

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,  
HELD ON TUESDAY, 5TH NOVEMBER, 2024 AT 5.00 PM  
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,  
CO15 1SE**

<b>Present:</b>	Councillors Fowler (Chairman), White (Vice-Chairman), Alexander, Goldman, Smith, Sudra and Wiggins
<b>Also Present:</b>	Councillor Chapman BEM (except items 27 - 29), Councillor Everett (except items 28 and 29), Councillor Steady (except items 27 - 29), and Councillor Land (except item 29)
<b>In Attendance:</b>	Gary Guiver (Director (Planning & Communities)), John Pateman-Gee (Head of Planning & Building Control), Joanne Fisher (Planning Solicitor), Matt Lang (Planning Team Leader) (except items 27 - 29), Naomi Hart (Planning Officer) (except items 28 and 29), Alison Pope (Planning Officer), Maddie Adger (Leadership Support Manager) and Bethany Jones (Committee Services Officer)
<b>Also in Attendance:</b>	Lisa Hastings (Director (Governance) & Monitoring Officer) (except items 27 – 29) and James Dwan (Communications Officer)

**22. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillor McWilliams (with no substitution) and Councillor Everett (with no substitution).

**23. MINUTES OF THE LAST MEETING**

It was moved by Councillor Alexander, seconded by Councillor White and unanimously:-

**RESOLVED** that the minutes of the meeting of the Committee, held on Tuesday 10 September 2024, be approved as a correct record and be signed by the Chairman.

**24. DECLARATIONS OF INTEREST**

Councillor Goldman declared for the public record, in relation to Planning Application **23-00923-FUL (Clacton FC, Rush Green Road, Clacton-on-Sea, CO16 7BQ)** that due to his being one of the Ward Members and that he intended to speak on the application in that capacity, he therefore would not participate in the Committee’s deliberations and decision making for that application and that he would also retire to the public gallery.

**25. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

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

26. **REPORT OF THE DIRECTOR (PLANNING & COMMUNITIES) - A.2 - 23-01196-FUL - LOWER FARM EAST END GREEN, BRIGHTLINGSEA, COLCHESTER, CO7 0SX**

The Chairman of the Committee exercised her prerogative and changed the order in which the agenda items would be considered. The Chairman decided to take report A.2 first due to the number of attendees present in the public gallery who were interested in this application.

The Committee heard that the application had been referred to the Planning Committee because of a 'call-in' by Councillor Chapman BEM. The application site was situated on the north-eastern edge of Brightlingsea on land to the north of Robinson Road. The site comprised approximately 81 acres of former gravel workings which had established a low-level restoration profile. The site had been left to self-seed, which had created areas of open scrub, grassland and woodland around three former silt lagoons, which had formed five open lakes. The site was located outside of, but directly to the north of, the defined settlement boundary for Brightlingsea.

It was reported that full planning permission was now sought for: "*A mixed-use tourist and residential development of retirement living lodges with an ancillary social hub, detached farmstead houses, and holiday lodges along with separate communal buildings providing dining, leisure and recreation facilities and ancillary activity uses such as glamping, a multi-use games area, events space and nature play areas with associated infrastructure works*". The site benefited from an implemented full planning consent (ref: 19/00188/FUL) for "*the development of a mixed-use tourist and residential scheme comprising of retirement living apartments, detached farmhouses and holiday houses lodges with ancillary facilities such as glamping pods, toilet facilities, a club house/hub, children's play areas and boating jetties*". That application had been submitted in February 2019 and had been granted full planning permission in March 2021.

Members were told that this application sought significant revisions to the previously approved scheme in order to propose a more contemporary, consistent and sustainable approach to the design of the various buildings located throughout the site. The quantum of accommodation remained as previously approved (i.e. 104 holiday lodges, 36 retirement units and 5 market dwellings), but the size, mix and arrangement of the various units of accommodation had been revised. The development now also proposed a wider range of tourism and leisure facilities predominantly at the western end of the site and revised retirement accommodation from the previously approved retirement apartments to individual retirement lodges supplemented by a communal retirement hub.

