



PLANNING COMMITTEE

DATE:	Tuesday, 10 September 2024
TIME:	5.00 pm
VENUE:	Committee Room, Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

MEMBERSHIP:

Councillor Fowler (Chairman)
Councillor White (Vice-Chairman)
Councillor Alexander
Councillor Everett
Councillor Goldman

Councillor McWilliams
Councillor Smith
Councillor Sudra
Councillor Wiggins

Most Council meetings are open to the public and press. The space for the public and press will be made available on a first come first served basis. Agendas are available to view five working days prior to the meeting date and the Council aims to publish Minutes within five working days of the meeting. Meeting papers can be provided, on request, in large print, in Braille, or on disc, tape, or in other languages.

This meeting will be filmed by the Council for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items, and the footage will be on the website for up to 24 months (the Council retains one full year of recordings and the relevant proportion of the current Municipal Year). The Council will seek to avoid/minimise footage of members of the public in attendance at, or participating in the meeting. In addition, the Council is obliged by law to allow members of the public to take photographs, film, audio-record, and report on the proceedings at public meetings. The Council will only seek to prevent this should it be undertaken in a disruptive or otherwise inappropriate manner.

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DATE OF PUBLICATION: Monday, 2 September 2024

AGENDA

1 Apologies for Absence and Substitutions

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

2 Minutes of the Last Meeting (Pages 9 - 18)

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on Tuesday, 9 July 2024.

3 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests of Non-Registerable Interests, and the nature of it, in relation to any item on the agenda.

4 Questions on Notice pursuant to Council Procedure Rule 38

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

5 Report of the Director (Planning) - A.1 - 23/01757/FUL - 610 Main Road, Harwich, CO12 4LW (Pages 19 - 34)

Change of use from a dance studio to a Mosque-Community Centre, including addition of a pergola roof over the side access.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Planning Committee is to be held in the Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 5.00 pm on Tuesday, 8 October 2024.

INFORMATION FOR VISITORS

PUBLIC ATTENDANCE AT PLANNING COMMITTEE MEETINGS

Welcome to this evening's meeting of Tendring District Council's Planning Committee.

This is an open meeting which members of the public can attend to see Councillors debating and transacting the business of the Council. However, please be aware that, unless you have registered to speak under the Public Speaking Scheme, members of the public are not entitled to make any comment or take part in the meeting. You are also asked to behave in a respectful manner at all times during these meetings.

Members of the public do have the right to film or record Committee meetings subject to the provisions set out below:-

Rights of members of the public to film and record meetings

Under The Openness of Local Government Bodies Regulations 2014, which came into effect on 6 August 2014, any person is permitted to film or record any meeting of the Council, a Committee, Sub-Committee or the Cabinet, unless the public have been excluded from the meeting for the consideration of exempt or confidential business.

Members of the public also have the right to report meetings using social media (including blogging or tweeting).

The Council will provide reasonable facilities to facilitate reporting.

Public Behaviour

Any person exercising the rights set out above must not disrupt proceedings. Examples of what will be regarded as disruptive, include, but are not limited to:

- (1) Moving outside the area designated for the public;
- (2) Making excessive noise;
- (3) Intrusive lighting/flash; or
- (4) Asking a Councillor to repeat a statement.

In addition, members of the public or the public gallery should **not** be filmed as this could infringe on an individual's right to privacy, if their prior permission has not been obtained.

Any person considered being disruptive or filming the public will be requested to cease doing so by the Chairman of the meeting and may be asked to leave the meeting. A refusal by the member of the public concerned will lead to the Police being called to intervene.

Filming by the Council This meeting will be filmed by the Council for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items, and the footage will be on the website for up to four years (the Council retains three full years of recordings and the relevant proportion of the

current Municipal Year). The Council will seek to avoid/minimise footage of members of the public in attendance at, or participating in, the meeting.

Tendring District Council



PLANNING COMMITTEE MEETINGS PUBLIC SPEAKING SCHEME March 2021

This Public Speaking Scheme is made pursuant to Council Procedure Rule 40 and gives the opportunity for a member of the public and other parties identified below to speak to Tendring District Council's Planning Committee when they are deciding a planning application.

TO WHICH MEETINGS DOES THIS SCHEME APPLY?

Public meeting of the Council's Planning Committee are normally held every 4 weeks at 5.00 pm in the Committee Room at the Town Hall, Station Road, Clacton-on-Sea CO15 1SE.

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

1. The applicant, his agent or representative; or (where applicable) one person the subject of the potential enforcement action or directly affected by the potential confirmation of a tree preservation order, his agent or representative. A maximum of 3 minutes to speak is allowed;
2. One member of the public who wishes to comment on or to speak in favour of the application or someone who produces a signed, written authority to speak on their behalf. A maximum of 3 minutes to speak is allowed;
3. One member of the public who wishes to comment on or speak against the application or someone who produces a signed, written authority to speak on their behalf. A maximum of 3 minutes to speak is allowed;
4. Where the proposed development is in the area of a Parish or Town Council, one Parish or Town Council representative. A maximum of 3 minutes to speak is allowed;
5. All District Councillors for the ward where the development is situated ("ward member") or (if the ward member is unable to attend the meeting) a District Councillor appointed in writing by the ward member. Member(s) of adjacent wards or wards impacted by the proposed development may also speak with the

agreement of the Chairman. Permission for District Councillors to speak is subject to the Council's Code of Conduct and the declarations of interest provisions will apply. A maximum of 5 minutes to speak is allowed;

In accordance, with Council Procedure Rule 36.1, this Public Speaking Scheme takes precedence and no other Member shall be entitled to address or speak to the Planning Committee under Rule 36.1; and

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

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

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

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

WHICH MATTERS ARE COVERED BY THIS SCHEME?

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

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

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

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

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

HOW DO I ARRANGE TO SPEAK AT THE MEETING?

You can:-

Telephone the Committee Services Officer (“CSO”) (01255 686587 or 686584) during normal working hours on any weekday after the reports and agenda have been published; or

Email: democraticservices@tendringdc.gov.uk.

OR

On the day of the Planning Committee meeting, you can arrive in the Committee Room in the Town Hall at least 15 minutes before the beginning of the meeting (meetings normally begin at 5.00pm) and speak to the CSO.

