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Planning Committee

15 March 2022

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 15TH MARCH, 2022 AT 6.00 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors White (Chairman), Bray (Vice-Chairman), Alexander, Baker, Casey, Codling, Harris and Placey
Also Present:	Councillor Peter Cawthron and Councillor Lynda McWilliams (Portfolio Holder for Partnerships)
In Attendance:	Gary Guiver (Acting Director (Planning)), Graham Nourse (Assistant Director (Planning)), Joanne Fisher (Planning Solicitor), Susanne Chapman-Ennos (Planning Team Leader), Naomi Hart (Planning Officer), Nick Westlake (Planning Officer), Emma Haward (Leadership Support Assistant) and Matt Cattermole (Communications Assistant)

212. ORDER OF BUSINESS

The Chairman advised the Committee and members of the public present that Agenda Items 1 - 4 and 8 would be taken first on the agenda followed by Items 5, 6 and 7.

213. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Fowler, with no substitute.

214. DECLARATIONS OF INTEREST

Councillor Baker declared a personal interest in **A.5 Planning Application 21/01748/FUL – KINGSCLIFF HOTEL, 55 KINGS PARADE, HOLLAND ON SEA, CLACTON ON SEA CO15 5JB** due to his having “called-in” the application. He informed the Committee that he was not pre-determined but further stated that he would withdraw from the meeting at the appropriate juncture and would take no part in the Committee’s deliberations on this application.

Councillor Bray declared a personal interest in **Planning Applications A.3 21/02064/FUL (PLOT 4), A.2 21/02099/FUL (PLOT 5) and A.4 21/01856/FUL (PLOT 6) – LAND REAR OF HOLLY LODGE, BETTS GREEN ROAD, LITTLE CLACTON**, due to his being the Ward Member and that he had “called-in” the applications. He informed the Committee that he was not pre-determined but further stated that he would withdraw from the meeting at the appropriate juncture and would take no part in the Committee’s deliberations on this application.

215. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were none on this occasion.

216. A.1 PLANNING APPLICATION 21.01560.FUL - LAND TO THE SOUTH OF MICHAEL WRIGHT WAY

Members were reminded that the application had been “called in” by Councillor Lynda McWilliams, the local Ward Member. Her reasons included that, in her opinion, the development would have a negative impact on the character and appearance of the area, and there were concerns regarding the increase in traffic within the village with the subsequent impact on pedestrian safety in the area. In addition, Councillor McWilliams felt that there would be a negative impact on neighbours in terms of a loss of residential amenity, via overlooking and the development would add to increased pressure on local services. Finally, as this was not an allocated site for housing considered that this land should not have been used for such a purpose when there was a positive housing supply within the District.

It was reported that the proposal was for the erection of 6 detached dwellings with associated parking and landscaping. The site was located within the defined Settlement Development Boundary of Great Bentley and formed part of the red line area of the original Admirals Farm development to the east of the site that currently had approval for 59 dwellings. The land had been allocated as ‘landscaping’ and not designated Public Open Space within the original plans for the Admirals Farm development. The proposed Children’s Playground had been moved to the field opposite the host site. As such, it was considered by Officers that there was not an, in principle, objection to using this site as an area for housing provision sustainably within the District.

Members were also reminded that the proposal was considered by Officers to be of a size, scale and design in keeping with the overall grain of residential development in the surrounding area. There were no concerns raised regarding the amenity impact on the neighbouring residential properties and subject to conditions it was considered to be acceptable in regards to Highways, Parking, Landscaping and Appearance.

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 (NW) in respect of the application.

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

- (1) An additional condition, in accordance with Environmental Protection’s original advice as detailed within the committee report, was recommended.
- (2) Further to the existing legal requirements, a linking obligation was required to ensure that prior to any occupation of any new dwelling approved the LEAP (approved via 21/00739/FUL) to the north of the host site was completed in full and that provision was made for its future management and maintenance as public open space land.
- (3) To ensure the health of the existing hedge to the south and east of the host site, the proposed fence within the development should be a minimum distance of 0.5 from the existing hedge. To that affect, condition 4 was suggested to be re worded.
- (4) An amendment to the Officer Recommendation as follows:

a) Within six (6) months of the date of the Committee’s resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):

- Financial Contribution towards RAMS
- Financial Contribution towards Affordable Housing Provision
- Education Contributions
- Open Space Contribution
- Prior to the occupation of any new dwelling approved on the Site in accordance with this application, that the LEAP (Locally Equipped Play Area) approved under Planning Permission reference 21/00739/FUL to the north of the Site is completed in full and that provision is made for its future management and maintenance as public open space land.

