

PLANNING COMMITTEE

30 MARCH 2011

Present:- Councillors Heaney (Chairman), Chapman (Vice-Chairman), Bragg, Brown, Candy, Casey, Fawcett, Johnson, J King, McLeod, Mitchell, Powell, G G I Scott, Skeels (except item 132), Whitson.

Substitute Members:- Councillor McWilliams (for Councillor G V Guglielmi).

Also Present:- Councillors Bucke (except items 130 - 133), Dew (except items 130 - 133), G V Guglielmi (except items 130 - 133), V E Guglielmi (except items 130 - 133), Patten (items 129 (part) only).

In Attendance:- Chief Executive, Acting Strategic Director (DA), Interim Head of Planning, Executive Manager – Planning Management and Control (except items 130 – 133), Development Control Team Manager (PF), Section 106 Compliance Manager (except items 130 – 133), Senior Planning Officer (AT), Principal Solicitor, Senior Democratic Services Officer.

(7.00 p.m. - 9.40 p.m.)

125. CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed all persons present to this meeting of the Committee and outlined the fire evacuation and other procedures.

126. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors G V Guglielmi, Rutson and Watson.

127. MINUTES

The minutes of the meeting of the Committee held on 8 March 2011 were approved as a correct record and signed by the Chairman.

128. PLANNING APPEALS AND DECISIONS

The Committee noted the contents of a report (submitted for information only) advising them of the details of recent and current planning appeals and decisions.

129. PLANNING APPLICATION 10/01357/FUL - FORMER RAILEX SITE AND ADJOINING LAND STATION ROAD, MANNINGTREE

The Committee had before it the published Officer report containing an appraisal of the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval and a summary of recommended conditions.

The recently published update sheet was also considered by the Committee and explained by Officers at the meeting.

Councillor Chapman declared a personal interest in the application and remained in the meeting during the consideration thereof and the voting thereon.

Mr M Morsley, on behalf of Manningtree 4 Tesco, spoke in support of the application.

Mr M Coultharde-Steer, on behalf of Stour Community First, spoke against the application.

Mrs L Lay-Flurrie, on behalf of Manningtree Town Council, spoke against the application.

Mr B Rolfe, on behalf of Lawford Parish Council, spoke in support of the application.

Councillor Dew, a Ward Member for the Manningtree, Mistley, Little Bentley and Tendring Ward, spoke against the application. Councillor Dew also declared a personal interest in the application.

Councillor G V Guglielmi, a Ward Member for the Manningtree, Mistley, Little Bentley and Tendring Ward, spoke in support of the application.

Councillor V E Guglielmi, a Ward Member for the Lawford Ward, spoke in support of the application.

Ms L Gosling, on behalf of the applicant, spoke in support of the application.

It was moved by Councillor Whitson and seconded by Councillor G G I Scott that the application be refused on the grounds of bulk, traffic issues and the adverse retail impact on the locality.

Following discussion of Councillor Whitson's motion by the Committee, Councillor Whitson withdrew his motion.

It was then moved by Councillor Candy, seconded by Councillor Whitson and:-

RESOLVED – (a) That consideration of application 10/01357/FUL be deferred in order to enable Officers to appoint independent highway consultants to appraise Essex County Council's formal consultation response as highway authority and to appraise views and alternatives on highway issues suggested by those who have made written representations opposing the proposed development; the consultants to produce a written report regarding, amongst others, the said issues and also the following:-

- (i) The alternative report submitted by a highways expert;
 - (ii) Alternatives to the 5% ratio used by Essex County Council's consultants in calculating highways' usage; and
 - (iii) A general overview of the highways' impacts of this application on residents of Mistley, Manningtree, Lawford and Brantham.
- (b) That the Interim Head of Planning, in consultation with the Chairman of the Committee, be authorised to formally identify the terms of reference and appoint the independent highways consultants.

130. PLANNING APPLICATION 10/01360/OUT - LAND ADJACENT OWLS OAK, RAMSEY ROAD, DOVERCOURT

The Committee had before it the published Officer report containing an appraisal of the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval and a

summary of recommended conditions.

Mr T Snow, on behalf of the applicant, spoke in support of the application.