The Committee also heard that, whilst the revisions included an increase to the overall footprint of the development (approximately a 51% increase), they also provided for substantial enhancements over and above the approved scheme in terms of an improved tourism offer through more on-site facilities, ecological benefits via lake and reedbed creation and an enhanced and consistent design approach across the whole development, which incorporated improved sustainability credentials.

Members were informed that, when considered against the backdrop of the existing implemented consent, the proposed development would not result in adverse impact upon residential amenity, highway safety, landscape impacts or ecological interests. Moreover, the submitted Environmental Impact Assessment had not identified any

exceptional circumstances which contravened prevailing legislation or planning policy and, with the added input of statutory consultees who had reviewed the submitted documentation, it had been concluded by Officers that the proposed development at Lower Farm Park would not result in any significant environmental impacts.

Officers told Members that, subject to the applicant entering into a Section 106 agreement to secure contributions towards off-site affordable housing, RAMS, Public Open Space improvements and Highway/Public Right of Way upgrades, alongside obligations to control the occupation of the retirement lodges and the phasing of the development, the proposal was considered to be acceptable and therefore recommended for approval subject to the Conditions outlined at Section 10.2 of the Officer report.

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 (ML) in respect of the application.

An Officer Update Sheet had been circulated to Members prior to the meeting including additional letters of representation raising objections and suggested revised wording of Condition 25 which were as follows:

1) *"20 additional letters of representation received raising the following objections (officer response is in brackets where not already covered in committee report);*

- *Wildlife rich site/home to a diverse range of wildlife. Development threatens to destroy habitats.*
- *Lakes are currently utilised by local fisherman*
- *Nothing positive to the town, development would cause increased traffic/congestion and pressure on stretched facilities*
- *Destruction of flora and fauna*
- *Large scale development out of character in this location*
- *Brightlingsea Neighbourhood Plan evidence base identifies affordable housing and elderly housing as in demand, not holiday lodges.*

*(Officer Response – Whilst the plan area for the Neighbourhood Plan as been agreed, no draft plan has been produced. Therefore, no weight can be attributed the plan at the current time).*

- *Leisure Village design not in keeping with the adjacent built form.*
- *Large number of trees being removed and wildlife habitat harmed.*
- *Development would bring about endless lorry movements and heavy plant, causing pollution.*
- *Light pollution and noise pollution impacts to local residents and wildlife.*
- *Lighting is visually intrusive and causes light pollution and affect the ecology (birds and bats) in this area.*
- *Development is 50% larger in size than consented scheme.*
- *Robinson Road is a quiet residential lane; this development would alter that character.*
- *No social housing proposed, and off-site contribution will not be spent in Brightlingsea.*

*(Officer Response – The Council’s Housing Team have confirmed that the off-site contribution will go into a central pot, however, wording within the S106 requiring it or a proportion of it to be used to deliver homes in Brightlingsea can be explored).*

- *Land is frequently used by Curlews and other important birdlife. Should be classed as ‘functionally linked’ land to nearby designated site.*
- *Robinson Road needs a road infrastructure upgrade.*
- *Application is not a revision, but a new full application due to the scale of the changes proposed.*
- *Harm to nearby designated site has not been fully considered.*
- *The land accommodates priority habitats (including Open Mosaic Habitat) that should be considered.*
- *Holiday Park applications for this site have been refused 3 times in the past (in the late 80’s/early 90’s).*
- *There has been no clear and convincing justification that there will not be any harm to Marsh Farm house and its setting due to the significant changes to the scheme.*
- *Through diminishing views to and from Marsh Farm House to the south and through the proposed building and associated proposals, this will urbanise the setting of the listed building and diminish its relationship with the rural landscape and Marshes.*
- *Proposed footpaths close to the site boundary, would necessitate removal of vegetation and allow people to climb banks of the site.*
- *Lack of benefits to local residents and adverse impacts on parking provision.*
- *Reduced access for local residents.*