Emma Walker, the agent acting on behalf of the applicant, spoke in support of the application.

Peter Harry, a local resident, spoke against the application.

Councillor McWilliams, the local Ward Member, spoke against the application.

Matters raised by Members of the Committee:-	Officer’s response thereto:-
A member of the committee asked Planning Officers to confirm if there was any interest for the proposed doctors’ surgery.	The Planning Officer confirmed that the doctors’ surgery was originally put forward for planning permission however, this was refused, and therefore, a contribution was given to the existing surgery. There was not a planning condition or legal obligation to obstruct the doctors’ surgery granted in 2016.
Were there any reasons for this area not being considered for public space and now suitable for housing?	The Planning Officer advised that in 2015, 25 dwellings were approved with the doctors’ surgery, the development had less of an impact on the conservation area.
Was the development within the permitted development area?	Members were referred to the Local Plan whereby, the site laid within the permitted development boundary.
Was there a minimal decrease in the play area and what percentage?	The Planning Officer confirmed that in terms of the size of the play area, there was a minimal reduction in the Officer’s opinion. The Planning Officer advised that the play area originally had a surplus of 11.7%, the reduction was in the region of 0.3-0.5% resulting to a surplus of approximately 10% of public space. There was a request for a considerable amount of funds of around £20-25,000 to be issued to Great Bentley Parish Council to purchase play equipment.
Approximately, how many dwellings would there be in total?	The Planning Officer advised that there would be 80 dwellings in total on site. Fundamentally, the Planning Inspector increased the use of the land for an additional 25 units away from the conservation area so the impact was negligible.

Was there any affordable or social housing included?	The Planning Officer informed the Committee that there were offsite housing contributions, so no affordable housing available.
A Committee member asked Planning Officers to confirm that under SPL1, that Great Bentley was identified as a rural service centre?	The Planning Officer confirmed that was correct.
A Committee member referred to the movement of the 30 mph sign, could the Planning Officer advise where this would have been placed?	The Planning Officer showed the Committee on the map where the existing sign was and where it would be moved to.
Could the Planning Officer advise what the boundary distance was?	The landscape buffer was approximately 20-25m.
A member of the Committee asked Planning Services to clarify the definition of windfall site.	The Planning Manager advised that the 75 dwellings refused in 2016 were part of the committed housing supply within the local plan, a site to be considered similar to that of the plan, was considered a windfall site.

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

- On grounds of loss of landscaped Open Space and impact on character of locality.

217. A.5 PLANNING APPLICATION 21/01748/FUL - KINGSCLIFF HOTEL, 55 KINGS PARADE, HOLLAND-ON-SEA CO15 5JB

Earlier in the meeting, Councillor Baker, had , for the reasons therein stated, declared a personal interest in **A.5 Planning Application 21/01748/FUL – KINGSCLIFF HOTEL, 55 KINGS PARADE, HOLLAND ON SEA, CLACTON ON SEA CO15 5JB.**

Members were made aware that the application had been referred to the Planning Committee at the request of Councillor Baker due to the fact that, in his opinion, the building was out of character and did not improve the street scene; it was poorly designed and had a negative impact on the street scene; it was not in accordance with emerging Plan (Part 2) Policy SPL3 or PP2; and the negative impact upon neighbours.

It was reported that this application sought planning permission for the retention of the constructed dining pod. Other matters reported included:-

- The application site was located within the settlement development boundary of the Tendring District Local Plan 2013-2033.

- Local Plan Policy PP8 stated that to attract visitors to the Tendring District and support economic growth in tourism, the Council would generally support proposals that would help to improve the tourism appeal of the District to visitors.
- A condition had been proposed by Officers in regards to lighting and to restrict the use of music within the pod.
- The dining pod was considered by Officers to be acceptable in terms of its design and appearance and it was considered that it would not cause any material impact upon 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 (NH) in respect of the application.

