Building, Kings Promenade, below Marine Parade West, Clacton-on-Sea. Those changes would enable the building to operate as a lounge café.

Members were made aware that the existing Atlanta building was occupied by various kiosks and cafes, an that planning permission was not required for the change of use as all uses were within Class E.

In the opinion of Planning Officers the proposal was considered to be of an acceptable design and appearance, in keeping with the locality.

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 Development Technician (Charlotte Cooper) in respect of the application.

Outline of matters raised by the Committee	Outline of the Officer response thereto
<p><i>Could the Officer clarify the ECC Heritage department's concerns?</i></p>	<p><i>ECC Heritage had concern about the new external railing to mark the new external seating area at ground floor. They felt that a railing would represent a permanent feature which would not be considered in keeping with the open and public character of the West Promenade (Paragraphs 197c and 206 of the NPPF were relevant here). However, TDC's Planning Officers had noted that the surrounding area was largely characterised by buildings of a similar use and design. Railings appeared prominently within the area, including on the existing host site and site directly opposite the application site. The railings therefore could not be said to be out of character with the existing Conservation Area in this regard, but did change the immediate character of the area. In this case the external seat area to ensure a flat surface for seating would, in part, be raised and a form of enclosure was required to avoid customers' falling. The</i></p>

	<p><i>enclosure provided a degree of enclosure and security as well as protection that improved the use of the building and was considered to contribute to a viable economic use and function that represented a public benefit. Therefore, while harm was slight, public benefit was considered to outweigh this harm. In the planning balance it was also considered that permitted development could allow a form of enclosure (be it a little lower in height) without planning permission being required.</i></p>
<p><i>Clarify where the disabled access to the ground floor will be.</i></p>	<p><i>It will be on the eastern end (i.e. the Pier side) of the building.</i></p>

Following discussion by the Committee:-

It was moved by Councillor Baker, seconded by Councillor Alexander and:-

RESOLVED that the Planning Manager be authorised to grant planning permission, subject to the conditions, as set out below, or varied as is necessary to ensure the wording is enforceable, precise and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained.

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 drawings / documents, and / or such other drawings / documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings / documents as may be subsequently approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard:

- Drawing No. LNG4605.03 A
- Drawing No. LNG4605.04 A
- Drawing No. LNG4605.07 C
- Design and Access Statement

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

86. REPORT OF DIRECTOR (PLANNING) - A.3 - PLANNING APPLICATION – 22/01829/ADV – ATLANTA BUILDING, KINGS PROMENADE, BELOW MARINE PARADE WEST, CLACTON-ON-SEA

Earlier on in the meeting, as reported under Minute 82 above, Councillor Alexander had stated for the public record that he was a Ward Member for this application.

It was reported that this application was for advertisement consent to display 3 no. illuminated fascia signs and 1 no. illuminated menu board. Fascia Sign No. 1 would display the name of the building 'Martello Lounge'. Fascia Signs Nos. 2 and 3 would display individual metal letters 'Café Bar'. All three signs would be to the front of the building and would be illuminated. The illuminated menu board would be inside the shopfront adjacent to the main entrance to the café/bar.

Due to the location of the building, in close proximity to Clacton Pier and 'The Pavilion', the design and appearance of the proposal was considered by Planning Officers to be in keeping with the locality and would not result in a loss of amenities to neighbouring properties.

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 Development Technician (Charlotte Cooper) in respect of the application. An update sheet had been circulated to the Committee prior to the meeting comprising a correction to a typographical error in paragraph 1.2 of the Officer report.

Following discussion by the Committee:-

It was moved by Councillor Alexander, seconded by Councillor Harris and:-

RESOLVED that the Planning Manager be authorised to grant Advertisement Consent, subject to the conditions, as set out below, or varied as is necessary to ensure the wording is enforceable, precise and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained.

Conditions and Reasons

- 1 All advertisement consents are subject to five standard conditions specified in Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 which are as follows: -
 1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
 2. No advertisement shall be sited or displayed so as to
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Additionally, all advertisement consents are for a fixed term of 5 years unless this period is varied on the formal decision notice.

- 2 The development hereby permitted shall be carried out in accordance with the following approved drawings / documents.

Drawing No. LNG4605.BP - Block Plan
Drawing No. LNG4605.06C - Proposed Signage Detail
Heritage Statement

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

The meeting was declared closed at 7.10 pm

Chairman