2) Revision to wording of Condition 24 – Holiday Occupation

**SPECIFIC RESTRICTION ON DEVELOPMENT: HOLIDAY OCCUPATION CONDITION:**

*CONDITION: The tourism lodges and glamping pods hereby approved, and as clearly indicated on approved drawing no. 5553/SP/23/3010 P1, are exclusively designated for holiday purposes of the occupier/s only and shall not be utilised as a person’s sole or main place of residence nor permanent residential dwelling of individuals not engaged in such holiday purpose at any time, including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended.*

*Furthermore, the following restrictions shall apply:-*

1. *Occupation Period: No continuous occupation period of an individual person shall exceed 42 days without a break of at least 10 days between occupation.*
2. *Primary Residence Prohibition: The approved tourism lodges shall only be occupied by persons who have available an alternative primary residential address, it shall not be utilised as a person’s sole or main place of residence.*
3. *Register of Occupants: A comprehensive register containing the names, full details of permanent home addresses, and vehicle registrations (if travelling by car) of occupants shall be maintained for all periods of occupation each year. This register must be made available to the Local Planning Authority for inspection at any time in a form that can be digitally provided upon request, and all records shall be retained for a minimum of ten years.*

3) *Correction of typos at Section 8.5 the Officer’s Committee Report. The distance between the application site and the nearest point of the nearby European Designated Site (Colne Estuary SPA and RAMSAR and Essex Estuaries SAC is approximately 150 metres to the south.*

4) *Applicant’s Response to objection from Brightlingsea Nature Network*

*The objector’s observation of 31 curlew within the site is acknowledged and is not contrary to the findings of the formal Winter Bird Survey. The aim of the formal surveys is to sample multiple occasions during the winter season, in order to draw conclusions about the broad habitual seasonal use of the site by curlew.*

*The formal survey recorded 23 curlew within the site on one occasion, which is comparable with the objector’s observation. It is acknowledged that, on occasion, the site is used by groups of curlew of around this number. The objector’s observation is therefore in line with the existing findings of the survey.*

*We also point out that the ecological records data search used within the ecological assessments was obtained from Essex Field Club, who are the standard resource for ecological records in Essex. Indeed, the data returned and analysed by us include over 13,000 records from Essex Birdwatching Society. We cannot say why the objector’s record is not among them.”*

Shayne Martin, the applicant, spoke in support of the application.

Paul Neill, a member of the public, spoke against the application.

Councillor Jayne Chapman BEM, a Ward Councillor for Brightlingsea, spoke against the application.

The Head of Planning and Building Control updated Members about an email that had been received from Natural England that they had been in receipt of information from a third party and that there was a formal survey from the applicant that had found 23 curlews, plus Essex field records showing none. Objectors in their evidence had found 31 curlews and that it was reasonable for Members to take the position that there were possibly between 20 – 35 curlews visiting in some form on the application site. The new information received before the Committee meeting had not changed the Officer recommendation of approval. The Head of Planning and Building Control also gave a verbal update to the part of the Officer report that deals with Heritage Impacts and reminded Members that where there is harm to a designated heritage asset, even where that harm is less than substantial, great weight must be given to that harm in the planning balance. Further, that Officer applied great weight in Section 9 ‘Conclusion’ of the Officer report although that is not mentioned in Section 9.

