

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON THURSDAY, 13TH APRIL, 2023 AT 6.00 PM
IN THE COMMITTEE ROOM, AT THE TOWN HALL, STATION ROAD, CLACTON-
ON-SEA, CO15 1SE**

Present:	Councillors White (Chairman), Fowler (Vice-Chairman), Alexander, Baker (except item 114 (part)), V Guglielmi, Harris, Placey and Wiggins
In Attendance:	Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Gary Guiver (Director (Planning)), Ian Ford (Committee Services Manager), Michael Pingram (Planning Officer), Charlotte Cooper (Development Technician) and Emma Haward (Leadership Support Assistant)
Also in Attendance:	Andy White (Assistant Director (Buildings & Public Realm) (except items 114 and 115)

107. REPORT OF DIRECTOR (PLANNING) - A.1 - PLANNING APPLICATION 22/01999/FUL - 16 ELLIS ROAD, CLACTON-ON-SEA, CO15 1ER

The Chairman informed the meeting that this Planning Application, which sought the change of use from Use Class C3 - residential to Use Class C1 - Hotel (to operate in connection with the existing adjacent hotel) had been included on the published Agenda for this meeting, at the request of Councillor Paul Honeywood, due to his initial concerns with the alleged poor quality of accommodation and poor functionality of the development.

However, having read the published Officer report and having spoken to the relevant Planning Officer, Councillor Honeywood had subsequently notified the Council that he had withdrawn his "call-in".

The Chairman stated that he had considered the matter and had agreed that this item would be withdrawn from the Agenda for this meeting. He informed the meeting that this Planning Application would now be determined by Officers, in accordance with the powers delegated to them by the Council's Constitution.

108. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was received from Councillor Codling, with no substitute.

109. MINUTES OF THE LAST MEETING

It was moved by Councillor Wiggins, seconded by Councillor Placey and:-

RESOLVED that the minutes of the last meeting of the Committee held on Tuesday, 14th March 2023 be approved as a correct record, subject to it being made clear in the second paragraph of Minute 102 that Councillor Placey **did not** participate in the Committee's consideration of Planning Application 23/00008/TPO (Acorn Cottage, Stones Green Road, Tendring).

110. DECLARATIONS OF INTEREST

Councillor Baker declared for the public record in relation to report **A.4 - Planning Application 23/00232/FUL, Holland-on-Sea Bowls Club, Madeira Road, Holland-on-Sea** that he was pre-determined and that therefore he would not participate in the Committee's deliberations and decision making for this application. He further stated that he would be speaking against the application, as a member of the public and as a resident of Holland-on-Sea.

Councillor Wiggins declared for the public record in relation to report **A.2 - Planning Application 22/02038/FUL – White Barn Farm, Clacton Road, Elmstead, CO7 7DB** that she was a Ward Member. She advised that she was not pre-determined, and that therefore she would participate in the Committee's deliberations and decision making for this application.

The Deputy Chief Executive & Monitoring Officer (Lisa Hastings) reminded Members that the Council was now in its pre-election period and that therefore Members needed to exercise a degree of caution in any statements that they made during the course of the meeting.

111. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

112. REPORT OF DIRECTOR (PLANNING) - A.2 - PLANNING APPLICATION 22/02038/FUL - WHITE BARN FARM, CLACTON ROAD, ELMSTEAD, CO7 7DB

Earlier on in the meeting, Councillor Wiggins had declared for the public record in relation to this application that she was a Ward Member. She had advised that she was not pre-determined, and that therefore she would participate in the Committee's deliberations and decision making for this application.

It was reported that this application had been referred to Planning 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), as it was located outside of any defined settlement development boundary and it also had an Officer recommendation of approval.

Members were informed that the proposed dwelling was not considered by Officers to be materially different in regards to siting, or footprint, to the development approved under prior approval 21/01288/COUNOT and that it was similar in scale and appearance to dwellings and other built form within the wider area. The overall height of the proposal exceeded that of the existing building, however this was not considered by Officers to result in significant harm.

The Committee was made aware that the Council's Tree and Landscape Officer had raised no concerns, whilst sufficient parking and private amenity space was provided, and that there would not be significant harm to existing neighbouring amenities. Essex Highways Authority had also raised no objections.

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.

An update sheet had been circulated to the Committee prior to the meeting with details of the wording of proposed planning condition no. 7, which was recommended by Officers to be amended to read as follows:-

“CONDITION: No development shall commence above slab level until a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme such include as a minimum to achieve:-

- Agreement of carbon level
- Agreement of provisions to ensure the development is zero carbon ready
- A Water-butt per dwelling
- Compost bin per dwelling
- Agreement of heating of each dwelling/building
- Agreement of scheme for waste reduction

The scheme shall be fully implemented prior to the first occupancy of the development unless otherwise agreed in writing by the Local Planning Authority. The scheme shall be constructed and the measures provided and made available for use as may be agreed and thereafter shall be maintained.

REASON: To enhance the sustainability of the development through better use of water, energy and resources reduce harm to the environment and result in wider public benefit in accordance with the NPPF.”

Mollie Foley, the applicant's agent, spoke in support of the application.