If more than one person wants to speak who is eligible under a particular category (e.g. a member of the public within the description set out in numbered paragraphs 2 or 3 above), the right to speak under that category will be on a “first come, first served” basis.

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

WHAT WILL HAPPEN WHEN THE MATTER CONCERNED IS CONSIDERED?

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

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

WHAT SHOULD I SAY AT THE MEETING?

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

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

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

WHO DO I CONTACT FOR MORE INFORMATION?

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

Tendring District Council, Planning Services,
Town Hall, Station Road, CLACTON-ON-SEA, Essex CO15 1SE
Tel: 01255 686161 Fax: 01255 686417
Email: planningservices@tendringdc.gov.uk Web: www.tendringdc.gov.uk

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

As approved at the meeting of the Full Council held on 16 March 2021

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 9TH JULY, 2024 AT 5.00 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Fowler (Chairman), White (Vice-Chairman), Alexander, Goldman, McWilliams and Sudra
In Attendance:	Gary Guiver (Director (Planning)), John Pateman-Gee (Head of Planning & Building Control), Joanne Fisher (Planning Solicitor), Michael Pingram (Senior Planning Officer) (except items 14-16), Jacob Jaarsma (Planning Team Leader) (except items 15 & 16), Oliver Ashford (Planning Officer), Madeline Adger (Leadership Support Manager) and Bethany Jones (Committee Services Officer)

9. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Everett (with no substitution), Smith (with no substitution) and Wiggins (with no substitution).

10. MINUTES OF THE LAST MEETING

It was moved by Councillor Alexander, seconded by Councillor Goldman and unanimously:-

RESOLVED that the minutes of the meeting of the Committee, held on Tuesday 14 May 2024, be approved as a correct record and be signed by the Chairman.

11. DECLARATIONS OF INTEREST

Councillor McWilliams declared for the public record that, in relation to the Planning Application **A.1 – 23/01699/OUT – Land to the South of Colchester Road, Frating** and due to her being the Ward Councillor for The Bentleys & Frating, she therefore would not participate in the Committee’s deliberations and decisions making for this application and that she would leave the room at the appropriate juncture.

12. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

13. REPORT OF THE DIRECTOR (PLANNING) - A.1 - 23/01699/OUT - LAND TO THE SOUTH OF COLCHESTER ROAD, FRATING

Earlier on in the meeting as reported under Minute 11 above, Councillor McWilliams had declared for the public record that she was the Ward Member for The Bentleys & Frating Ward. She therefore left the room and did not participate in the Committee’s deliberations and decision making on this application.

The Committee was informed that the application was before it at the discretion of the Director of Planning and that it sought outline planning permission (with all matters reserved bar access) for the erection of a commercial premises. The indicative plan showed the building to measure approximately 7,200sqm which would be split between

factory use (70%) and office use (30%) and would also accommodate 153 parking spaces.

The Committee was made aware that, the relocation of the applicant's site from its current base in Clacton-on-Sea would facilitate the expansion of a successful local business, thereby generating significant economic benefits. Additionally, it had been demonstrated that no sites allocated for employment use in the adopted local plan would be suitable. Taking that into account, Officers had afforded great weight to those benefits.

Officers reminded Members that while the proposal was in outline form, it was considered that the indicative layout, scale and design would be acceptable. There would be no significant harm to neighbouring amenities given the separation distances, and similarly no significant harm to any heritage assets. No harm to existing trees had been identified, and following discussions, ECC Highways, ECC Ecology and ECC SuDS had raised no objections subject to conditions.

Officers further reminded Members that there would be a degree of harm to the landscape character given that the site was currently an open parcel of agricultural land. However, it was also noted that there was significant existing built form in close proximity, though admittedly on the northern section of Colchester Road, and the applicant had demonstrated the harm would not be to a significant level, particularly over the passage of time as vegetation matured. That said, a small level of weight had been attached by Officers to that identified harm.

Members were told that, in conclusion, while it was noted there would be a degree of harm to the landscape character of the area, on this occasion the economic benefits of the development were considered, by Officers, to outweigh that. The application was therefore considered to comply with local and national planning policies and had been 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 representation received and a recommendation of approval.

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

An update sheet had been circulated to the Committee prior to the meeting, with details of a letter of observation and a letter of objection that had been received, which raised the following points:

1. *"The land is grade one or two farmland, not suitable for further development;*
2. *Impact to wildlife;*
3. *Flooding issues due to drainage;*
4. *Increased traffic concerns; and*
5. *The possible relocation of Pallet Plus to this site is not acceptable/sustainable.*

Below are Officer's responses to these comments:

1. *The land is Grade One, however it is a site measuring 4.3ha and not therefore a significant area of land. Natural England only require consultation for 20ha or*

- more and on this occasion the economic benefits through the increase in jobs outweighs the loss of this relatively small parcel of agricultural land;
2. Impact to protected species has been addressed within the report;
 3. Issues surrounding drainage have been addressed within the report;
 4. While this is noted, ECC Highways have not raised any objections subject to conditions; and
 5. This is not a material planning consideration for this application.”

Christopher Walpole, a member of the public, spoke against the application.

Matters raised by Members of the Committee:-	Officer’s response thereto:-
<i>Will the pavement in front of the bus stop be made good and easily accessible for disabilities etc?</i>	<i>Yes, as part of the proposal, on the opposite side of the road where there is an existing roadway, that is going to be extended to connect the footway further down the road. On the right-hand side of that access, it will be widened so there will be 1.8 metres in width so yes, they will be improved. The indicative plans do show that there could be a footway that will connect to where the bus stops are proposed.</i>
<i>Will these footways be tarmac and levelled?</i>	<i>To Officers’ understanding, yes.</i>
<i>Will the drainage have any weight on the residents of Frating?</i>	<i>In terms of the surface water drainage, the red line connects down and the water will be fed into the ditch. To clarify, it is an indicative layout, and this could change, but there is no reason why it would change with the red line. Essex Environment Agency haven’t raised any objections. The foul water will be taken out by a tanker and removed from the site. Conditions 11 and 18 of the recommendation requires full details to be submitted alongside the future reserved matters application should approval be granted.</i>
<i>Would this application ruin the public footway at all?</i>	<i>As part of the approval is to improve the existing footway provisions it will improve that position.</i>
<i>During the construction of this site, would the public footpath be disturbed?</i>	<i>Condition 13 requires details on constructions works and the impacts. Officers don’t have specific details before them as this will be in the reserved matters application that will be submitted if this application is approved.</i>
<i>What exactly will the applicants be dealing with for the sewage?</i>	<i>Sewage is not a reserved matter. There are conditions within the Officer report to consider those in any event. Officers wanted to know about the surface water drainage. Foul water sewage, there is a specific condition on that. Anglian Water have said that there is sufficient capacity for this development.</i>
<i>Why is prime farmland being used?</i>	<i>Officers and Members are looking at the application that has been brought forward, and it has been demonstrated within the submission why sites allocated within the Local Plan for employment</i>