<b>Matters raised by Members of the Committee:-</b>	<b>Officer’s response thereto:-</b>
<i>With the comments that have been received, what consideration and weight do the Officers give to the objections?</i>	<i>There had been a lot of objections, and they were taken into consideration. The material considerations had been covered in the Officer report. Officers are confident that the issues raised are not significantly harmful to the acceptability of the scheme.</i>

<i>Are curlew nesting sites protected?</i>	<i>Yes, all bird nesting is protected.</i>
<i>Curlews require a certain amount of space for flight, with what is before Members at the moment, would there be a sufficient area for them to take flight?</i>	<i>Officers cannot specifically answer that question. Under the formal survey, no objection was raised in this context or from Ecology. Whilst there may be more than 23 curlews, there is no objection. Natural England are satisfied the curlews can exist on the site without harm.</i>
<i>With the email received, did Officers gather, from the contents, any concerns that had been raised?</i>	<i>The email received does not raise any concern, it asks the Authority to consider the contents further within the context of the additional information. Officers could read the email out or have an adjournment to provide copies for Members.</i>

The Chairman thereupon adjourned the meeting for 12 minutes in order to allow the Officers to provide copies of the email received from Natural England.

Once the meeting reconvened, the Planning Solicitor reminded the Committee of the legal duty that applied to their decision-making in terms of the European Designated Site, under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 which stated:

*“the competent Authority, must for the purposes of the assessment, consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the Authority specifies...*

*... In the light of the conclusions of the assessment, the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).*

*In considering whether a plan or project will adversely affect the integrity of the site, the competent authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposes that the consent, permission or other authorisation should be given.”*

The Planning Solicitor also referred to the government guidance ‘Habitats regulations assessments: protecting a European site’, in particular that the decision maker must take a precautionary approach with decisions at each stage of the HRA process, and referred to the example given in the guidance, that if you cannot rule out all reasonable scientific doubt of an adverse effect on a site’s integrity at stage 2: appropriate assessment, you must refuse the proposal unless an exemption (stage 3: derogation) is justified.

The Head of Planning and Building Control then proposed to Members that, if the application was approved, a re-consultation with Natural England be undertaken and that if the re-consultation came back with a negative response, then the application would be brought back before Members; however, if there was a positive response then the Decision Notice for approval would be issued.

<b>Further Matters raised by Members of the Committee:-</b>	<b>Officer's responses thereto:-</b>
<i>On page 67 of the agenda, there had been responses from Essex Wildlife Trust and RSPB, do we agree with them?</i>	<i>4 bodies have given a response in terms of Ecology and Protected Species, 2 of which objected and 2 approved, in terms of statutory consultees Natural England is the one that Officers would refer back to in that context.</i>
<i>On page 10 of the Officer report, as part of the Anglia Water Services report, with the preplanning enquiry, was that ever done and what was their reply?</i>	<i>The comment relates to a feasible drainage strategy which has been designed, their comments relate to surface water. The water surface drainage has been designed and reviewed by Essex County SUDS team and they have no objections</i>
<i>With the late information given, could Members have additional clarification and expand in Officers' professional view.</i>	<i>The only change that is being spoken about is the formal survey which had X number of curlews and Officers have an indication that that may be a larger figure – 23 vs 31 – that is the difference. A new proposal has been given that if the re-consultation with Natural England is a negative response, then the application will come back to the Committee, but if Natural England come back with a positive response, then the application will go forward if it is approved by the Committee.</i>
<i>Once the re-consultation has come back to Officers, will Members see the application again?</i>	<i>Officers' proposal is that Members take the papers as recommended, subject to re-consultation with Natural England. Natural England need to be consulted which takes approximately up to 21 days, if Natural England are satisfied that the site can accommodate up to 35 curlews and they are still happy with the current position which is one of no objections then Officers could issue the approval as resolved. If they are not satisfied, then a recommendation of refusal will be issued, and the item will be returned to the Committee.</i>
<i>Would it be better to defer the application to allow Officers to get the response to give the information back to the Committee?</i>	<i>As the Head of Planning and Building Control, I try to look for the most efficient route to get decisions made. What is now proposed to Members is one of least delay but if Members wish for the application to come back regardless of the outcome, then that is up to Members to take forward as part of your debate.</i>
<i>On page 67 under Conclusion, could we have some clarity on that from Officers?</i>	<i>Yes, there is a conflict, and they are objecting. It is a position that Officers have had to balance to get the application forward to Members.</i>

