

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 2ND AUGUST, 2022 AT 6.00 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

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| Present: | Councillors White (Chairman), Fowler (Vice-Chairman) (except Item 5), Alexander, Baker, Codling, Harris, McWilliams (except item 5), Placey, and Wiggins. |
| Also Present: | Councillors Coley and Davidson. |
| In Attendance: | Gary Guiver (Acting Director, Strategic Place and Planning), Graham Nourse (Assistant Director, Planning), Joanne Fisher (Planning Solicitor), John Pateman-Gee (Planning Manager), Jacob Jaasmar (Planning Team Leader), Keith Durran (Democratic Services Officer), Emma Haward (Leadership Support Officer), Hattie Dawson-Dragsic (Temporary Performance and Business Support Officer). |

24. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillors Placey and V Guglielmi (with Councillor McWilliams substituting).

25. MINUTES OF THE LAST MEETING

Subject to amending page 5, paragraph 3 to read 'Bill Marshall, a resident of the district, spoke *during* the application', it was moved by Councillor Baker, seconded by Councillor Alexander and **RESOLVED** that the minutes of the last meeting of the Committee held on Tuesday 5 July 2022 be approved as a correct record.

26. DECLARATIONS OF INTEREST

Councillor Fowler declared a personal interest in **A.2 Planning Application 22/01083/FUL – 618 MAIN ROAD UPPER DOVERCOURT CO12 4LS** due to being the Ward Member. She was pre-determined and therefore did not participate in the Committees deliberations and decision-making for this application.

Councillor McWilliams declared a non-pecuniary interest in **A.2 Planning Application 22/01083/FUL – 618 MAIN ROAD UPPER DOVERCOURT CO12 4LS** due to chairing and participating in deliberations at a previous Licensing and Registration meeting where a licence was granted for the premises. She was pre-determined and therefore did not participate in the Committees deliberations and decision-making for this application.

27. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were none on this occasion.

28. A.1 PLANNING APPLICATION 22/00633/FUL - TESCO, 32-34 HIGH STREET, MANNINGTREE CO11 1AJ

The application was referred to the Planning Committee using the powers delegated to the Assistant Director under the Constitution. The reason for referral followed the Planning Committee’s decision to refuse planning permission reference 21/01270/FUL in January 2022 for retrospective planning permission for the CO2 gas cooler and timber enclosure.

Application 21/01270/FUL was referred to the Planning Committee by Councillor Giancarlo Guglielmi on grounds of the negative impact on the street scene and the Manningtree and Mistle Conservation as well as impact on amenity.

The application sought retrospective planning permission for the CO2 gas cooler with proposed additional acoustic panels, hit and miss fence and access gate and was recommended for approval subject to the necessary conditions set out below.

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 subject to conditions.

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 letter of objection received from Manningtree Town Council due to the installation of the cooler prior to planning permission and the noise impact on residents.

Daniel Botten, the agent acting on behalf of the applicant, spoke in support of the application.

Mandy Rose, a local resident, spoke against the application.

Councillor Coley, a local Ward Member, spoke against the application.

| Matters raised by Members of the Committee:- | Officer’s response thereto:- |
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| A member of the Committee raised concerns regarding the position of the cooler and generated noise. | The Planning Officer advised that the application did not provide details of the reasons for the position of the cooler. Planning Services assessed the application and accepted the viability of the proposal. |
| The cooling systems booster was raised as an issue with regards to noise. | The Planning Officer responded and advised that the maximum noise levels were 44-48 decibels approximately 10m from the site. Moderate rainfall is estimated 40-50 decibels. Environmental Health advised that background noise levels were also considered. With mitigation, of acoustic fencing, the noise levels would have been reduced to between the region of 12-17 decibels. |
| Was there a reason why there was no more-efficient solution to minimise the noise such as a front-facing panel? | The Planning Officer advised that the relevant consultations were undertaken and considered acceptable. The application needed to be assessed as it stood and the Committee could recommend otherwise according to material considerations. |

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| When was the noise survey carried out? | The Planning Officer informed members that the survey was carried out on 27-28 May 2021 between the hours of 7:30am and 12pm. |
| A member of the Committee also raised concerns regarding the road, how wide was the road to the rear of the site. | The Planning Officer informed the Committee that the access road at its narrowest was 2.55m and 5m at its widest point. An average road is 4.5m wide. |
| A councillor referred to the acoustic materials and asked the Planning Officer to clarify where the noise would in effect go. | The Planning Officer advised that the noise level would be reduced to 12-16 decibels as a result of the acoustic lining absorbing noise. |
| Did the noise survey give recommendations on the level of noise cover? | The Planning Manager advised that the noise survey took 3 receptors, positioned as close as 5m, and as far as 10m from the site. In terms of background noise, there was background noise of 43 decibels in the daytime, and at night 37 decibels. The Planning Manager advised that the mitigation measures were considered acceptable. |

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) (or equivalent authorised officer) be authorised to refuse planning permission for the development due to the following reasons:-

Conservation Area

The Local Planning Authority has a statutory duty to preserve or enhance the character and appearance of Manningtree and Mistley Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Policy PPL8 of the Tendring District Local Plan - Section 2 seeks to ensure that any new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area, especially in terms of: any important views into, out of, or within the Conservation Area.