	<p><i>purposes are not suitable. Officers can't answer why the applicants have chosen this specific site. The grade that has been given is correct. It is a reasonably limited size site. Officers believe that the economic benefits outweigh the harm to character.</i></p>
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It was moved by Councillor Alexander, seconded by Councillor Sudra and:-

RESOLVED that:-

- 1) the Head of Planning and Building Control be authorised to grant outline planning permission subject to the conditions as stated at paragraph 10.2 of the Officer report (A.1), 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; and,
- 2) the sending to the applicant of any informative notes as may be deemed necessary.

14. REPORT OF THE DIRECTOR (PLANNING) - A.2 - 24/00035/FUL - BARN A TO THE REAR OF 5 HUNTERS CHASE, ARDLEIGH, CO7 7LW

Councillor McWilliams returned to the room for the rest of the Planning Committee meeting.

The Committee heard that the application was before Members due to the application representing a departure from the Development Plan being a proposal for a new dwelling outside any defined settlement development boundary.

It was reported that the application site comprised a parcel of land to the west of number 5 Hunters Chase, Ardleigh, encompassing an existing detached barn to the rear of number 5, located to the north-eastern corner of the application site. The site lay outside of the defined settlement development boundary of Ardleigh.

Members were told that the application sought full planning permission for the erection of 1 no. 1 bedroom detached dwelling following the demolition of the existing detached barn to the rear of number 5 Hunters Chase (Barn A). The proposed dwelling would replace the existing barn subject of a prior approval for conversion to a dwelling under application reference 22/00359/COUNOT (representing the 'fall-back' position). The development would be accessed via a new access from Hunters Chase and not via the access currently serving no. 5 as approved under the Prior Approval Application.

The Committee also heard that Officers recognised that the access, siting and layout of the proposed development would be materially different to the Prior Approval it was seeking to replace; however, the proposal was seeking to improve upon the overall layout of the prior approval conversion scheme and would now comfortably appear as a well-planned infill residential development on a site surrounded by residential dwellings, and with consent for one dwelling ~(in the form of the prior approval).

Members were informed that having regard to the predominantly semi-rural but residential character of the immediate locality, together with the single storey modest

scale of the proposed dwelling and ample screening, the wider development would not amount to any visual harm, harm to the character of the area or wider landscape harm.

Officers told Members that, in the absence of any material harm resulting from the proposed development, the application was recommended by them 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 an additional condition, which was as follows:

“17 COMPLIANCE: DEMOLITION 22/00359/COUNOT

CONDITION: Prior to the commencement of any above ground works associated with the development hereby approved, the existing agricultural building on the site (subject of Prior Approval application reference 22/00359/COUNOT or any subsequent prior approval applications related to the building, and as shown to be demolished on the approved Block Plan Drawing No BB-01 Revision C) shall be demolished in its entirety and all resultant materials and debris shall be cleared from the site.

REASON: The development hereby permitted is supported on the basis that the existing agricultural building subject of the Prior Approval conversion under application reference 22/00359/COUNOT or any subsequent prior approval applications related to the building, is to be removed from the site in its entirety, thus resulting in a one-for-one replacement dwelling (replacement for the Prior Approval scheme). The site lies outside of any settlement development boundary where new residential development is contrary to the development plan (which directs new development to sites within settlement development boundary).”

Alison Cox, the Agent for the applicant, spoke in favour of the application.

Matters raised by Members of the Committee:-	Officer’s response thereto:-
<i>Can you confirm if any trees have been cut down already?</i>	<i>T7 has been removed. The response that was given to Officers about the Oak tree being removed was that it hasn’t been removed yet. Only this single tree has been proposed to be removed; however, the tree is not under a TPO. There will be additional planting of trees as part of the recommendation.</i>
<i>1 tree has been removed from the site, 2 more to be removed, is this correct?</i>	<i>With the facts in front of Officers, the submission of the application is for removal of one tree with sufficient replanting. The planning position is not the same as a moral position, which is to save as many trees as possible. Officers cannot control what people do on their land with trees that are not under a</i>

	<p><i>TPO. The applicant or whoever is responsible for the site will not need Council permission. The large oak tree at the back of the site is matured. Officers have an outstanding issue with the consent the applicants have got which is for the barn that is there currently which they could use for a property, but if they were to live there, they would have the shadow of the tree. Officers have had discussions in respect of finding a suitable location. This is the best design that has enough distance from the tree, doesn't come forward to the perceived property line to such an extent that it would be imposing on the street scene, it would maintain the trees to the front of the property. Marrying up all those considerations, Officers felt it was a sacrifice that was worthwhile. Officers are not aware of any other trees going and if they are to go then they are not currently protected; however, if the implementation of this application was made, the trees that are there or remain there at the time of implementation will be protected for at least 5 years.</i></p>
<p><i>Will those 2 barns be removed?</i></p>	<p><i>Yes, that is correct.</i></p>
<p><i>Will there be any extensions? Will any other properties be allowed to be built on this land?</i></p>	<p><i>Under condition 12, this removes any rights for any more buildings on this land. The applicants will have to come back to the Council for planning permission.</i></p>
<p><i>Any further planning would need to come back if any more buildings want to be built?</i></p>	<p><i>Yes, that is correct.</i></p>

It was moved by Councillor Goldman, seconded by Councillor McWilliams and unanimously:-

RESOLVED that:-

- 1) the Head of Planning and Building Control be authorised to grant planning permission subject to the conditions as stated at paragraph 10.2 of the Officer report (A.2) (including the RAMS UU Condition), together with the additional condition on the Officer Update Sheet, 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; and,
- 2) the sending to the applicant of any informative notes as may be deemed necessary as stated at paragraph 10.3 of the Officer report.

