

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON THURSDAY, 15TH FEBRUARY, 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, M Cossens, McWilliams, Smith, Sudra and Wiggins
In Attendance:	Gary Guiver (Director (Planning)), John Pateman-Gee (Head of Planning & Building Control), Ian Ford (Committee Services Manager), Joanne Fisher (Planning Solicitor), Michael Pingram (Senior Planning Officer), Madeline Adger (Leadership Support Manager), Hattie Dawson-Dragisic (Performance and Business Support Officer) and Jennie Wilkinson (Assets Surveyor)
Also in Attendance	Joanne Fisher (Planning Solicitor) (available via MS Teams) and Jennie Wilkinson (Assets Surveyor)

76. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was received from Councillor Placey (with Councillor Smith substituting).

77. MINUTES OF THE LAST MEETING

It was moved by Councillor M A Cossens, seconded by Councillor Alexander and:-

RESOLVED that the minutes of the last meeting of the Committee, held on Tuesday 16 January 2024, be approved as a correct record and be signed by the Chairman.

78. DECLARATIONS OF INTEREST

There were no Declarations of Interests made by Members on this occasion.

79. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

80. REPORT OF THE DIRECTOR (PLANNING) - A.1 - 23/01265/FUL - COPPINS HALL COMMUNITY CENTRE, MALDON WAY, CLACTON-ON-SEA, CO16 7PA

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

It was reported that the application sought permission for the temporary siting of a storage container on land at the rear of the Coppins Hall Community Centre to store bikes, bike equipment, tools and sports equipment which the charity (Inclusion Ventures) used for community based sessions.

The Committee was advised that the proposal was not considered by Officers to be harmful to the character and appearance of the area and it would not result in any significant impact to 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 Head of Planning & Building Control in respect of the application.

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

(a) *An additional condition and informative in relation to the colour of the container to read as follows:*

3 FURTHER APPROVAL: AGREEMENT OF MATERIALS COLOUR FINISH

CONDITION: Within 1 month of the date of approval of this planning permission, details of the external colour finish (suitable paint) to be applied to all the external facing elevations of the container shall be submitted to and approved, in writing, by the Local Planning Authority. The approved colour shall be applied to all external facing elevations of the container within one month of the date of the approval of the said colour, and retained as one uniform colour on all the external facing elevations for as long as the container is kept on site.

REASON: To minimise the visual impact of the container on the character and appearance of the area.

Informative - Paint Colour

Due to the current condition of the container, a condition has been imposed for the applicant to paint the container in a uniform colour to minimise its overall impact. It is recommended that the container is painted green to be considered in keeping with the character of the area.

(b) *An amendment to condition 2 to read as follows:*

2 COMPLIANCE: TEMPORARY PERMISSION

CONDITION: The development is hereby approved for a temporary period of 3 years from the date of this decision, by which date the container shall be removed in its entirety and the land returned to its original state and use.

REASON: To accord with the requirements of the application, this is secured as temporary permission. Furthermore, the appearance of the container is not considered appropriate to warrant the granting of a permanent permission in the interests of preserving the visual amenity of the surrounding area. This temporary permission allows time for an application for a suitable permanent scheme to come forward.

There were no public speakers on this occasion.

Matters raised by Members of the Committee:-	Officer's response thereto:-
<i>Is there a possibility of using a paint that</i>	<i>There are paints out there that claim to</i>

<i>is completely resistant to graffiti?</i>	<i>be impervious but I have yet to see one that is completely so. It would be difficult to impose such a condition and to then be able to enforce it.</i>
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It was moved by Councillor Alexander, seconded by Councillor McWilliams and unanimously:-

RESOLVED that -

- (a) the Head of Planning and Building Control be authorised to grant planning permission subject to conditions, as stated at paragraph 8.2 of the Officer report (A.1) and as subsequently amended by the Planning 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
- (b) the sending to the applicant of any informative notes as may be deemed necessary.

81. REPORT OF THE DIRECTOR (PLANNING) - A.2 - 23/01418/FUL - BRAHAM HALL FARM, BENTLEY ROAD, LITTLE BROMLEY, CO11 2PS

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

It was reported that one of the proposed dwellings was sited in a slightly different location to the east but remained adjacent to the prior approval building, and was of a very similar size, design, and also retained the same number of bedrooms. Officers were content, therefore, that the proposal would not be harmful to the character and appearance of the surrounding area.

The Committee was told that there were no significant issues in respect to neighbouring amenities, or harm to trees. Essex Highways Authority had raised no objections and there was sufficient space for parking, whilst ECC Ecology had removed their initial holding objection following the submission of additional photographic evidence that the building to be demolished would not have any potential for the roosting of bats.

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 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 the following:-

(a) for information purposes only, Essex County Council Place Services (Heritage) initial comments, dated 3rd November 2023, were as follows:

“The application is for proposed erection of two dwellings. (in lieu of prior approval for the conversion of an agricultural building into two dwellings 23/00549/COUNOT). A site visit has been carried out in November 2023.