Matters raised by Members of the Committee:-	Officer's response thereto:-
<i>Can you confirm that the Council has still not received any representations from Elmstead Parish Council or members of the public?</i>	<i>Can confirm that this is the case.</i>
<i>Can you clarify why the condition imposing the provision of EV charging points has been removed?</i>	<i>This is now covered as part of the proposed planning condition number 2 as the charging points were in fact included as part of the submitted application documents.</i>
<i>Why have Permitted Development Rights (PDR) not been removed as part of the conditions?</i>	<i>The removal of PDR is usually undertaken only in certain circumstances, which have not been met on this occasion in the opinion of Officers.</i>
<i>What would be the heating system for this property?</i>	<i>Details of this would come forward as part of the requirements of condition 7.</i>

<i>Are Solar Panels included within Condition 7?</i>	<i>All details of any renewable heating system package would need to come forward as part of the requirements of condition 7.</i>
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Following discussion by the Committee, it was moved by Councillor Baker, seconded by Councillor Alexander and unanimously:-

RESOLVED that –

- (a) the Planning Manager be authorised to grant planning permission, subject to the planning conditions as stated at paragraph 8.2 of item A.2 of the Report of the Director (Planning) and further subject to planning condition no. 7 being amended to reflect the changes set out in the Planning Officers' Update Sheet, or varied as is necessary to ensure the wording of those conditions is enforceable, precise and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and
- (b) the informative notes, as may be deemed necessary, being sent to the applicant.

113. REPORT OF DIRECTOR (PLANNING) - A.3 - PLANNING APPLICATION 23/00254/FUL - MILL LANE COUNCIL YARD, MILL LANE, WALTON-ON-THE-NAZE, CO14 8PE

It was reported that the application was before the Planning Committee as the applicant was Tendring District Council (TDC).

Members were informed that the proposal sought permission for replacement gates and additional railings on top of the existing front (eastern) boundary wall, as part of wider renovation works to the site in order for it to be used as a storage depot for wheelie bins and recycling boxes, following the closure of TDC's Offices/Depot site at Weeley, where they were currently stored.

In the opinion of Officers, the works would result in a minor enhancement to the character and appearance of the area, and would also result in a neutral impact to existing neighbouring amenities.

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.

Andy White, Assistant Director (Buildings & Public Realm), spoke on behalf of the applicant (TDC) and in support of the application.

Following discussion by the Committee, it was moved by Councillor V E Guglielmi, seconded by Councillor Placey and unanimously:-

RESOLVED that –

- (a) the Planning Manager be authorised to grant planning permission, subject to the planning conditions as stated at paragraph 8.2 of item A.3 of the Report of the Director (Planning), or varied as is necessary to ensure the wording of those conditions is enforceable, precise and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and
- (b) the informative notes, as may be deemed necessary, being sent to the applicant.

114. REPORT OF DIRECTOR (PLANNING) - A.4 - PLANNING APPLICATION 23/00232/FUL - HOLLAND-ON-SEA BOWLS CLUB, MADEIRA ROAD, HOLLAND-ON-SEA, CO15 5HZ

Earlier on in the meeting, Councillor Baker had declared for the public record in relation to this application that he was pre-determined and that therefore he would not participate in the Committee's deliberations and decision making for this application. He had further stated that he would be speaking against the application, as a member of the public and as a resident of Holland-on-Sea.

It was reported that this application was before the Planning Committee as Tendring District Council (TDC) was the landowner.

The Committee was informed that this application sought retrospective permission for the retention of an erected fence that required planning permission as it was more than one metre in height adjacent to a highway.

Officers had noted that, before the fence the subject of this application, there had been a conifer hedge in place that had had some limited fencing (post and wire) set within the hedge. The removal of the hedge had not needed any form of consent and its actual removal was not a material consideration and was lawful. A fence of any design up to one metre high would be permitted development without the need of planning permission and this fall back position was a material consideration. This proposal for a fencing up to 2.3 metres had been considered on its merits as needing permission by reason of its height.

Officers had further noted that the fence was sited along the northern boundary, facing Madeira Road, and was therefore visible to the public views of the street scene. The fence was taller than the neighbouring front facing fences in the immediate proximity, however, fences of a similar height could be seen in nearby street scenes such as Cliff Road and Dulwich Road. The fence was not deemed to appear overly dominant or out of character in this location given the variation of its design that included both solid and trellis elements. The fence was a good quality design and would weather and soften in appearance. It was therefore considered to be of an acceptable design and appearance.

Overall, therefore, the works were considered by Officers to result in minor changes to the visual characteristics of the area and would have no significant harmful impact on visual amenities.

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 (CC) in respect of the application.

Carol Cooper, a Trustee of Holland-on-Sea Bowls Club (the applicant), spoke in support of the application.

Councillor Andy Baker spoke against the application in his capacity as a member of the public and resident of Holland-on-Sea. He then left the meeting whilst the Committee deliberated on this matter and reached its decision.

Matters raised by Members of the Committee:-	Officer's response thereto:-
<i>Can you confirm the height of the fence?</i>	<i>2.3 metres.</i>

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

RESOLVED that –

- (a) the Planning Manager be authorised to grant planning permission, subject to the planning conditions as stated at paragraph 8.2 of item A.4 of the Report of the Director (Planning), or varied as is necessary to ensure the wording of those conditions is enforceable, precise and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and
- (b) the informative notes, as may be deemed necessary, being sent to the applicant.

115. CHAIRMAN'S CLOSING REMARKS

The Chairman (Councillor White), on behalf of the Committee, thanked the Officers for all of their help and advice over the course of this current municipal year. He also thanked his Vice-Chairmen and the Members of the Committee for their hard work and dedication.

Councillor Harris thanked Councillor White for the way in which he had conducted himself as Chairman over the course of this four-year Council term. He also recorded his thanks to the Officers.

The meeting was declared closed at 6.49 pm

Chairman