

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 10TH SEPTEMBER, 2024 AT 5.00 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Fowler (Chairman) (except item 21), White (Vice-Chairman) (in the Chair for item 21 only), Alexander, Everett, Goldman, Smith, Sudra and Wiggins
Also Present:	Councillor Land
In Attendance:	John Pateman-Gee (Head of Planning & Building Control), Joanne Fisher (Planning Solicitor), Michael Pingram (Senior Planning Officer), Maddie Adger (Leadership Support Manager), Bethany Jones (Committee Services Officer) and Christopher Bailey (Elections and Leadership Support Officer)
Also in attendance:	Ian Davidson (Chief Executive) and Keith Simmons (Head of Democratic Services and Elections)

17. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was received from Councillor McWilliams (with no substitution).

18. MINUTES OF THE LAST MEETING

It was moved by Councillor Alexander, seconded by Councillor Sudra and:-

RESOLVED that the minutes of the meeting of the Committee, held on Tuesday 9 July 2024, be approved as a correct record and be signed by the Chairman.

19. DECLARATIONS OF INTEREST

Councillor Fowler (Chairman) declared for the public record, in relation to the Planning Application **A.1 – 23/01757/FUL – 610 Main Road, Harwich, CO12 4LW** that due to her being the Ward Member and being predetermined, she therefore would not participate in the Committee’s deliberations and decision making for this application and that Councillor White (Vice-Chairman) would take over as Chairman for this item.

20. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

21. REPORT OF THE DIRECTOR (PLANNING) - A.1 - 23/01757/FUL - 610 MAIN ROAD, HARWICH, CO12 4LW

Earlier on in the meeting as reported under Minute 19 above, Councillor Fowler had declared for the public record that she was the Ward Member and was predetermined. She therefore withdrew from the meeting and took no part whilst the Committee deliberated and made its decision on this application. The Chair was thereupon occupied by the Vice-Chairman (Councillor White).

The Committee was informed that the application was before the Planning Committee at the discretion of the Head of Planning & Building Control and that it sought 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 included the erection of a pergola to the side (east) of the building over the side access, and the installation of the rear elevation windows at ground floor level.

Officers felt that the proposal would result in the retention of a community facility that was currently vacant and that the building would be used in part as a place of worship. Furthermore, the principle of development was supported by local and national planning policies.

Members were made aware that the proposal involved only minor external alterations and following the submission of amended drawings to remove the proposed timber cladding, ECC Heritage had raised no objections. In addition, whilst there were neighbouring properties within the surrounding area, the external alterations and noise associated with the proposal were not considered to be so harmful as to justify Officers recommending a refusal on that basis.

The Committee was advised that ECC Highways had initially required additional information before being able to provide formal comments; however, following the submission of additional details related to the previous and proposed usage of the site, including vehicular movements, they had raised no objections. Officers acknowledged that there was no parking provision, but also gave weight to the fact that the existing use of the site equally had had no parking provision, and also that the existing lawful use likely had had additional users to the use being proposed.

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 Members prior to the meeting including a letter from Councillor J Henderson (Ward Member) which was as follows-

“I would like to add as one of the ward Councillors, I have no objection to the planning application 23/01757/FUL. The summary in the agenda item 1.4 regarding ECC Highways, states they raise no objections.”

In addition, the update sheet reported that one further letter of support had been received.

Azad Azam, the applicant’s agent, spoke in support of the application.

Christina Richardson, a member of the public, spoke against the application.

Matters raised by Members of the Committee:-	Officer’s response thereto:-
<i>Are the red and blue lines coterminous or not?</i>	<i>The applicant did make it clear this morning that they weren’t sure who owned the land to the rear. As part of the submission that Officers have got, there is no blue line on the plans.</i>

<p><i>So, Officers are clear on the red line but not of the blue line?</i></p>	<p><i>The application is submitted in respect of the red line plans and the red line is the defined area should it be determined, and any blue line is additional bonus information. The application itself is only determined on the red line area. In this case, looking at the two, the perceived rear area is larger than where the red line is shown to be, but any change of use will only be to the red line area.</i></p>
<p><i>With the space at the back, parking could be placed on the site if required and the parking could quite easily be dealt with, what are Officers comments on that?</i></p>	<p><i>The application needs to be determined on the merits presented. It is not proposed to have parking at the rear of this property so that is not for Members' consideration, therefore for your consideration is the application that does not propose parking. Half of the possibly proposed parking would be outside the red line. Officers understand that there might be a future consideration around parking, but that is not for determination right now.</i></p>
<p><i>Are there any plans that the Council or Officers are aware of for parking provisions in the future?</i></p>	<p><i>There are no separate planning applications submitted to address this, and Officers are not aware of any future applications. This may happen, however there is no guarantee of this.</i></p>
<p><i>Could Members refuse the application based on inadequate parking provision?</i></p>	<p><i>That is within your gift as the decision maker. Officers have provided you with material considerations in relation with the historic use of the building and Highways considerations as part of your report.</i></p>
<p><i>Can Officers reassure Members that Planning are trying to get to a better position rather than a worse position?</i></p>	<p><i>It is outlined in Paragraph 8.24 of the Officer report, but where Officers have fallen in their position is that the existing base line use as a dance studio equally has no parking, but it has been demonstrated that it had a much higher usage in terms of vehicular usage and parking requirements than what is being proposed. In some ways, it is kind of a neutral impact, but it certainly is not a worse position in Officers' view. There is less need for parking with the current proposal.</i></p>
<p><i>Am I correct in thinking the movement in traffic anticipated is less than half than when it was a dance studio?</i></p>	<p><i>Yes, those figures are reasonably accurate. The expected weekly visitors with the proposed use is 122 and the existing lawful use as a dance studio generated movements of approximately 300 so it is a little bit more than half.</i></p>
<p><i>Is the building considered to be in a poor state and in need of TLC?</i></p>	<p><i>Repair works would not require planning permission and are not part of this application. That would be down to the applicant.</i></p>
<p><i>Would the ancillary works that could be carried out be considered an improvement?</i></p>	<p><i>There is a long list that could be arguably considered as an improvement. It is in a sustainable location. Planning has a range of roles and in some cases, improvement is part of that, but avoidance of harm is the other part of that balance to be taken, and Officers have concluded</i></p>