The proposal site is within the setting of Grade II Listed Braham Hall. The existing barn is part of a group of agricultural buildings that have been added to the farmstead in the 20th century and they are not of historic or architectural significance. However, they form an interesting group which includes the proposal site, three brick and concrete storages/stables and a water tank arranged around a yard, and are considered in keeping with the rural character of the setting. The complex of modern agricultural barns contribute to the setting of the designated heritage asset and to our understanding of the significance of Braham Hall as an historic farmhouse.

There is no objection in principle to the demolition of the existing barn to be replaced by two dwellings. However, the proposed dwellings are very residential in character and are not considered to be in keeping with the rural character of the setting of Braham Hall.

The scheme previously submitted with reference 23/00549/COUNOT can overall be considered acceptable as the conversion of an existing barn, which is constrained by the existing structure, and, while improvable, offers a more bespoke response to the setting of the designated heritage asset.

While the current proposal is very similar in scale and design to the fall-back scheme, it should be noted that, as per Paragraph 206 of the NPPF, local planning authorities should look for opportunities for new development within the setting of heritage assets, to enhance or better reveal their significance. The demolition of the existing barn here, offers the opportunity for a well-designed high quality pair of dwellings of more traditional design and rural in character which could make a positive contribution to the setting of Braham Hall.

The elevations proposed in this current scheme are very similar to the previous proposal, however the addition of features as balconies, canopies, flues, contributes to the residential character of the buildings and makes them incongruous as part of the setting of the former farmhouse. In particular, the south and west elevations, facing the listed building, are particularly cluttered and should be revised and generally simplified.

At this stage, there are not sufficient information regarding external materials. Horizontal cladding with a brick plinth as previously proposed would be an acceptable solution, providing that traditional timber cladding is used. I also advise that, should a metal roof finish be proposed to match the existing, the previously proposed zinc roof is retained instead of the current grey standing seam sheeting. I would not support the use of uPVC windows and doors for this site and advise metal frame or timber frame features are proposed.

A detailed landscape layout, including information on hardstanding materials and boundary treatment would also be required.

In their current form, the proposals fail to preserve the special interest of the listed building, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework (2023), the level of harm is considered to be 'less than substantial'. As such the local planning authority should weigh this harm against any public benefits of the proposal including, where appropriate, securing its optimum viable use as per Paragraph 202.

Also, the proposals are not considered to preserve those elements of the setting that make a positive contribution to the identified heritage asset and which better reveal its significance, making paragraph 206 of the NPPF relevant here. Furthermore, the proposed fail to make a positive contribution to local character and distinctiveness, as set out in Paragraph 197c of the NPPF."

(b) amendments to the Officer report paragraphs as per the details below (additional comments in bold) -

6.26 Paragraph 208 of the NPPF states that where a development 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. **Paragraph 205 adds that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.**

6.30 Given that the design of the two schemes is near identical, and the prior approval has been implemented, Officers do not consider that it would be reasonable to set aside the prior approval and raise objections solely on the grounds of heritage impacts. Notwithstanding the consistency position, the development does represent less than substantial harm, **which along with the conservation of the Listed Building, is given great weight within the determination of this application. However, on this occasion** the public benefit derived from housing provision, economic growth and design is considered to outweigh the harm and/or any perceived harm to the heritage asset.

(c) amendments to the Officer report's conclusion as follows (additional comments in bold).

7.2 Whilst the proposal is located within proximity to a Grade II Listed Building and ECC Heritage have raised concerns that the proposal does not enhance the setting of this heritage asset, the design is very similar to that previously approved (and implemented) within 23/00549/COUNOT. Officers, **in giving great weight to the conservation of the heritage asset and also recognising that the proposal generates some public benefits**, therefore do not consider it reasonable to raise an objection on these grounds. Furthermore, there is not considered to be significant harm to neighbouring amenities or the character of the area, whilst there is sufficient parking provision. ECC Highways also raise no objections.

(4) removal of Condition 12 – Construction Method Statement

Since the publishing of the agenda, the agent for the application has provided a Construction Method Statement and as such it is proposed to now remove Condition 12.

Peter Le Grys, the applicant's agent, spoke in support of the application.