It was moved by Councillor McLeod, seconded by Councillor Brown and:-

RESOLVED – That application 10/01360/OUT be approved, subject to conditions providing:-

- Standard time limit and submission of reserved matters condition
- List of approved plans
- Lay-out of vehicular access and turning space as per amended plan
- Lay-out of vehicular access and pedestrian visibility splays as per amended plan
- Garages and parking spaces to comply with adopted parking standards
- Pedestrian visibility splays to each dwelling access
- Service water management to be provided as per submitted information
- Details of wheel and underbody cleaning facility
- Details of construction parking, loading and turning
- Provision of footpath along site frontage
- Details of cycle parking
- Timing of removal of standing dead tree to avoid bats being present
- Removal of any hedgerow outside bird nesting season
- Contaminated land condition
- Scheme for provision and implementation of water, energy and resource efficiency measures
- Permeable paving
- Restricted hours of construction
- Plots 3 – 9 shall not exceed one-storey in height
- Details of materials to be used in construction

Reason for Approval

The site lies outside but abutting the defined settlement limits and on land allocated under Policy COM31 of the Tendring District Local Plan (2007) for water supply in connection with application 10/01333/FUL. The site is surrounded by residential development to three boundaries with the proposed reservoir site to the immediate west and is in close proximity to local services and facilities. The visual character of the site will be mostly connected with the residential development to the south and east rather than the open countryside to the west. Having regard to the pattern of existing development in the area and the development plan policies listed in the Officers' report, it is considered that subject to compliance with the conditions attached to this permission the proposed residential development would not reduce the amenities enjoyed by occupants of neighbouring property, would not have an adverse impact upon the character of the surrounding area and would be acceptable in terms of highway safety.

131. PLANNING APPLICATION 10/01333/FUL - LAND ADJACENT OWLS OAK, RAMSEY ROAD, DOVERCOURT

The Committee had before it the published Officer report containing an appraisal of the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval and a summary of recommended conditions.

Mr T Snow, on behalf of the applicant, spoke in support of the application.

It was moved by Councillor McLeod, seconded by Councillor Brown and:-

RESOLVED – That application 10/01333/FUL be approved, subject to conditions providing:-

- List of approved plans
- Lay-out of vehicular access and turning space as per amended plan
- Lay-out of vehicular and pedestrian visibility splays as per amended plan
- No unbound materials within 15 metres of highway boundary
- Any gates to be recessed minimum 15 metres from highway boundary
- Pedestrian visibility splays to pumping station access
- Service water management to be provided as per submitted information
- Details of wheel and underbody cleaning facility
- Details of construction parking, loading and turning
- Landscaping including security fencing
- Details of bricks to be used in construction
- Noise emitted from the site plant, equipment and machinery shall not exceed 5dBA above the background level at the nearest noise sensitive premises
- Timing of removal of standing dead tree to avoid bats being present
- Removal of any hedgerow outside bird nesting season

Reason for Approval

The site is allocated for water supply infrastructure under Policy COM31 of the Tendring District Local Plan (2007). Having regard to the pattern of existing development in the area and the development plan policies listed in the Officers' report, it is considered that subject to compliance with the conditions attached to this permission and owing to siting, scale and design, the proposed reservoir would not reduce the amenities enjoyed by occupants of neighbouring property, would not have an adverse impact on the character of the surrounding area and would be acceptable in terms of highway safety.

132. PLANNING APPLICATION 11/00172/FUL - FOREMANS YARD, RECTORY ROAD, WEELEY HEATH

The Committee had before it the published Officer report containing an appraisal of the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval and a summary of recommended conditions.

Councillor Skeels declared a prejudicial interest in the application and withdrew from the meeting during the consideration thereof and the voting thereon.

It was moved by Councillor Candy, seconded by Councillor G G I Scott and:-

RESOLVED – That application 11/00172/FUL be approved, subject to conditions providing:-

- Standard time limit
- Approved plans
- Materials as shown on plans

Reason for Approval

In approving this application the Local Planning Authority has taken account of the relevant development plan policies and it considers that the proposed development is in accord with those policies and does not harm public amenity.