15. REPORT OF THE DIRECTOR (PLANNING) - A.3 - 24/00455/FUL - LAND TO THE REAR OF 110 HARWICH ROAD, LITTLE CLACTON, CO16 9NJ

The Committee heard that the application was before the Planning Committee as the proposed development conflicted with the Development Plan's requirements. The conflict had arisen from the development's location beyond any defined settlement development boundary. The situation persisted, although it was noteworthy that the concept residential units, in the form of a converted agricultural building, had been established under prior approval reference number 23/00931/COUNOT.

Members were told that, the application sought permission for the erection of three dwellings on land to the rear of 110 Harwich Road, Little Clacton.

The Committee was made aware that, the proposed dwellings were in lieu of the previously approved scheme outlined above. Their design and scale were considered by Officers to be consistent with the semi-rural character of the site. Safe and suitable access was proposed to all dwellings and the proposed development would not result in any significant impact to neighbouring amenities. Accordingly, the application was 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 representation received and a recommendation of approval.

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

An update sheet had been circulated to the Committee prior to the meeting, with details of an amended plan TSP05, Parish Council comments and an additional condition, which was as follows:

"Amended Plan TSP05

Clearer TSP05 Block Plan provided which highlights proposed wall at entrance and annotations.

Parish Council Comments

Little Clacton Parish Council made an objection of the application noting the following:

- 1. Demolition of barns and replacement footprint having a marginal overlap*

Below are the Officer's responses to these comments:

- 1. The majority of the site still falls within the Settlement Development Boundary and the prior approval of 23/00931/COUNOT is a material consideration.*

Addition to recommended conditions:

17 COMPLIANCE REQUIRED: LANDSCAPE PROTECTION

CONDITION: Prior to commencement of development the existing trees on the site, shall be protected by the erection of temporary protective fences to be agreed and approved in writing. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the tree 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 a tree or trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be approved, in writing, with the Local Planning Authority up to first use or first occupation of the development, following the death of, or severe damage to the tree/s.

REASON: For the avoidance of damage to protected tree/s included within the landscaping scheme in the interests of visual amenity and the character and appearance of the area. This condition is required to be carried out prior to the commencement of any other development to ensure trees are protected early to ensure avoidance of damage or lost due to the development and/or its construction. If agreement was sought at any later stage there is an unacceptable risk of lost and damage to trees.”

Alison Cox, the Agent of the Applicant, spoke in favour of the application.

Matters raised by Members of the Committee:-	Officer’s response thereto:-
<i>Can you clarify what Officers meant with the two dwellings having their properties in the boundary?</i>	<i>The settlement boundary runs immediately behind one of the properties, this is an alternative to what has been allowed in respect of the conversion of those three houses. The third property has been pushed back a bit and is now just outside the settlement boundary but very much part of the setting of this locality. There is a slight policy change that wasn’t originally considered. The Class Q conversion would not allow it to extend thereafter if it was a barn conversion. It is to protect the character of the countryside to remove permitted development rights.</i>
<i>Does this mean that the Council is giving the application leeway?</i>	<i>All properties proposed will have no permitted development rights to extend. One is slightly beyond the settlement boundary but there is significant weight to the fallback position.</i>

It was moved by Councillor Alexander, seconded by Councillor McWilliams and unanimously:-

RESOLVED that:-

- 1) the Head of Planning and Building Control be authorised to grant planning permission subject to conditions stated at paragraph 11 of the Officer report (A.3), together with the additional condition stated in the Officer Update Sheet, 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; and,
- 2) the sending to the applicant of any informative notes as may be deemed necessary.

16. REPORT OF THE DIRECTOR (PLANNING) - 24/00185/FUL - CLACTON RUGBY CLUB, VALLEY ROAD, CLACTON-ON-SEA, CO15 6NA

Members heard that the application was before the Planning Committee as the application site was owned by Tendring District Council.

The Committee was told that, the application sought permission for the retention of an existing cabin serving as a changing room and a proposed cabin to extend the changing room area, relocation of existing equipment storage structures and other external alterations including new 1.8m high screen fencing (part retrospective).

Members were made aware that, the proposed development, with the addition of a landscaping scheme and a painting schedule was not considered by Officers to be harmful to the character and appearance of the area and would not result in any significant impact to neighbouring amenities. Accordingly, the application was 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 Officer (OA) in respect of the application.

There were no updates circulated to Members in relation to this application.

There were no speakers in relation to this application.

There were no questions asked by Members in relation to this application.

It was moved by Councillor Goldman, seconded by Councillor McWilliams and unanimously:-

RESOLVED that:-

- 1) the Head of Planning and Building Control be authorised to grant planning permission subject to conditions as stated at paragraph 10.2 of the Officer report (A.4), 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; and,
- 2) the sending of any informative notes to the applicant as may be deemed necessary.