Matters raised by Members of the Committee:-	Officer's response thereto:-
<i>I note that this application is being done under Class Q and that on this site we will have five dwellings. Is that the maximum allowed under the Regulations? Or could there be more?</i>	<i>The number allowed depends on the definition for smaller and larger developments (based on floor space). For the purposes of this particular development the limit would be five, but the combined applications result in a total of four dwellings on this occasion.</i>
<i>Could you please confirm the gap between dwellings being created by the relocation of Plot 4?</i>	<i>Plot 4 is being moved 2.5m to the east. Whilst I can't confirm the distance between Plots 3 and 4 exactly, it will be approximately four metres.</i>
<i>Would that meet Fire Regulations?</i>	<i>Building Control would look at this as part of its Building Regulations appraisal. They would look at such things as what combustible material is on the boundary between the two dwellings. Indeed, this may have played a part in the Applicant's decision to relocate Plot 4. However, fire regulations and Building Control are outside of the remit of this Committee i.e. it is not a planning matter that can be taken into account in Members' decision making on this application.</i>
<i>Will the size of the visibility splay on the road junction be increased?</i>	<i>Yes</i>
<i>At the fork of public footpath 5 what will be the width?</i>	<i>The minimum width is 4.2m along the northern section of the access, reducing to 3.7m towards the southern section past the 'fork'.</i>
<i>Who is responsible for the maintenance of the private track?</i>	<i>The Owner of the land unless there are covenants that apply</i>
<i>Why does condition number 6 refer to "prior to first use.." whilst conditions 8 & 9 refer to "prior to the occupation.."</i>	<i>Officers will amend condition 6 if that is Members' wish.</i>
<i>Can we add a condition requiring highway signage warning of pedestrians using the track given that the increase in the number of dwellings will lead to an increase in vehicular use?</i>	<i>Officers would not recommend such a condition on grounds including the track already exists, the public footpath already exists, there is an extant planning permission which does not have such a condition imposed upon it, the track is currently used by agricultural vehicles. All of this has taken place in the absence of such signage. In addition, ECC is responsible for ensuring proper signage on its PROW. For those reasons Officers do not believe that such a signage could be</i>

	<i>defended on appeal.</i>
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It was moved by Councillor M A Cossens, seconded by Councillor Sudra and:-

RESOLVED that the Head of Planning and Building Control be authorised to grant planning permission subject to:-

- 1) on appropriate terms as summarised below and those as may be deemed necessary to the satisfaction of the Head of Planning and Building Control, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matter:
 - Financial contribution in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) totalling £156.76 per dwelling (index linked)
- 2) the planning conditions, as stated at paragraph 8.2 of the Officer report (A.2) and as varied at the meeting i.e. the removal of condition 12 and the amendment to the wording of condition 6, 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;
- 3) the sending to the applicant of any informative notes as may be deemed necessary; and
- 4) that in the event of the requirements referred to in resolution (1) above not being secured and/or not secured within 12 months that the Head of Planning and Building Control be authorised to refuse the application on appropriate grounds at their discretion.

82. REPORT OF THE DIRECTOR (PLANNING) - A.3 - 23/01601/FUL - THE NAZE PENINSULA, OLD, HALL LANE, WALTON-ON-THE-NAZE, CO14 8LG

Members were informed that this application had been referred to the Planning Committee as the applicant and owner of the site was Tendring District Council.

It was reported that the application sought a modification to the access arrangement following the planning permission previously granted for this site under reference 21/01450/FUL in October 2021. This was due to ongoing erosion that had impacted that access arrangement. The works were in support of a wider scheme that was fundamentally designed to improve coastal defences and stabilise the coast, and were supported in principle.

The Committee was made aware that ECC Highways had raised no objections, and whilst the works would result in a small level of visual harm to a site within a Coastal Protection Belt, they were essential to ensure public safety. Furthermore, following the submission of additional ecological information, ECC Ecology had raise no objections, and no harm to neighbouring amenities had been identified.

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 Senior Planning Officer (MP) in respect of the application.

An update sheet had been circulated to the Committee prior to the meeting informing it that since the publication of the agenda, Natural England had provided the following additional comments following the completion of a bespoke Habitats Regulation Assessment (HRA) by Officers:

“The bespoke HRA provided does not clearly set out the effects that the proposed modification of the access routes will have on the designated sites. An updated assessment is required to understand on what effects modifying the access routes may have on the foreshore and designated sites.”

Officer response thereto: *“While these comments from Natural England are noted, Officers appreciate that the works involved are essentially a minor variation to those previously allowed under reference 21/01450/FUL. The alterations proposed are considered to have a de minimis impact upon the designated site known as Hamford Water RAMSAR, SAC and SPA, and therefore on this occasion it is not considered to be a reasonable approach to provide a further detailed assessment.”*

There were no public speakers on this application.

Matters raised by Members of the Committee:-	Officer’s response thereto:-
<i>Can you confirm that the small, mechanised diggers will use the same access route that Members used this morning on their site visit?</i>	<i>Yes, I can confirm that is the case.</i>

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

RESOLVED that –

- (a) the Head of Planning and Building Control be authorised to grant planning permission, subject to the conditions as stated at paragraph 8.2 of the Officer report (A.3), 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
- (b) the sending to the applicant of any informative notes as may be deemed necessary.

The meeting was declared closed at 6.04 pm

Chairman