	<i>to Members that they do not foresee there to be any demonstration of harm that would warrant refusal that would be defensible at an appeal.</i>
<i>Within part 8.22 of the Officer report, could Members have more elaboration on the last sentence of that paragraph "Should planning permission be forthcoming a condition can be included to secure full details of this prior to first occupation of the building", what does that involve?</i>	<i>Condition 4 of the recommendation is requiring the submission of a travel plan with details of travel arrangements to and from the site for employees, customers etc and that would be prior to the first occupational use of the development. The travel plan document that has been provided to Officers has included some potential details of what could be incorporated. A future document should be submitted as part of that condition.</i>
<i>What does the Foul Drainage Assessment say?</i>	<i>Officers would have to check as this is an existing building so normally it would not be considered to apply, but it is reasonable to assume that being in a built-up area such as this, that the existing drainage of the dance studio facilities would have applied and therefore would apply again with this which is only for change of use. If Members are concerned about this issue, there is no reason as to why a condition couldn't be added for the existing drainage.</i>
<i>What was the site used for before it became the existing building?</i>	<i>Between 1888 to 1915 it looks like it was agricultural land.</i>
<i>Is the Mosque going to be used for prayer at any other times of the day and week and what happens during festival times in terms of usage?</i>	<i>Officers do not know. How the applicants manage their time in the hours they have is their choice of how they run their facilities. Officers feel that it is adequate in planning terms to mitigate any antisocial timeframe which is why there is a condition included which had not been imposed before. This time around, Officers have the opportunity to make improvements in planning terms and a condition has been made in regard to hours as set out in the Officer report, but what they do within those hours is going to be varied and unreasonable to control in a timeframe.</i>
<i>In normal practice, would Officers improve an application to add something to it that the applicant/developer had not thought of?</i>	<i>An aim for a planning officer is to seek an opportunity to better an application. If applicants want Officers to decide their application that is in front of Officers, then the decision would have to be made whether or not it causes harm to warrant refusal and if it has dealt with all of the issues that maybe a burden to the local community.</i>
<i>In part 8.6 of the Officer report, the opening hours proposed by the applicant, are these correct?</i>	<i>Yes, they are correct.</i>
<i>Under condition 3, Sundays were not asked for by the applicant and that length of</i>	<i>Officers have to balance what is reasonable to oppose as a planning condition. Tests have to be passed for planning conditions. As Planning</i>

<i>time was not asked for by the applicant, any comments?</i>	<i>Officers, it has to be borne in mind that the existing use dance studio for commercial use is an unrestrictive use in terms of hours. It could be challenged either way around.</i>
<i>Could the Committee decide different hours?</i>	<i>Yes, Members would also have to apply reasonable tests for the considerations of that decision.</i>
<i>If Members could change the hours, then that also applies to the number of people on the site as well?</i>	<i>Yes, Members could but then Members would need to think about how reasonable they are being in the operation of the site and how that could affect how the site might operate. In paragraph 56 of the NPPF, it states “planning conditions should be kept to a minimum and only imposed when they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.” Members should keep that in mind when imposing conditions that are not already recommended.</i>
<i>In regard to noise, are Officers comparing the noise from a Mosque compared with the noise accumulated with a group of children and young adults and older adults playing music from the dance studio?</i>	<i>Yes, under the impact of residential amenities section of the Officer report, Paragraphs 8.28 and 8.29, the potential impact for noise has been discussed. The conclusion has been that the current lawful existing use of the building would probably generate slightly more noise than what is being proposed, but the use overall is of a low-key nature, counter in the fact that there will be a reduction in vehicular movements and the existing building could have been operated at any time regardless of the determination of this application. With all of those considerations, Officers do not recommend refusal on these grounds.</i>
<i>Are Officers content that the hours of operation will stop an external noise from waking up residents locally?</i>	<i>The hours of operation means exactly that and the use of speakers would be allowed.</i>

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 planning 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 informative notes as may be deemed necessary, be sent to the applicant.

NOTE: in accordance with the provisions of Council Procedure Rule 19.6, Councillor Everett requested that it be recorded in the Minutes that he had voted against the motion.

The meeting was declared closed at 6.18 pm

Chairman