The meeting was declared closed at 6.38 pm

Chairman

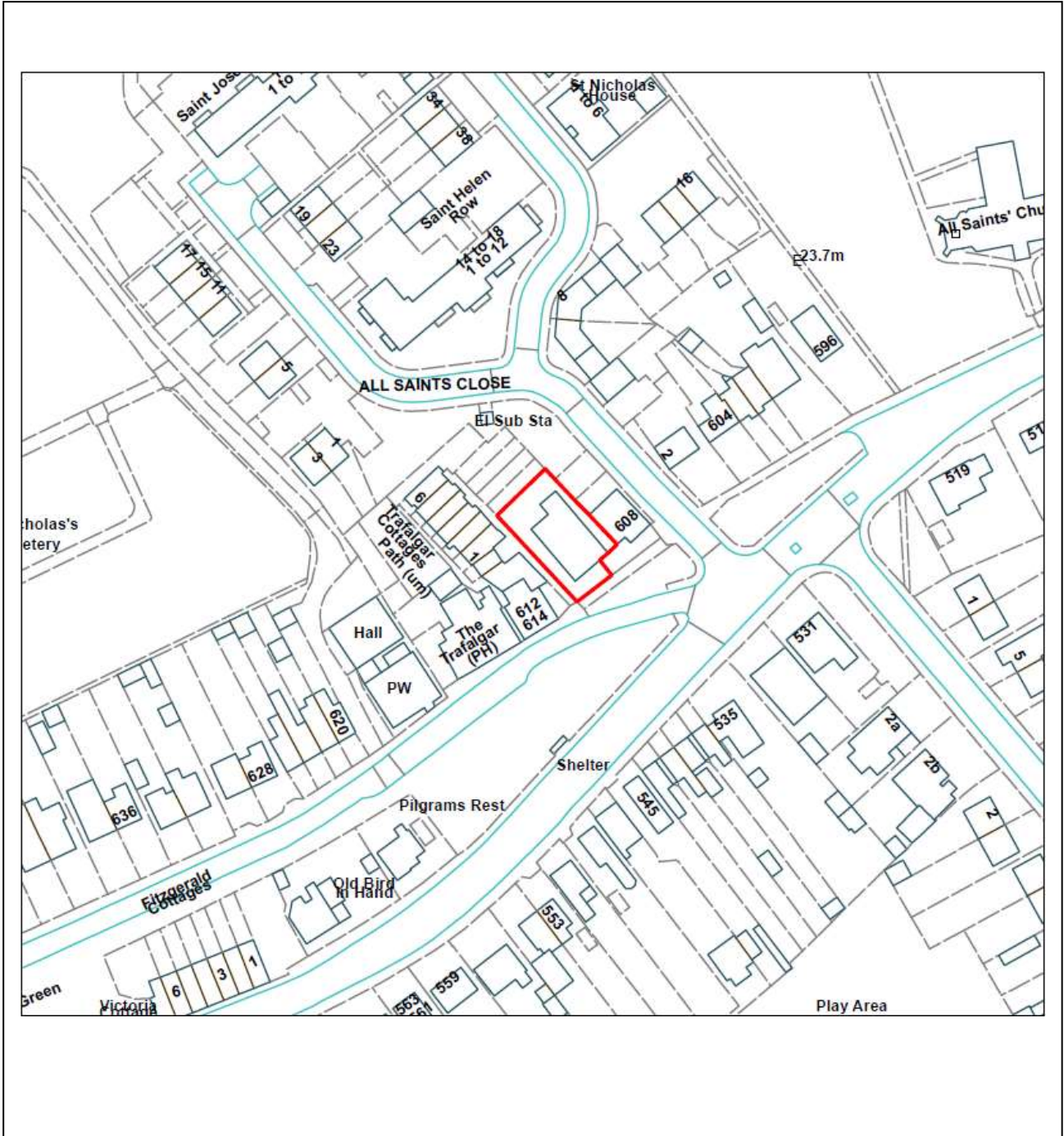
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PLANNING COMMITTEE

10 SEPTEMBER 2024

REPORT OF THE DIRECTOR OF PLANNING

A.1 PLANNING APPLICATION – 23/01757/FUL – 610 MAIN ROAD HARWICH CO12 4LW



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Application:	23/01757/FUL	Expiry Date:	2nd February 2024
Case Officer:	Michael Pingram	EOT Date:	17 th September 2024
Town/ Parish:	Harwich Town Council		
Applicant:	Mr Mutaher Hamid Hussain		
Address:	610 Main Road Harwich Essex CO12 4LW		
Development:	Change of use from a dance studio to a Mosque-Community Centre, including addition of a pergola roof over the side access.		

1. Executive Summary

- 1.1 This application is before the Planning Committee at the discretion of the Head of Planning and seeks full planning permission for the change of use from a dance studio (Class E(d)) to a mosque community centre (Classes F1(a), F1(f) and F2(b)). As part of the proposal external works include the erection of a pergola to the side (east) of the building over the side access, and the installation of rear elevation windows at ground floor level.
- 1.2 Given that the proposal will result in the retention of a community facility that is currently vacant and that the building will be used in part as a place of worship, the principle of development is supported by local and national planning policies.
- 1.3 The proposal involves only minor external alterations and following the submission of amended drawings to remove the proposed timber cladding, ECC Heritage raise no objections. In addition, whilst there are neighbouring properties within the surrounding area, the external alterations and noise associated with the proposal are not considered to be so harmful to justify recommending a refusal on this basis.
- 1.4 ECC Highways initially required additional information before being able to provide formal comments, however following the submission of additional details relating to the previous and proposed usage of the site, including vehicular movements, they raise no objections. Officers acknowledge that there is no parking provision, but also give weight to the fact that the existing use of the site equally has no parking provision, and also the existing lawful use likely has additional users to the use being proposed.

Recommendation: Approval

- 1) That the Head of Planning and Building Control be authorised to grant planning subject to the conditions as stated at paragraph 10.2, 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; and,
- 2) The informative notes as may be deemed necessary.

2. Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory

Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Local Plan 2013-33 and Beyond (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any Neighbourhood Plans that have been made and the Minerals and Waste Local Plans adopted by Essex County Council.

3. Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

4. Planning Policy

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

National Planning Policy Framework (2023)
National Planning Policy Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond Section 1:

SP1 Presumption in Favour of Sustainable Development
SP3 Spatial Strategy for North Essex
SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2:

HP2 Community Facilities
SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL9 Listed Buildings
PPL10 Renewable Energy Generation
CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice
Essex Design Guide

5. Relevant Planning History

N/A

6. Consultations

Below is a summary of the comments received from consultees relevant to this application proposal. Where amendments have been made to the application, or additional information has been submitted to address previous issues, only the latest comments are included below.

All consultation responses are available to view, in full (including all recommended conditions and informatives), on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.

ECC Highways Dept

24.04.2024

The information that was submitted in association with the application has been fully considered by the Highway Authority. A previous site visit was undertaken in conjunction with another planning application. The information submitted with the application has been assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material. No new or altered means of access is proposed for the building. Access to the proposal will be from The Green established local road that runs parallel with Main Road. The North Essex Parking Partnership have intervened previously, installing restrictions to aid travel in/out of the district-controlled crematorium further west to this proposal site. It is noted that the site is in close proximity to an existing Pub and two Take-away restaurants none of which appear to have any off-street parking provision either. Realistically, there are very few control methods available to deter the practices which may occur, with enforcement at these types of sites which in turn are likely to be restricted to the local road. Based on the supporting information provided and considering the previous use of the building, the findings suggest that the pre-existing use experienced a high number of visitors by car, the trips generated by the proposed use would be less and due to its urban location, local residents will be encouraged to walk to the site or use public transport, therefore:

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

1. As indicated in the supporting information and prior to first occupation of the proposed development, the Developer shall submit a travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall be actively implemented for a minimum period of 5 years.

