

PLANNING COMMITTEE

19 APRIL 2011

Present:- Councillors Heaney (Chairman), Chapman (Vice-Chairman), Bragg, Brown, Casey, Fawcett, Johnson, J King, Mitchell, G G I Scott, Skeels, Watson, Whitson.

Substitute Members:- Councillors Aldis (for Councillor McLeod), McWilliams (for Councillor G V Guglielmi).

Also Present:- Councillors Goggin (items 140 (part) and 141 - 142), Steady (except item 142).

In Attendance:- Temporary Head of Planning, Executive Manager – Planning Management and Control, Development Control Team Manager (GP)(items 134 – 139 only), Senior Planning Officer (PH)(except item 142), Heritage and Conservation Manager, Principal Solicitor, Democratic Services Officer.

Also in Attendance:- David Whipps – Holmes and Hills, Solicitors.

(7.00 p.m. – 7.46 p.m.)  
and following an adjournment  
(7.52 p.m. – 8.29 p.m.)

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134. CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed all persons present to this meeting of the Committee, introduced the officers present and members of the Committee and outlined procedure.

135. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Candy, G V Guglielmi, Powell and Rutson. Councillor G V Guglielmi wished it to be noted that his non attendance was due to his involvement in respect of the judicial review claim against the Council relating to the adoption of Manningtree and Mistle CAMP as he felt it important that he took no part in the discussion, debate or final decision regarding this item at this meeting.

136. MINUTES

The minutes of the meeting of the Committee held on 30 March 2011 were approved as a correct record and signed by the Chairman.

137. PLANNING PORTFOLIO HOLDER'S ANNOUNCEMENTS

In the absence of Councillor G V Guglielmi, the Planning Portfolio Holder, the Chairman read out an announcement on his behalf regarding the 2011 Design Awards, advising that, following the success of the 2007 and 2009 Design Awards, nominations would open on 1 May 2011 for this year's awards. Shortlisted schemes would be judged on 30 June 2011 by a panel of internal and external judges and nominations may be made by anyone, providing the development was completed over the last two years. Councillors were urged to make their communities aware of the awards, details of which were available on the Planning page of the Council's website.

138. 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.

139. ENFORCEMENT QUARTERLY PERFORMANCE REPORT

The Committee noted the contents of a report (submitted for information only) advising them of the Enforcement Service's performance over the past three months.

140. PLANNING APPLICATION 11/00197/FUL – BRIGHTLINGSEA PLAY CENTRE, THE PAVILION, BAYARD RECREATION GROUND, BRIGHTLINGSEA - PROVISION OF A SIX BAY MODULAR BUILDING WITH TOILET FACILITIES

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 refusal with reasons. 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 as one of the Ward Members and remained in the meeting during the consideration thereof and the voting thereon.

Ms J Hunt, a local resident and Head Teacher of Brightlingsea Infants School, spoke in support of the application.

Ms M Beckwith, on behalf of Brightlingsea Town Council, spoke in support of the application.

Councillor Steady, one of the Ward Members, spoke in support of the application.

Mrs P Campbell, on behalf of the applicant, spoke in support of the application.

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

RESOLVED – That the Temporary Head of Planning is authorised to approve application 11/00197/FUL subject to amended plans being received that accurately reflect the building that is to be retained and subject to such conditions as she considers appropriate, including a condition requiring a landscaping scheme.

Reason for approval

There is no alternative available site for the building and so, in this case, the necessity of meeting pre-school needs carries greater material weight than the aesthetics of the building.

141. ADJOURNMENT

The Chairman adjourned the meeting for a short while to allow members of the public to leave if they wished.

142. MANNINGTREE AND MISTLEY CONSERVATION AREA MANAGEMENT PLAN (CAMP) - JUDICIAL REVIEW PROCEEDINGS

Mr David Whipps of Holmes and Hills, Solicitors, attended to give the Committee a brief background to the report before them, and the amendments contained within the update sheet.

The Heritage and Conservation Manager gave a presentation on the key aspects of the Manningtree and Mistley Conservation Area Management Plan and explained the officers' written response to the objections raised by T W Logistics Ltd.

It was moved by Councillor Heaney, seconded by Councillor Chapman and:-

RESOLVED - (a) That the contents of item A.3 of the report of the Temporary Head of Planning, and incorporating the amendments detailed on the update sheet, be noted.

(b) That the Committee agree with the officers' response comprising Appendix B to the abovementioned report.

(c) That the Committee consider it would be helpful and appropriate for the Cabinet to reconsider the adoption of the Mistley and Manningtree CAMP.

Note: At the request of Councillor J King, the Chairman agreed that it be noted that Councillor J King had taken no part in the debate or vote with regard to the above item.

143. PLANNING APPLICATIONS - WOODFIELD BUNGALOW, COLCHESTER ROAD, GREAT BENTLEY, CO7 8RY

A. 12/00989/FUL – Change of Use as a travellers' caravan site including retention of two existing family caravan compounds and three additional caravan pitches and use as extension of residential curtilage to The Bungalow

B. 12/00990/FUL – Change of Use from Builder's Storage to Commercial Vehicle Sales

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.

The Chairman advised the Committee that it was her intention to take each application separately to avoid any confusion.

Councillor McWilliams, present in the public gallery, declared a personal interest as Ward Member, in respect of the applications.

Mr Neil Ward, on behalf of the Applicant, spoke in support of Planning Application 12/00989/FUL.