<p><i>Is it in conflict with TDC's policy?</i></p>	<p><i>That is down to the decision maker being the Local Planning Authority which would be Members, Officers are recommending that it is not in conflict.</i></p>
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It was moved by Councillor Alexander, seconded by Councillor Sudra and unanimously:-

**RESOLVED** that subject to the conditions listed at Section 10.2 of the Officer report (A.2), as amended by the Update Sheet, a positive re-consultation response from Natural England and a Section 106 Agreement securing the following:-

- 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 to secure 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:
  - **Affordable Housing Contribution - £952,850**
  - **RAMS Contribution - £163.86 per unit**
  - **Public Open Space Contribution - £14,080 – Enhancements to Bayards Recreation Park**
  - **Highway Contribution - £27,300 – Bus Stop Upgrade – Bayards Crescent**
  - **Highway Contribution towards PRow Improvements (Currently Uncosted)**
  - **Phasing Plan (Trigger Points outlined at Section 10.1)**
  - **Restriction on Occupation of Retirement Lodges – Over 55's Only**
- 2) the Head of Planning and Building Control be authorised to grant full planning permission subject to the agreed Section 106 agreement and conditions as stated at paragraph 10.2 of the Officer report (A.2), as varied by the Update Sheet and a positive re-consultation from Natural England, 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 as stated at paragraph 10.2 of the Officer report (A.2); and
- 4) that in the event of the Planning Obligations or 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.

**27. REPORT OF THE DIRECTOR (PLANNING & COMMUNITIES) - A.1 - 23-00923-FUL - CLACTON FC, RUSH GREEN ROAD, CLACTON-ON-SEA, CO16 7BQ**

Earlier on in the meeting as reported under Minute 24 above, Councillor Goldman had declared for the public record that he was a local Ward Member and that he would be



speaking on the application in that capacity. He therefore withdrew from the meeting and retired to the public gallery and took no part whilst the Committee deliberated and made its decision on this application.

The Committee was informed that the proposal was for an extension to the existing Clacton Football Club (FC) in order to provide an additional all weather training pitch area. The Artificial Grass Pitch (AGP) was proposed to be located on land which formed part of the Rush Green Safeguarded Open Space and this application was before the Planning Committee as the land was owned by Tendring District Council and because the proposal represented a departure from the development plan.

The Committee was made aware that Policy HP4 of the Local Plan 2013-2033 identified areas of safeguarded open spaces to be protected. The policy stated that development that would result in the loss of the whole or part of areas designated as Safeguarded Open Space would not be permitted unless certain criteria were met. Officers felt that this proposal would result in the permanent loss of a section of safeguarded open space because the scheme included a 4.5 metre fence around the proposed AGP, and its use was exclusively for Clacton FC members and other potential sport users whilst not including the wider public and removing that area of land from general recreational open space use. Whilst the proposal would benefit members of Clacton FC and other potential sport users that might be subject to commercial payment, access to the area by the wider general public would be permanently lost without any replacement.

Officers reminded Members that the proposal would bring some health benefits and benefits to Clacton FC and their members, making the club more agile in respect of their offer and equipping them with a much-needed facility. Against those benefits, the pitch would be sectioned off and the loss of the safeguarded open space would therefore be permanent. Sport England had offered their strong support despite the part loss of the safeguarded open space.

Officers further reminded Members that the proposed development would result in some visual harm due to the fencing and floodlighting proposed and its intrusion outwardly into the remaining open space. The landscaping proposed would be largely ineffective in mitigating that harm, and that weighed further against the proposal. Neutral elements included no harm to neighbouring amenity, there was considered to be sufficient parking provisions and ECC Highways had offered no objections subject to conditions. Similarly, ECC Ecology had not objected to the proposal subject to conditions.