The CO2 gas cooler was installed in June 2021 as part of the refurbishment of the Tesco store. It is in a prominent position at the rear and is publicly visible from Stour Street and the neighbouring properties. It is considered that unit and proposed enclosure will by reason of appearance and siting cause harm to the significance of the conservation area and fail to enhance or preserve.

Noise

Policy SPL3 of the Tendring District Local Plan - Section 2 seeks to ensure that new development should be compatible with surrounding uses and minimise any adverse environmental impacts in terms of the amenities of occupiers of nearby properties, and unacceptable levels of pollution on: air, land, water (including ground water), amenity,

health or safety through noise, smell, dust, light, heat, vibration, fumes or other forms of pollution or nuisance.

The use of the application site remains as retail, with other retail uses, residential properties, and spaces for use by the wider community surrounding the application site. There is the potential for existing amenities to be harmed, especially at night, by unusual and unpredictable noise that the proposal can produce working against variable conditions in order to control the internal environment/function of the retail unit.

Notwithstanding Plant Noise Impact Assessment submitted, it is considered that the noise emitted from the CO2 gas cooler is unacceptable and has a significant impact on the residential amenity of the occupiers living in the properties nearby.

29. A.2 PLANNING APPLICATION 22/1083/FUL - UPPER DOVERCOURT METHODIST CHURCH, 618 MAIN ROAD, DOVERCOURT CO12 4LS

Councillor Fowler declared a personal interest in **A.2 Planning Application 22/01083/FUL – 618 MAIN ROAD UPPER DOVERCOURT CO12 4LS** due to being the Ward Member. She was pre-determined and therefore did not participate in the Committees deliberations and decision-making for this application.

Councillor McWilliams declared a non-pecuniary interest in **A.2 Planning Application 22/01083/FUL – 618 MAIN ROAD UPPER DOVERCOURT CO12 4LS** due to chairing and participating in deliberations at a previous Licensing and Registration meeting where a licence was granted for the premises. She was pre-determined and therefore did not participate in the Committees deliberations and decision-making for this application.

The application had been called in by Councillor Henderson due to concerns regarding Highways and Parking in the area and the impact of the proposal on neighbouring occupiers.

The proposal was for the change of use of the redundant Methodist Church and Hall (Class F1) to a member only community social club, comprising of a bar area for darts and pool within the main church building and a community/function events use of the rear hall. The site was located within the settlement development boundary of Harwich and Dovercourt.

The application was part retrospective as the majority of the works, mostly internal had been completed and the site had been operational. ECC Place Services had no concerns regarding the conversion or its impact on the neighbouring Grade II Listed Public House, The Trafalgar. Subject to conditions and mitigation to minimise the noise and disturbance to neighbouring occupiers there were no concerns raised regarding the impact neighbouring residential properties. Given its current use as a Church and function hall, it was considered a sustainable location along with its local Community.

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.

Councillors Fowler and McWilliams left the meeting during this application and Councillor Harris acted as Vice-Chairman of the Committee.

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 22 letters of support and 13 letters of objection received, and the Officer’s comments thereto. The officer’s recommendation remained unchanged subject to a minor amendment to condition 4 to read as follows:

With the exception of condition 3, no live music events or other noise generating entertainment shall take place in any part of the building until the full written approval of the noise assessment and noise management plan has been obtained by the Local Planning Authority.

Mrs Amy Wosko, the applicant, spoke in support of the application.

Nicky Sawyer, a local resident, spoke in support of the application.

Mrs C Richardson, a local resident, spoke against the application.

Parish Councillor Tanya Ferguson, representing Harwich Town Council, spoke against the application.

Councillor Davidson, a local Ward Member, against the application.

| Matters raised by Members of the Committee:- | Officer’s response thereto:- |
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| A member of the Committee asked if the Committee could proceed in deliberations with the application before them. | The Planning Manager advised that in terms of the robustness of the proposal, the merits of the application were substantial. |
| Were there reasons to suspect that the site would in effect result in noise and disturbance? | The Planning Manager advised that he could not comment but that the Committee should consider the officers recommendation. If the application was taken to appeal for refusal due to the use of the site, there would not be a preferred outcome. |
| How would the site be managed? | The Planning Manager suggested that the Committee could recommend a condition whereby the management of the social club is monitored and controlled. |
| Would some of the issues raised be for the Licensing Section to consider rather than for the Committee to decide? | The Planning Officer advised that parking provisions and noise nuisance were material considerations for the Committee. |

Following discussion by the Committee, it was moved by Councillor Harris, seconded by Councillor Baker and unanimously **RESOLVED** that consideration of this application be deferred for the application to return to Committee within 3 months, having sought an Operational Management Plan and noise survey.

The meeting was declared closed at 20:36.

Chairman