An update sheet had been circulated to the Committee prior to the meeting with details of an amendment to condition 3 as follows:

'Music shall not be played within the dining pod between the hours of 11.30pm and 9am Monday to Saturday, or between the hours of 11.00pm and 9am on Sundays.'

Reason – To protect the amenity of the nearby residential dwellings.'

Councillor Baker, who had called-in the application, spoke against the application, following which he withdrew from the meeting whilst the Committee deliberated on this application.

Matters raised by Members of the Committee:-	Officer's response thereto:-
A member of the Committee asked if this was a retrospective planning application.	The Planning Officer confirmed that this was so.
Did the condition in relation to music and sound also comply with the adjacent bandstand?	The Planning Officer confirmed that the same conditions apply although a case is ongoing due there being no planning permission for the bandstand.
It was raised by a member of the Committee in relation to the subject of temporary planning permission, could the Officer confirm the background?	The Planning Officer advised that temporary permission was not granted, however, permitted development rights were permitted for COVID-related purposes which had expired in January this year. Due to the structure being fixed, it required planning permission.
A member of the Committee referred to SPL3 regarding the character. Concerns were also raised regarding the potential to set a precedent.	

Following discussion by the Committee, it was moved by Councillor Casey, seconded by Councillor Harris and **RESOLVED** that the Assistant Director (Planning) be authorised to grant planning permission for the development, subject to:

Conditions and Reasons

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

- Drawing No. KH100 REV A

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

2 Any lighting within the dining pod shall be located, designed and directed/screened so that it does not cause Avoidable Intrusion to neighbouring properties.

Reason - To protect the amenity of nearby residential dwellings

3 No music of any kind shall be played within the dining pod at any time unless otherwise agreed in writing by the Local Planning Authority.

Reason – To protect the amenity of nearby residential dwellings.

4 The dining pod hereby approved shall not be occupied at any time other than for purposes ancillary to the Kingscliff Hotel, 55 Kings Parade, Holland on Sea.

Reason - The site is unsuitable for an independent tourism or restaurant use in this location.

Councillor Bray left the meeting at this time and withdrew to the public gallery due to his interests in relation to the following applications.

218. A.2 PLANNING APPLICATION 21/02099/FUL - PLOT 5, LAND REAR OF HOLLY LODGE, BETTS GREEN ROAD, LITTLE CLACTON

Earlier in the meeting, Councillor Bray had, for the reasons stated therein, declared a personal interest in **A.2 Planning Application 21/02099/FUL PLOT 5 – LAND REAR OF HOLLY LODGE, BETTS GREEN ROAD, LITTLE CLACTON, CO16 9NH**

The Committee was reminded that this application was before Members at the request of Councillor Bray, the local Ward Member.

The Committee was made aware that the application related to the wider development approved under planning application references 16/02108/OUT, 18/00872/DETAIL and 20/01073/DETAIL (the later DETAIL for amendments to the access only) for 8 bungalows on land to the rear of the property known as Holly Lodge, Betts Green Road, Little Clacton. The outline application, and subsequent reserved matters, had been approved by officers under delegated powers. Outline consent had been approved subject to a condition requiring the dwellings to be single storey only.

It was reported that the application now before the Committee sought full planning permission for the erection of a chalet style 1.5 storey dwelling, varying the height, design and layout of the previously approved bungalow on Plot 5. The proposed dwelling would have an eaves height of 4 metres (previously 2.4 metres) and an overall ridge height of 7.41 metres (previously 5.3 metres). Plot 5 was located to the north-west corner of the wider site, away from existing neighbouring dwellings fronting Harwich Road.

Members were also reminded that Councillor Bray had referred the application to the Planning Committee due to his concerns with: street scene impact and harm to the character of the area from the increased height of the dwelling; the increased size and height leading to a cramped appearance; harm to neighbouring amenities; and the potential to cause greater strain on the 'unmade' Betts Green Road from the enlarged dwelling(s).

Members were informed that Betts Green Road and Harwich Road comprised a variety of single, 1.5 and 2 storey dwellings. The proposal, in the opinion of Officers, would add variety to the character of the development itself. Sufficient space was retained around the dwelling and to neighbouring properties to not appear cramped or result in any material harm to residential amenities. The proposed dwelling did not increase the number of bedrooms originally approved and did not increase the parking requirements.