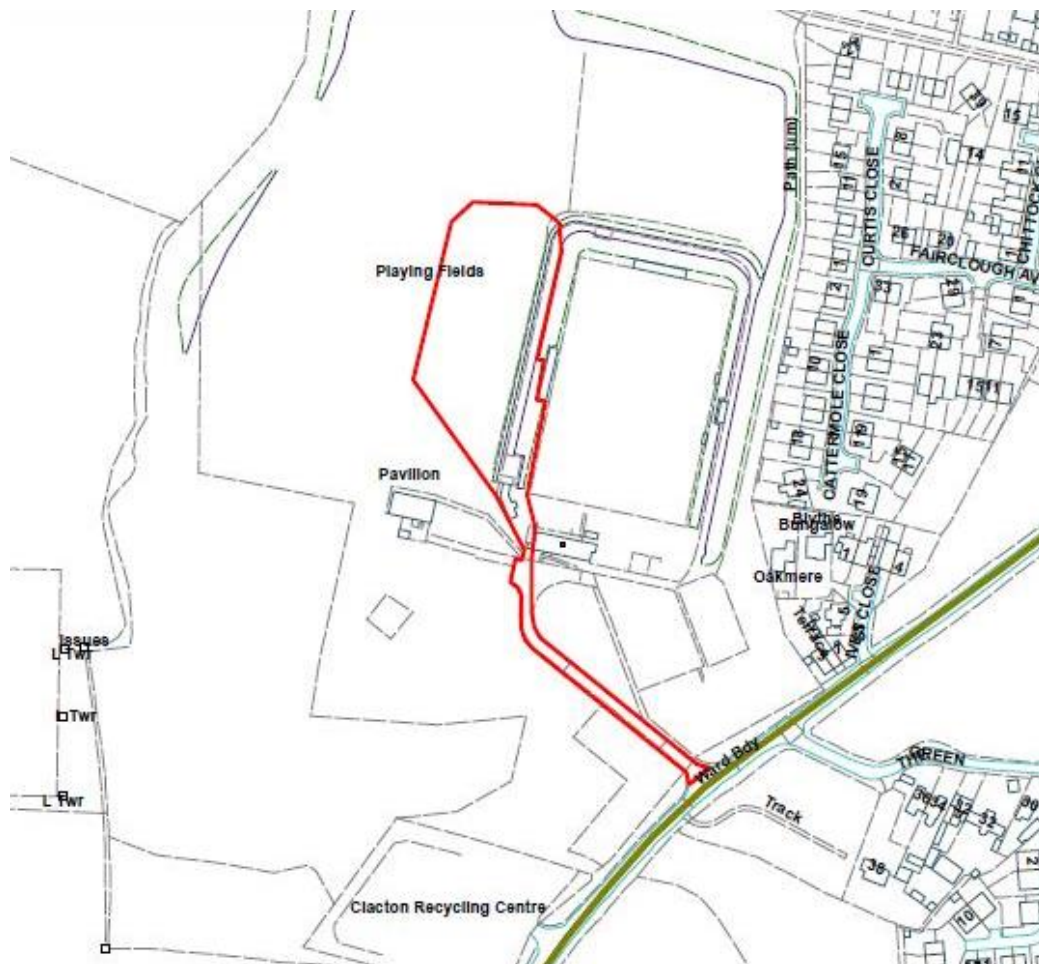
Members were told that, taking all of the detailed considerations above into consideration, Officers had concluded that, on this occasion the principle of development was not acceptable as it failed to comply with Policy HP4 of the Local Plan 2013-2033 and the health benefits and benefits to Clacton FC through the provision of that facility would not outweigh the loss of the safeguarded open space and the character harm.

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 refusal.