133. APPLICATION 11/00100/FUL - 13-14 JUBILEE END, LAWFORD - RETROSPECTIVE CHANGE OF USE OF INDUSTRIAL UNIT (B1) TO STORAGE AND DISTRIBUTION AND RETAIL (A1, B8) USES

The Committee had before it the published Officer report containing an appraisal of the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval and a summary of recommended conditions.

Mr R Sykes-Popham, on behalf of the applicant, spoke in support of the application.

It was moved by Councillor Candy, seconded by Councillor McLeod and:-

RESOLVED – That application 11/00100/FUL be approved, subject to conditions providing:-

- List of approved plans
- Restriction to storage and distribution of tiles and flooring (B8) and ancillary retail (A1)

Reason for Approval

Having regard to the pattern of existing development in the area and the development plan policies listed in the Officers' report it is considered that subject to compliance with the conditions attached to this permission and owing to the mixed storage and distribution and retail use being located within close proximity (300 metres) and easy walking distance from the town centre, the development to be retained would not reduce the amenities enjoyed by occupants of neighbouring property, would not have an adverse impact upon the character of the surrounding area and is acceptable in terms of highway safety and flood risk.

134. PLANNING PORTFOLIO HOLDER'S ANNOUNCEMENTS

There were none.

135. PLANNING APPEALS AND APPEAL DECISIONS

The Committee noted the contents of a report (submitted for information only) which gave the details of recent planning appeals and appeal decisions.

136. ENFORCEMENT QUARTERLY PERFORMANCE REPORT

The Committee noted the contents of a report (submitted for information only) detailing the Enforcement Service's performance over the past three months (April - June 2012).

137. PLANNING APPLICATION - 12/00483/FUL - 87 CHILBURN ROAD, CLACTON-ON-SEA, CO15 4PE

Demolition of existing bungalow and construction of new access, 2 no. 3 bedroom bungalows and 4 no. two bedroom bungalows.

The Committee had before it the published Officer report containing an appraisal of the key planning issues, relevant planning policies, planning history, any response from

consultees, written representations received and a recommendation of approval.

Mr Tim Snow, on behalf of the applicant, spoke in support of the application.

It was moved by Councillor McLeod, seconded by Councillor Candy and:-

RESOLVED – That application 12/00483/FUL be approved in accordance with the Officers' recommendation, subject to the following conditions and the following reason for approval:-

Conditions:

1. Time Limit.
2. Development in accordance with the plans.
3. Condition requiring key recommendations of Extended Phase 1 Habitat survey to be carried out.
4. Landscaping in accordance with the landscaping plan.
5. Prior approval of Landscape Management Plan.
6. No unbound materials to be used within 6m of access.
7. Pedestrian visibility splays.
8. Provision of the car parking spaces.
9. Prior approval of details of wheel washing facilities.
10. Prior approval of details of onsite parking for construction vehicles and loading and unloading.
11. Prior approval and provision and implementation of a Transport Information and Marketing Scheme for sustainable transport (Travel Information Packs)
12. Removal of Permitted Development rights for windows or openings in roof plane.
13. Root protection condition for protected Oak.
14. Prior approval of facing roofing and hard landscaping materials.
15. Removal of Permitted Development Rights for extension for plot 6.

Reason for Granting Planning Permission:

This scheme proposed a backland residential development within the settlement limits of Great Clacton. Although the density of the immediate area was less dense and comprised frontage dwellings with long gardens, the scheme was not materially harmful to the neighbours and complied with the other relevant policy requirements. The indicative landscaping scheme showed that an attractive landscaped area could be created round the protected Oak tree that could become the focal point for this development. This would achieve a sense of place on a site that was restricted by an easement and therefore constrained. This proposal would provide a small but useful addition to the District's housing stock.

Informative:

1. Highway Informative regarding contacting the Highway Authority prior to works to the highway.
2. Highway Informative regarding adoption of private drive.
3. Environmental Services Guidance Note for Construction.

138. PLANNING APPLICATION - 12/00665/FUL - 75 NORTH STREET, WALTON-ON-THE-NAZE, CO14 8PH

Proposed rear extension to provide bedroom and bathroom facilities for disabled person.

The Committee had before it the published Officer report containing an appraisal of the key planning issues, relevant planning policies, planning history, any response from

consultees, written representations received and a recommendation of approval.