The Committee was made aware that, whilst there would be a clear increase in height, having carefully considered the individual merits of the application, the plot layout and distance to neighbouring dwellings, it was felt by the Officers that the revised proposal would not result in any material harm that would have justified a refusal of planning permission.

Members noted that application reference 21/00289/FUL for a similar variation to Plot 1 had been approved by officers under their delegated powers on 30th July 2021. Concerns had been raised by Councillor Bray and neighbouring residents at the time, but that application had not been referred to the Committee for determination. That application had been amended to address the concerns and had subsequently been approved in the absence of any demonstrable material harm.

As the development had commenced under the originally approved applications 16/02108/OUT, 18/00872/DETAIL and 20/01073/DETAIL and the necessary financial contribution toward recreational disturbance (RAMS) had been paid, this current application did not require a unilateral undertaking.

It was reported that, in the absence of any material harm resulting from the revised proposal for Plot 5, the application was recommended by Officers for approval.

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

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

An update sheet had been circulated to the Committee prior to the meeting with details of an additional letter of objection.

Peter Le Grys, the agent acting on behalf of the applicant, spoke in support of the application.

Parish Councillor John Cutting, representing Little Clacton Parish Council, spoke against the application.

Councillor Bray, the local Ward Member, spoke against the application.

Matters raised by Members of the Committee:-	Officer's response thereto:-
A member of the Committee referred to the amended floor plans of the development.	The Planning Officer confirmed that the floor plans were changed however, the number of bedrooms remained the same.
It was asked by a member of the Committee, could the Planning Officer confirm the increase in height from bungalow to chalet bungalow? With the exception of Plot 1, the bungalows surrounding, were they single storey?	It was confirmed by the Planning Officer that the height was increased by 2.1m. The Planning Officer referred to the presentation plans where there were a mixtures of single storey and 1.5 storey dwellings. Single storey dwellings were sited adjacent to the site.
A member of the Committee asked the Planning Officer to clarify the position on page 42, paragraph 6.6, where the application sought full planning permission for 1 chalet bungalow dwelling.	The Planning Officer referred to the dwelling to a 1.5 storey dwelling rather than a chalet bungalow.
Would the need for single storey dwellings outweigh the need for higher storey dwellings?	There is a consistent need for single storey dwellings considering a retirement market, there are no specific need for bungalows, nor is this restricted. The Committee are asked to consider the development and whether it was appropriate for the location.
What was the widest part of the road leading into the development site?	The Planning Officer confirmed that the access was not considered part of the application due to permission already being granted for 8 dwellings.
A Committee member asked what the impact was and was the impact unacceptable and not suitable for the land. What would be the policies?	The use of the land was acceptable. The two main focuses were the visual impact, according to officers' advice and loss of amenities, and this would be considered substantial on appeal (SPL3).
Where were the parking spaces if this application were to be approved?	Both applications allocated 2 spaces per dwelling in line with the Adopted Parking Standards.

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

- On the grounds of adverse impact on neighbouring dwellings, loss of character and overdevelopment.

219. A.3 PLANNING APPLICATION 21/02064/FUL - PLOT 4, LAND REAR OF HOLLY LODGE, BETTS GREEN ROAD, LITTLE CLACTON

Councillor Bray, had earlier in the meeting, for the reasons stated therein, declared a personal interest in **A.3 Planning Applications 21/02064/FUL PLOT 4 – LAND REAR OF HOLLY LODGE, BETTS GREEN ROAD, LITTLE CLACTON, CO1 9NH.**

Members were informed that this application was before Members at the request of Councillor Bray the local Ward Member.

It was reported that the application, similarly to the one that considered by the Committee, related to the wider development approved under planning application references 16/02108/OUT, 18/00872/DETAIL and 20/01073/DETAIL (the later DETAIL for amendments to the access only) for 8 bungalows on land to the rear of the property known as Holly Lodge, Betts Green Road, Little Clacton. The outline application, and subsequent reserved matters had been approved by officers under delegated powers. Outline consent had been approved subject to a condition requiring the dwellings to be single storey only.

The application now before the Committee sought full planning permission for the erection of a chalet style 1.5 storey dwelling, varying the height, design and layout of the previously approved bungalow on Plot 4. The proposed dwelling would have an eaves height of 4 metres (previously 2.4 metres) and an overall ridge height of 7.41 metres (previously 5.3 metres) with all three rear facing first floor dormer windows to be obscure glazed (serving en-suites and a bathroom). Plot 4 was located to the south-west corner of the wider site, adjacent to 85 and 87 Harwich Road.