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 Members prior to the meeting regarding a letter of objection, the plan to the front of the Planning Committee report, confirmation by the Council's Tree and Landscaping Officer and re-wording of paragraph 8.33 of the Officer report which were as follows:-

- 1) *"One letter of objection has been received raising the following objections (summarised below):*
  - *The proposal limits space for those not involved in those activities, further development would limit dog walking areas.*
  - *Concerns in regards to parking and the overflowing of the car park*
  - *Concern in regards to the lighting and the impact to the local houses*
- 2) *The plan to the front of the planning committee report should be as follows:*



- 3) *As confirmed by the Council's tree and landscaping officer, the size of the application site as amended makes provision for new planting on the perimeter of the site. At the present time, the site layout plan which has been submitted to act as both the red line plan and landscaping (which shows only indicative details and location of planting) and does provide space to enable possible conditions on landscaping. Furthermore, the Officers' report paragraph 8.30 states that landscaping would be ineffective to screen the development. This is corrected to read; the soft landscaping will be ineffective in providing the*

*complete screening of the nature of development, including fence height, floodlighting and the position of the development into the public open space. However, given the opportunity to soften some of the impact, on balance, it is not considered sufficient enough as a reason in itself to warrant a reason for refusal.*

4) *Wording of paragraph*

*Paragraph 8.33 should read as follows: The proposal includes for a development that has the potential to incorporate renewable energy features. There are no details that accompany the planning application that demonstrate the water, energy and resource efficiency measures that the scheme will incorporate, and a condition requesting details of this is recommended.”*

Steve Andrews, the applicant, spoke in support of the application.

Councillor Bernard Goldman, a Ward Councillor, spoke in support of the application.

<b>Matters raised by Members of the Committee:-</b>	<b>Officer’s response thereto:-</b>
<i>Could this pitch be put anywhere else on the field?</i>	<i>We can only deal with the application before us, we have tried to find another option, but this is what is before Members.</i>
<i>If this was for public hire, would this negate HP4?</i>	<i>The policy is for Members as the decision makers to interpret as they see fit. Officers are saying to Members that it is in conflict with the provisions of the policy as this would reduce the availability to the community in the context that it would be available to members of the Football Club. If it was open wider than that then it is still going to be reduced access because it is not open to the general public.</i>
<i>The permission on the land, is that still used for mixed (Football Club and general public)?</i>	<i>The area of land is available to the public at all times but then for clubs for football at other times, there is nothing stopping the public from going across the pitch if they wanted. Since 1999, there has been no change to the area in question that has been proposed. The only thing that was proposed in 1999 was 3 floodlights sitting on the existing site outward which was approved but Officers are not sure if it was implemented. That does not change the nature or the unrestricted nature of the land that Members are currently dealing with because it would secure it by a 4.5 metre fence taking it out of commission as it would give unrestricted public access.</i>
<i>Is this more about the policy?</i>	<i>This is only before Members because it is TDC land. If it was not, then it would have been refused under delegated powers. The policy says not to approve the application.</i>

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

**RESOLVED** that:-

- 1) the Head of Planning and Building Control be authorised to refuse planning permission for the reason(s) as stated in paragraph 10.1 of the Officer report (A.1) and in the Officer update sheet, or varied as necessary to ensure the wording is precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the reasons for refusal as referenced is retained; and
- 2) the sending to the applicant of any informative notes as may be deemed necessary.

**28. REPORT OF THE DIRECTOR (PLANNING & COMMUNITIES) - A.3 - 24/00721/FUL - LAND TO THE REAR OF TAYLOR COVE, HARWICH ROAD, BEAUMONT, CLACTON-ON-SEA, CO16 0AX**

Councillor Goldman at this time returned to the Committee for the rest of the meeting.

The Committee heard that this application had been referred to the Planning Committee by Councillor Land on the grounds of intrusion into the open countryside, blocking views of the Hamford Water Site of Special Scientific Interest (SSSI) with no detail of how environmental factors would be dealt with.

Members were told that, the application before it sought planning permission to relocate the existing double field shelter south of its current location onto a new concrete base within the area of land previously granted planning permission for grazing horses for private use and it had been recommended for approval subject to the necessary conditions set out in the Officer report (A.3).

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 (AP) in respect of the application.