The application was before the Committee as the applicant was Tendring District Council.

Councillor Johnson declared an interest as Ward Member.

The Update Sheet stated that two additional representations had been received and had been circulated to Members before the meeting and explained to the Committee by the Acting Head of Planning. One of the representations commented in response to the points detailed in the officer report,

It was moved by Councillor Candy, seconded by Councillor G L Mitchell and:-

RESOLVED – That application 12/00665/FUL be approved in accordance with the Officers' recommendation, subject to the following conditions and the following reason for approval:-

Conditions:

1. Time Limit
2. Approved Plans

Reasons for Granting Planning Permission:

In approving this application, the Local Planning Authority had taken account of all planning considerations material to its determination, particularly the impact on residential amenities and all representations made. In the absence of any material adverse impact resulting from the development, the Local Planning Authority concluded that the proposals accorded with the provisions of the development plan as applicable to it.

139. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

140. SPECIAL MINUTES - LICENSING (GENERAL PURPOSES) SUB-COMMITTEE

The Committee received the special minutes of the meetings of the Licensing (General Purposes) Sub-Committee held on 14 July, 18 August and 12 October 2010, which had previously been circulated and noted the decisions contained therein.

141. MR JOHN MARGERUM, ASSISTANT HEAD OF LEGAL SERVICES (ADMINISTRATION)

As this was likely to be the last meeting of the Licensing Committee that Mr Margerum would attend before his forthcoming retirement, the Chairman and Members thanked Mr Margerum for his long and dedicated service to the Council and to the Licensing Committee in particular and wished him a long and happy retirement.

142. PROGRAMME OF MEETINGS: 2011/2012 MUNICIPAL YEAR

The Council gave consideration to a proposed timetable of meetings of the Council, the Audit Committee, the Community Leadership and Partnerships Committee, the Corporate Management Committee, the Council Tax Committee, the Planning Committee and the Service Development and Delivery Committee for the 2011/2012 Municipal Year.

RESOLVED - That the programme of meetings for the Council, the Audit Committee, the Community Leadership and Partnerships Committee, the Corporate Management Committee, the Council Tax Committee, the Planning Committee and the Service

Development and Delivery Committee, as set out in the Appendix to item A.5 of the Reference from Cabinet, be approved.

143. SUB-COMMITTEES OF THE LICENSING AND REGULATORY COMMITTEES AND THEIR CHAIRMEN AND VICE-CHAIRMEN

To avoid the need for formal meetings of the Licensing and Regulatory Committees to be held to appoint their Sub-Committees and the Chairmen and Vice-Chairmen of those Sub-Committees:-

It was moved by Councillor Stock, duly seconded and:-

RESOLVED – (a) That the Appeals Sub-Committee be, and is, hereby appointed and that the members thereof for the 2011/2012 Municipal Year be as follows:-

Councillor Aldis
 Councillor Bragg
 Councillor S A Honeywood
 Councillor Nicholls
 Councillor Platt
 Councillor Simons

(b) That Councillor S A Honeywood be elected Chairman of the Appeals Sub-Committee for the 2011/2012 Municipal Year.

(c) That Councillor Platt be appointed Vice-Chairman of the Appeals Sub-Committee for the 2011/2012 Municipal Year.

(d) That the Licensing (General Purposes) Sub-Committee be, and is, hereby appointed and that the members thereof for the 2011/2012 Municipal Year be as follows:-

Councillor Casey
 Councillor De-Vaux Balbirnie
 Councillor Downing
 Councillor Fawcett
 Councillor V E Guglielmi
 Councillor Powell
 Councillor Pugh
 Councillor Skeels

(e) That Councillor Downing be elected Chairman of the Licensing (General Purposes) Sub-Committee for the 2011/2012 Municipal Year.

(f) That Councillor Fawcett be appointed Vice-Chairman of the Licensing (General Purposes) Sub-Committee for the 2011/2012 Municipal Year.

(g) That Premises/Personal Licences Sub-Committee 'A' be, and is, hereby appointed and that the members thereof for the 2011/2012 Municipal Year be as follows, with the appointment of a third member from the Labour Group, which appointment to be dealt with by the Chief Executive in accordance with the authority delegated to him to appoint a member at the request of the Group Leader:-

Councillor Downing
 Councillor Powell

(h) That Councillor Downing be elected Chairman of the Premises/Personal Licences Sub-

Committee 'A' for the 2011/2012 Municipal Year.