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

2. Prior to commencement of any building works, 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 highway.

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

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

Environmental Protection

08.01.2024

With reference to the above application, please see below for comments from the EP Team:

Construction Activities: In order to minimise potential nuisance caused by demolition/construction works, Environmental Protection recommend that the following hours and actions be adhered to, should the application be approved;

o No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.

o No materials produced as a result of the site development or clearance shall be burned on site.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

REASON: to protect the amenity of nearby residential premises.

Should you have any queries concerning this, please do not hesitate to contact me.

Essex County Council Heritage

10.01.2024

The proposal site is in close proximity to a number of designated heritage assets, including, but not limited to:

- Grade II Listed The Trafalgar Public House (List Entry Number: 1298460);
- Grade II Listed Old Timbers (List Entry Number: 1187919);
- Grade II* Listed Church Of All Saints (List Entry Number: 1205059).

The proposed alterations are of limited nature and are overall not considered to affect the setting of the identified heritage asset.

There are concerns regarding the installation of timber cladding to the main elevation as this is not considered to be in keeping with the local character (Paragraph 135c if the NPPF December 2023) and would result incongruous with the industrial character of the existing building. Should the external cladding be removed, and the existing render retained, there would be no objection to this application.

7. Representations

- 7.1 Harwich Town Council have not provided any comments on the application.
- 7.2 The application was initially called in to be determined by the Planning Committee by Councillor Fowler due to the impacts of the development to highway safety. However, following the submission of additional information and the consultee comments received from Essex Highways Authority, this call-in request has since been withdrawn.
- 7.3 There has been a total of 25 objection letters and one letter of observation received, with the following concerns raised:
- Traffic and parking issues; (*addressed within the main body of the report below*)
 - Visual harm to character of area; (*addressed within the main body of the report below*)
 - Noise impacts to neighbours; (*addressed within the main body of the report below*)

- Unclear how foul sewage would be disposed of; *(the applicant has ticked 'unknown' on the application form, however the proposal is predominantly for a change of use of the building so the existing disposal methods can continue)*
- Should demonstrate a need for this facility; *(in this matter need is not a material consideration to be given weight)*
- Safety impacts; *(Undefined in planning terms. Noted: a planning condition is recommended to restrict opening hours, which will in turn avoid the building being operated at more unsociable hours)*
- Concerns the development will result in overlooking. *(addressed within the main body of the report below)*

7.4 In addition, there have been a total of 19 letters of support received.

8. Assessment

Site Description

- 8.1 The application site is 610 Main Road, which is sited to the northern section of Main Road within the parish of Dovercourt. The building is a single storey property previously used as a dance studio but currently vacant.
- 8.2 The character of the surrounding area is heavily urbanised, with commercial and residential properties sited adjacent to all sides. Approximately 60 metres to the north-west is the St Nicholas cemetery.
- 8.3 The site falls within the Settlement Development Boundary for Dovercourt within the adopted Local Plan 2013-2033. Approximately 100 metres to the east is a Grade II* Listed Building, and to the south and west are Grade II Listed Buildings.

Description of Proposal

- 8.4 This application seeks full planning permission for the change of use of the property from a dance studio (Class E(d)) to a mosque community centre (Classes F1(a), F1(f) and F2(b)). As part of the proposal, external works include the erection of a pergola to the side (east) of the building over the side access, and the installation of rear elevation windows at ground floor level.
- 8.5 The initially submitted plans also included the front and side elevations being finished in timber cladding, however following concerns raised during the determination of the application this has been removed and the existing render is instead retained.
- 8.6 The opening hours proposed are as follows:
- Mondays to Thursdays; 2pm-8pm; and
Fridays and Saturdays; 12pm-2.30pm and 4pm-9pm.

- 8.7 The supporting information confirms that the site will host weekly prayers but will also be used for community facilities including educational workshops, English classes, arts and culture, and youth programs.

Principle of Development

- 8.8 Paragraph 96 of the National Planning Policy Framework (2023) states that planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other. Paragraph 97 adds that to provide social, recreational and cultural facilities and services that the community needs, planning policies and decisions should plan positively for the provision and use of community facilities such as places of worship.

- 8.9 Adopted Policy HP 2 highlights that the Council will work with the development industry and key partners to deliver and maintain a range of new community facilities. New development should support and enhance community facilities where appropriate by providing on site or contributing towards new or enhanced community facilities to meet needs arising from the proposed development or growth.
- 8.10 The application is seeking planning permission for the change of use of the site into a mosque community centre, and accordingly will not result in the loss of an existing community facility. The submission outlines that there will be a range of community facilities proposed, including weekly prayers, educational workshops and youth programs, which fully align with the requirements of the above local and national planning policies. Officers note that the current site is vacant and has been since 2023, but planning must consider the current use and give this material weight and the proposal would bring back into use a community facility. As such, Officers raise no objections to the development in principle subject to the considerations discussed below in more detail.

Design and Appearance

- 8.11 Paragraph 135 of the National Planning Policy Framework (NPPF) (2023) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.
- 8.12 Adopted Policy SP7 of Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Adopted Policy SPL3 Part A (b) requires that development relates well to its site and surroundings, particularly in relation to its siting, height, scale, massing, form, design and materials.
- 8.13 The building subject of the application is highly prominent from views along Main Road; however, Officers note on this occasion that the development is predominantly a change of use of the building, with the only external alterations being additional rear elevation windows (which would not be visible from the street scene) and the addition of a pergola. Whilst this would be visible from the street scene, it is a relatively minor addition that does not harm the character and appearance of either the existing building or surrounding area. Accordingly, Officers conclude that the development will not appear visually harmful.

