

**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. Marring 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