(i) That Premises/Personal Licences Sub-Committee 'B' be, and is, hereby appointed and that the members thereof for the 2011/2012 Municipal Year be as follows:-

Councillor V E Guglielmi
Councillor G L Mitchell
Councillor Shearing

(j) That Councillor V E Guglielmi be elected Chairman of the Premises/Personal Licences Sub-Committee 'B' for the 2011/2012 Municipal Year.

(k) That Premises/Personal Licences Sub-Committee 'C' be, and is, hereby appointed and that the members thereof for the 2011/2012 Municipal Year be as follows:-

Councillor De Vaux-Balbirnie
Councillor Fawcett
Councillor Platt

(l) That Councillor Platt be elected Chairman of the Premises/Personal Licences Sub-Committee 'C' for the 2011/2012 Municipal Year.

144. TENDRING DISTRICT LOCAL PLAN PREFERRED OPTIONS CONSULTATION

Council's approval was sought in respect of the Tendring District Local Plan Preferred Options Consultation.

The Local Plan Committee had considered the consultation document at its meeting held on 9 June 2016 and Council had before it the Committee's recommendations.

Council also had before it a report of the Head of Planning Services which informed Members of major as well as minor changes to the consultation documents in order to make the Plan up-to-date prior to public consultation and to be consistent in not allocating sites for housing which had been refused permission. Some of those changes were a result of decisions made by the Planning Committee at its meeting held on 14 June 2016. The changes had been made to the Plan attached as Appendix A to the report of the Head of Planning Services and a schedule of those changes was provided in Appendix C thereto.

Members had had circulated to them prior to the commencement of the meeting amended maps in relation to Great Bentley and Frinton, Walton, Kirby-le-Soken, Kirby Cross and Great Holland. Those maps had been altered as a result of the recent refusal of related planning applications.

Councillor Stock, Chairman of the Local Plan Committee, thanked the Members of that Committee and the Officers, particularly the Head of Planning Services (Cath Bicknell) and the Planning & Regulation Manager (Simon Meecham), for their hard work and dedicated effort in getting the Local Plan to its current position. He also thanked the members of the public and representatives of parish councils who had participated in the public speaking scheme at meetings of the Local Plan Committee.

Councillors Stock, Turner, Scott, Winfield, Parsons, Stephenson, Calver, Bray, V E Guglielmi, Howard, G V Guglielmi, Coley, Broderick and M Brown participated in the debate.

It was moved by Councillor Stock, seconded by Councillor Turner and RESOLVED that Council:

(a) approves the content of the Tendring District Local Plan Preferred Options consultation document, attached as Appendix A to the Report of the Head of Planning Services, which incorporates the changes set out in Appendix C thereto and including the amended maps for Great Bentley and Frinton, Walton, Kirby-le-Soken, Kirby Cross and Great Holland, as circulated, for public consultation for a period of eight weeks;

(b) delegates authority to the Head of Planning Services, in consultation with the Chairman of the Local Plan Committee, to make minor amendments to the text of the Local Plan consultation documents up to the point of publication for consultation purposes. Such amendments are to be circulated to all Members of the Council prior to the commencement of the public consultation; and

(c) delegates authority to the Head of Planning Services, in consultation with the Chairman of the Local Plan Committee, to agree the content of the Sustainability Appraisals for the Local Plan Consultation Documents for public consultation for a period of six weeks. The content of the Sustainability Appraisals are to be circulated to all Members of the Council prior to the commencement of the public consultation.

NOTES: (1) in accordance with the provisions of Council Procedure Rule 18.5, Councillors Bray, Broderick, Parsons and Whitmore each requested that they be recorded in the minutes as having voted against the above decisions; and

(2) in addition, Councillor G V Guglielmi requested that he be recorded in the minutes as having abstained from voting on the above decisions.

145. URGENT MATTERS FOR DEBATE

There were none on this occasion.

146. URGENT MATTERS FOR DEBATE

There were none on this occasion.

Chairman