Heritage Impacts

- 8.14 Paragraph 200 of the NPPF (2023) states that an applicant should describe the significance of any heritage assets affected, including any contribution made by their setting, with the level of detail being proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraph 208 identifies that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.15 Adopted Local Plan Policy PPL9 (Listed Buildings) states proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric. Where a proposal will cause harm to a listed building, the relevant paragraphs of the NPPF should be applied dependent on the level of harm caused.
- 8.16 The proposal is in proximity to various listed properties and as such ECC Place Services (Heritage) have been consulted on the application. Their comments read as follows:

"The proposal site is in close proximity to a number of designated heritage assets, including, but not limited to:

- Grade II Listed The Trafalgar Public House (List Entry Number: 1298460);
- Grade II Listed Old Timbers (List Entry Number: 1187919);
- Grade II* Listed Church Of All Saints (List Entry Number: 1205059).

The proposed alterations are of limited nature and are overall not considered to affect the setting of the identified heritage asset.

There are concerns regarding the installation of timber cladding to the main elevation as this is not considered to be in keeping with the local character (Paragraph 135c of the NPPF December 2023) and would result incongruous with the industrial character of the existing building. Should the external cladding be removed, and the existing render retained, there would be no objection to this application."

- 8.17 Following the submission of these comments, amended drawings have been received that have removed the timber cladding, instead reverting back to the existing render. Accordingly, the proposal will have no impact on the designated heritage assets as set out above.

Highway Safety and Parking

- 8.18 Paragraph 114 of the National Planning Policy Framework 2023 seeks to ensure that safe and suitable access to a development site can be achieved for all users. Paragraph 115 of the Framework states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 117 states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- 8.19 Policy SPL3 (Part B) of the Adopted Local Plan seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate, and provision is made for adequate vehicle and cycle parking.
- 8.20 Essex Highways Authority have been consulted on the application. Within their initial comments, they requested additional information relating to the off-street parking provision and the approximate number of visitors expected, as well as a car parking survey to determine whether there is enough on-street parking to cater for the proposal.
- 8.21 Following these comments, the agent for the application has provided a Travel Plan document that has outlined the expected weekly attendees for both weekly prayer and for the various additional community activities, which range between 6 and 15 users. It is expected that the number of users attending each session via car will range between 1 and 3, with alternative options being either walking or public transport. In total, weekly visitors are expected to be a maximum of 122.
- 8.22 In addition, the Travel Plan document outlines the usage associated with the previous use of the site as a dance studio, stating that the number of daily users to the site would typically be in the region of 75, of which 69 would use private vehicles, with the total weekly figure being 300. As such, it is demonstrated that the number of users is significantly lower with the use being proposed. The document identifies means to reduce the number of private vehicles used, including the hiring of a Travel Plan Co-ordinator, the production of an information leaflet to all site users to outline sustainable transport methods, the inclusion of a notice board on site to provide travel information to all users, and the introduction of Travel Plan forum meetings twice a year. Should planning permission be forthcoming a condition can be included to secure full details of this prior to first occupation of the building.

- 8.23 Following the submission of this additional information, ECC Highways have confirmed that no new or altered means of access is proposed for the building, and they note that the site is in close proximity to an existing Pub and two takeaway restaurants, none of which appear to have any off-street parking provision. Furthermore, based on the supporting information provided and considering the previous use of the building, the findings suggest that the previous (and lawful) use of the building experienced a higher number of visitors by car. Accordingly, from a highway and transportation perspective they do not object subject to conditions relating to the submission of a Travel Plan document and the storage of building materials.
- 8.24 It is acknowledged that several objections received have been consistent in their concern for the level of car parking provision. Essex Parking Standards (2009) have not been updated since the introduction of the new Use Classes, and therefore do not specifically highlight the necessary parking provision for Class E(d) and Class F1(f). However, Class E(d) was previously Class D2, which required one space per 10sqm of public area, and Class F1(a) and (f), and Class F2(a) was formally Class D1, which would require one space per 10sqm of floorspace. Given that the site measures 143sqm there should be parking provision for up to 15 spaces. On this occasion Officers acknowledge that the site does not have any parking provision. However, it is important to note that the existing, lawful use of the site, which has been demonstrated to generate more users, equally has no parking provision.
- 8.25 Consequently, it has been satisfactorily demonstrated that there will be no additional impact to this baseline position, and potentially even a reduction in usage. The site is also highly sustainable, in good walking distance to public transport. Therefore, on balance, Officers consider that the identified parking shortfall is not sufficient to warrant recommending a reason for refusal.

Impact on Residential Amenity

- 8.26 Paragraph 135 of the National Planning Policy Framework (2023) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.27 Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.
- 8.28 The site is within a heavily urbanised location, although the adjacent properties to the east and west are within commercial use. In addition, there are residential properties to the north-west, and further out to all sides. Whilst the proposal is predominantly a change of use, there are external alterations in the form of an additional ground floor rear elevation window and the erection of a pergola. However, these alterations are minor in nature and will not harm the amenities of any nearby neighbours.
- 8.29 Some concerns from objections have been raised that the proposal would result in noise disturbances. However, Officers note that the use of the site is relatively low-key. A condition can be imposed to restrict operating times (it is noted that the current use does not have any restriction on usage), and the use of the site is not considered to be of a loud nature, and again is likely to be slightly reduced in comparison to the existing, lawful use of the site. As such Officers do not identify a level of harm that would warrant a reason for refusal.

Renewable and Energy Conservation Measures

- 8.30 Paragraph 116 of the Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles (ULEV) in safe, accessible and convenient locations. However, recent UK Government announcements that ULEV charging points will become mandatory for new development have yet to be published.

- 8.31 Policies PPL10 and SPL3, together, require consideration be given to renewable energy generation and conservation measures. Proposals for new development of any type should consider the potential for a range of renewable energy generation solutions, appropriate to the building(s), site and its location, and be designed to facilitate the retro-fitting of renewable energy installations.
- 8.32 The proposal includes for a development that has the potential to incorporate renewable features, however it is equally noted that the building is in situ and the proposal is large just a change of use, with only minor external alterations. As such, on this occasion Officers do not consider that it would be reasonable or necessary to recommend a planning condition requiring the submission of further details.

Biodiversity and Geodiversity

- 8.33 Paragraph 186 of the NPPF states that, when making planning decisions local planning authorities need to assess whether significant harm to biodiversity could result from the development. The NPPF goes on to state the hierarchy that should be applied to mitigate any harm to ecology that is identified. Paragraph 180 of the NPPF requires that Local Planning Authorities contribute to and enhance sites of biodiversity or geological value. TDLP Policy PPL4 states that proposals for new development should be supported by appropriate ecological assessments and, where relevant, provide appropriate mitigation and biodiversity enhancements to ensure a net gain.