An update sheet had been circulated to Members prior to the meeting including an update from Officer discussion with the Applicant and the proposed removal of Conditions 2, 3, 4 and 5 which were as follows:

- 1) *"Following discussions with the applicant, it is confirmed that the application proposes to relocate the existing double field shelter south of its current location onto a new concrete base within the area of land previously granted planning permission for grazing horses. The description has been updated to reflect this and now reads "Relocation of existing double field shelter comprising of a hay/storage barn and a stable onto a new concrete base with fenced corral".*

- 2) *Condition 2 (private use only) and condition 5 (no burning of manure) will be removed as these conditions already apply to the site area as approved under application reference 18/01276/FUL (Condition 3 and 5 respectively).*
- 3) *Condition 4 will be removed as a Waste Management Strategy for the same site area was conditioned on application reference 18/01276/FUL (Condition 4) and subsequently discharged on 19/00011/DISCON.*
- 4) *Condition 3 is removed. The condition has not been imposed on previous applications and as this application is solely for the double field shelter and corral it is not reasonable or necessary as it is evident the land is used for the grazing of horses.”*

Paul Brown, member of the public, spoke against the application.

Councillor Dan Land, the Ward Councillor, spoke against the application.

<b>Matters raised by Members of the Committee:-</b>	<b>Officer’s response thereto:-</b>
<i>This is not about agricultural land, is it?</i>	<i>That is correct.</i>
<i>This is sitting above Hamford which is an SSSI, is that correct?</i>	<i>Hamford water as an SSSI is just over 2km away so you can see it in the distance, yes.</i>
<i>The area that this stands in, is that part of that SSSI or is it only the waters below?</i>	<i>The land lies outside of the scientific interest area, around 2km away. The land does not fall within that, no.</i>
<i>Under the policy, Members are looking at this application in its own right for retrospective approval to keep that building and to make it into a permanent structure by moving it forward, why has the applicant got to move it forward and not leave it where it is?</i>	<i>As a temporary structure, it would need to be moved every 28 days so an application has been made to make it a permanent structure which means it will need to be moved into land of private use.</i>
<i>Was this application from planning enforcement?</i>	<i>There was an enforcement complaint originally. At this moment in time, planning enforcement are not pursuing that matter and they consider the building to be lawful at this current time. It is a moveable object; it is not a permanent structure. This application is basically to pretend the building is not there right now and that this is for a new permanent building within the site.</i>
<i>Why does it have to stay where it is?</i>	<i>The entire paddock has planning permission for the keeping of horses. It is a moveable building; it is up to the owner of the land to place it wherever they wish in the land that they own. Where the owner puts it is not up for Members’ consideration, but what Members have is a permanent location that they can determine.</i>

<i>The address on the application and the owner of the property, is that the same person?</i>	<i>Yes, that is correct.</i>
<i>What would happen if more horses were added, are there any conditions in place in case more horses were added to bring the application back to Members?</i>	<i>If a new building is proposed in the future for a number of reasons, then they would need planning permission in any event. If they were to put further field shelters on site that can move around the site like the current shelter, they would not need planning permission.</i>

It was moved by Councillor Alexander, seconded by Councillor White 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.4), as amended in the 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.

**29. REPORT OF THE DIRECTOR (PLANNING & COMMUNITIES) - A.4 - 24-01379-FUL - 29 LANDERMERE ROAD, THORPE LE SOKEN, CLACTON-ON-SEA, CO16 0LQ**

The Committee heard that this application was before the Planning Committee as the applicant was employed by Tendring District Council and the recommendation was one of approval, as required by the delegation arrangements and for no other reason.

Members were told that, the proposal sought planning permission to remove a 1.2m high close board fence, post and gravel boards. Permission was required as the fence exceeds 1m.

The Committee was made aware that, the proposed works would result in a minor enhancement to the character and appearance of the area, whilst posing no detrimental harm to existing 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 representation received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Head of Planning and Building Control (JP-G) in respect of the application.

There were no updates for the Committee in relation to this application.

There were no speakers on this application.

There were no questions to Officers from Members on this application.

It was moved by Councillor Goldman, seconded by Councillor Smith 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.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 7.45 pm

**Chairman**