The Committee was aware that Councillor Bray had referred the application to Planning Committee due to his concerns with: street scene impact and harm to the character of the area from the increased height of the dwelling; the increased size and height leading to a cramped appearance; harm to neighbouring amenities; and the potential to cause greater strain on the 'unmade' Betts Green Road from the enlarged dwelling(s).

Members were also aware that Betts Green Road and Harwich Road comprised a variety of single, 1.5 and 2 storey dwellings and that Officers felt that this proposal would add variety to the character of the development itself. Sufficient space had been retained around the dwelling and to neighbouring properties to not appear cramped or result in any material harm to residential amenities. The proposed dwelling did not increase the number of bedrooms originally approved and did not increase the parking requirements.

Members were also aware that, whilst there would be a clear increase in height, the Officers, having carefully considered the individual merits of the application, the plot layout and distance to neighbouring dwellings, believed that the revised proposal would not result in any material harm that would have justified a refusal of planning permission.

Members noted once more that application reference 21/00289/FUL for a similar variation to Plot 1 had been approved by officers under delegated powers on 30th July 2021. Whilst concerns had been raised by Councillor Bray and neighbouring residents at the time, that application had not been referred to the Committee for determination. That application had been amended to address the concerns and subsequently approved in the absence of any demonstrable material harm.

The Committee also noted once more that the development had commenced under the originally approved applications 16/02108/OUT, 18/00872/DETAIL and 20/01073/DETAIL and the necessary financial contribution toward recreational disturbance (RAMS) had been paid. Therefore, this current application did not require a unilateral undertaking.

It was reported that, in the absence of any material harm resulting from the revised proposal for Plot 4, the application was recommended by Officers for approval.

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

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

An update sheet had been circulated to the Committee prior to the meeting with details of an additional letter of objection.

Peter Le Grys, the agent acting on behalf of the applicant, spoke in support of the application.

Parish Councillor John Cutting, representing Little Clacton Parish Council, spoke against the application.

Councillor Bray, the local Ward Member, spoke against the application.

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

Matters raised by Members of the Committee:-	Officer’s response thereto:-
Could the Planning Officer confirm that the rear windows were obscure glazed?	The Planning Officer confirmed that this was so.

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

- On grounds of adverse impact on neighbouring dwellings, loss of character and overdevelopment.

220. A.4 PLANNING APPLICATION 21/01856/FUL - PLOT 6, LAND REAR OF HOLLY LODGE, BETTS GREEN ROAD, LITTLE CLACTON

Councillor Bray, had earlier in the meeting, for the reasons stated therein, declared a personal interest in **A.4 Planning Application 21/01856/FUL PLOT 6 – LAND REAR OF HOLLY LODGE, BETTS GREEN ROAD, LITTLE CLACTON, CO16 9NH.**

Members were aware that this application was before Members at the request of Councillor Bray, the local Ward Member.

The Committee noted once more all of the background information to this application which had been previously reported to Members in the course of its deliberations of the two previous applications.

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

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

An update sheet had been circulated to the Committee prior to the meeting with details of an additional letter of objection.

Peter Le Grys, the agent acting on behalf of the applicant, spoke in support of the application.

Parish Councillor John Cutting, representing Little Clacton Parish Council, spoke against the application.

Councillor Bray, the local Ward Member, spoke against the application.

Matters raised by Members of the Committee:-	Officer's response thereto:-
A member of the Committee asked where the waste contractors would access the properties' waste bins?	The Planning Officer could not confirm the location of the waste collection points.
To the Officers knowledge, where would residents hold their wheelie bins and where would this be stored for collection from the waste contractor?	The circumstances for waste collection were not yet known.

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

- On grounds of adverse impact on neighbouring dwellings, loss of character and overdevelopment.

221. DATE OF NEXT MEETING

It was noted that the stated next meeting date for Thursday 31st March was incorrect and that the next meeting of the Planning Committee would be held at **6pm** on **Wednesday 30th March 2022** in the **Committee Room, Town Hall, Station Road, Clacton-on-Sea CO15 1SE**.

The meeting concluded at 21:34 pm.

The meeting was declared closed at 9.34 pm

Chairman