General duty on all authorities

- 8.34 The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.
- 8.35 This development is subject to the general duty outlined above. On this occasion, the proposal is largely just for the conversion of the use of the building, with limited external alterations, and therefore landscaping details are not required. Moreover, a condition to secure a Biodiversity Enhancement Strategy is recommended on this occasion to improve the biodiversity of the site.
- 8.36 Therefore, the development on balance, with consideration of the impact of the development and baseline situation on site, is considered likely to conserve and enhance biodiversity interests.

Biodiversity Net Gain

- 8.37 Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. The minimum requirement is for a 10% net gain in biodiversity value achieved on a range of development proposals. The application was submitted prior to the introduction of this requirement and is not therefore applicable for Biodiversity Net Gain.

Protected Species

- 8.38 In accordance with Natural England's standing advice the application site and surrounding habitat have been assessed for potential impacts on protected species. The proposal includes for a new commercial premises. The proposal is for the change of use of an existing building in a heavily

urbanised location, and with limited external changes, and it is therefore considered that the proposal is unlikely to adversely impact upon protected species or habitats.

- 8.39 In accordance with the overarching duty outlined above, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

9. Conclusion

- 9.1 This application seeks planning permission for the change of use of the building from a dance studio into a mosque community centre. Given that such a proposal retains a community facility to a building that is currently vacant, the principle of development is accepted.
- 9.2 The proposal involves only minor external alterations and following the submission of amended drawings to remove the proposed timber cladding, ECC Heritage raise no objections. In addition, whilst there are neighbouring properties within the surrounding area, the external alterations and noise associated with the proposal are not considered to be so harmful it would justify recommending a reason for refusal.
- 9.3 ECC Highways initially required additional information before being able to provide formal comments, however following the submission of additional details relating to the previous and proposed usage of the site, including vehicular movements, they raise no objections. Officers acknowledge that there is no parking provision, but also give significant weight to the fact that the existing, lawful, use of the site equally has no parking provision, and the existing use is likely to generate more users to that being proposed.
- 9.4 Taking the above into consideration, Officers conclude that the development adheres with local and national planning policies and is therefore recommended for approval.

10. Recommendation

- 10.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives.

10.2 Conditions and Reasons

- 1 **CONDITION:** The development hereby permitted shall be begun not later 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

- 2 **CONDITION:** The development hereby permitted shall be carried out in accordance with the drawings/documents listed below 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 subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance

with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Drawing Numbers DPB/BD/P/000 received 8th February 2024, DPB/BD/P/001 received 8th February 2024, DPB/BD/P/002 received 8th February 2024, DPB/BD/P/003 received 8th February 2024, DPB/BD/P/004 received 8th February 2024, DPB/BD/P/005 received 8th February 2024, DPB/BD/P/006 received 8th February 2024, DPB/BD/P/007 received 8th February 2024, DPB/BD/P/008 received 8th February 2024, DPB/BD/P/009 received 8th February 2024, DPB/BD/P/010 received 8th February 2024 and titled 'Existing and Proposed Section 2', DPB/BD/P/010 received 8th February 2024 and titled 'Proposed 3D View', and the document titled 'Travel Plan & Community Engagement Response'.

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

- 3 CONDITION: The hereby permitted development/use shall only operate between the hours of 11am and 9pm Mondays to Sundays. There shall be no deliveries to the development/use arranged for outside of these approved hours.

REASON: To enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity.

NOTE/S FOR CONDITION:

1) This condition shall engage and restricts the operation of the development from the first commencement of the use. This condition is imposed to ensure the development avoid unreasonable impact on the residential amenity of neighbouring dwellings, especially given the location of the development with considerations to the prevailing character and amenity currently enjoyed in this location. Without the imposing of this condition, the development would be refused due to the risk of harm and this condition is considered necessary,

enforceable and reasonable in all other respects. This condition as detailed will apply to the development at all times unless varied or removed legally.

2) If the development operates outside of the hours stated this may result in unlawful development/use at risk of Enforcement Action. You are encouraged to discuss any concerns with this condition with the Local Planning Authority.

- 4 CONDITION: Prior to the first occupation/use of the development, a Travel Plan including details of the travel arrangements to and from the site for employees, customers and monitoring provisions shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved Travel Plan arrangements shall be implemented and followed prior to first occupation/use.

REASON: In the interests of sustainable development.

- 5 CONDITION: Notwithstanding the provisions of Article 3, Schedule 2 Part 3 of the Town & Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking and re-enacting that Order with or without modification), the hereby approved development shall be used as Class F1(a), F1(f) and F2(b) uses and for no other purpose including any other purpose in Classes F1 and F2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory instrument and re-enacting that Order with or without modification).

REASON: To enable the Local Planning Authority to retain control over the development in the interests of the amenity.

- 6 CONDITION: No goods, products, raw materials, scrap material or other materials of any other sort shall be stored in the open air outside the confines of the building/s included in the approved red line site plan related to this permission, except pursuant to the grant of separate planning permission on an application made in that regard.

REASON: The external storage of these items would be harmful to the local amenity, character and appearance of the area.

NOTE/S FOR CONDITION:

This condition shall engage and restricts the operation of the development from the first commencement of the use and/or operation hereby approved. This condition is imposed to ensure the development avoid unreasonable impact on the residential amenity of neighbouring dwellings, especially given the location of the development with considerations to the prevailing character and amenity currently enjoyed in this location. Without the imposing of this condition, the development would be refused due to the risk of harm and this condition is considered necessary, enforceable and reasonable in all other respects. This condition as detailed will apply to the development at all times unless varied or removed legally.

10.3 Informatives

Positive and Proactive Statement:

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

Biodiversity Enhancements Informative:

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include:

<https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>

Highways Informatives:

i) All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

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

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

11. **Additional Considerations**

Equality Impact Assessment

- 11.1 In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.
- 11.2 It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.
- 11.3 In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will result in the addition of a mosque community facility, thus providing additional religion/belief facilities within the District.	Positive

Human Rights

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

Finance Implications

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

12. Background Papers

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

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