It was moved by Councillor White, seconded by Councillor Nicholls and:

RESOLVED that the Head of Planning be authorised to grant planning permission for Planning Application 12/00989/FUL subject to the following conditions:-

- Commencement of development within three years
- In accordance with the drawings
- Occupation by persons of traveller and gypsy origin
- No more than five pitches (including the two unauthorised existing pitches)
- Each pitch to have no more than two caravans only one of which will be static

- Means of enclosure between each site
- Details of refuse and other storage buildings
- Details of amenity blocks
- No commercial activities including storage of materials or vehicles
- No more than one commercial vehicle per pitch by the occupiers (not to exceed 3.5 tonnes)
- Hard and soft landscaping details
- Implementation of landscaping details
- Foul and surface water drainage details
- Highway conditions
- Lighting scheme
- Removal of permitted development rights for enclosures and outbuildings
- Contamination
- Details of office buildings on site

Mr Neil Ward, on behalf of the Applicant, spoke in support of Planning Application 12/00990/FUL.

It was moved by Councillor White, seconded by Councillor Nicholls and:

RESOLVED that the Head of Planning be authorised to grant planning permission for Planning Application 12/00990/FUL subject to the following conditions:-

- Commencement of development within three years
- In accordance with the drawings including loading and unloading bay
- Limitation of vehicle weight for those vehicles for sale to 7.5 tonnes
- Hours of operation 8:30-18.00 Monday to Saturday and 10:00 to 18:00 Sunday and Bank Holidays
- Hard and soft landscaping details – including surfacing
- Foul; trade waste and surface water drainage details
- Lighting scheme
- Highway conditions
- Contamination
- No vehicle storage other than within the specified area

144. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

The meeting was declared closed at 7.19 p.m.

145. PLANNING APPLICATION - 12/00490/FUL - HOCKLEY FARM, CHURCH ROAD, FRATING, CO7 7HG

Erection of Polytunnels and Construction of Agricultural Reservoir

Councillors Heaney and Nicholls each declared a non-pecuniary interest as Ward Members.

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.

The Committee was reminded that this Planning Application had been deferred at the meeting held on 2 October 2012 to allow officers to obtain and assess comments from the Environment Agency and Network Rail in relation to the revised proposal.

An update sheet was circulated to the Committee prior to the meeting with details of a correction to the report.

Mr Mark Culley, a local resident, spoke against the application.

Councillor Nicholls spoke against the application.

Mr David Edward, the Applicant, spoke in support of the application.

It was moved by Councillor McLeod, seconded by Councillor Johnson and:

RESOLVED that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development subject to:-

1. Time Limit for commencement – three years
2. Development in accordance with the plans
3. Biodiversity compensation/mitigation scheme
4. Landscape scheme
5. No excavated materials to be exported from site
6. Details of warning signage adjacent to public right of way
7. Removal of polytunnels and such other associated supporting structures and foundations above and below ground once useful economic life finished on such terms as the Head of Planning Services considers appropriate
8. No internal, external or other lighting without prior permission on such terms (which may include requirement for a lighting scheme) as the Head of Planning Services considers appropriate
9. As required by key recommendations of habitat survey
10. Details of drainage to ensure any reservoir overflow and storm/surface water does not flow towards the railway

Reason for Granting Planning Permission:

The proposal for the erection of polytunnels and construction of one agricultural reservoir is considered to be in accordance with the provisions of Policies EN1, EN16 and RA8 of the Tendring District Local Plan 2007 and other development plan policies listed. In particular, the scale of the proposal would not have a significant adverse impact on the landscape characteristics of the locality or residential amenity and a biodiversity compensation/mitigation plan secured by condition will soften the development and provide enhancement to the landscape and the local wildlife environment. Furthermore, the proposed development is not considered to have an adverse impact on the local highway network or public right of way.

Informative:

Highway Informative regarding public's right and ease of passage over the public footpath is maintained free and unobstructed at all times.

146. PLANNING APPLICATION - 11/01172/OUT - LAND REAR OF EDWARD STREET AND UNA ROAD, PARKESTON, CO12 4PS

With reference to Minute 103 above, this application had been deferred prior to the meeting to allow responses from the Environment Agency and Essex County Council Highways.

147. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

The meeting was declared closed at 7.37 p.m.

148. PLANNING APPLICATION - 12/00949/FUL - LAND ADJACENT TO ARDLEIGH HALL SQUASH CLUB, DEDHAM ROAD, ARDLEIGH, CO7 7LD

Proposed Construction of Three No. Four Bedroom and One No. Three Bedroom Detached Houses and Associated Garages

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.

The Committee was reminded that this Planning Application had been deferred from the meeting held on 30 October 2012 in order for Officers to investigate the existing demand for the tennis courts on the site and the demand for such facilities across the District, and to verify the position regarding highway issues (particularly the level of onsite car parking).

An update sheet was circulated to the Committee prior to the meeting with details of further representations.

Councillor Stock, on behalf of Ardleigh Parish Council, spoke against the application.

It was moved by Councillor McLeod and seconded by Councillor Challinor that Planning Application 12/00949/FUL be approved, subject to conditions summarised in the officer report with such final detailed wording of those conditions as the Head of Planning considered appropriate, in consultation with the Chairman and Vice-Chairman of the Committee, the Portfolio Holder for Planning and Corporate Services and relevant Ward Members, which motion on being put to the vote was declared LOST.

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

RESOLVED that Planning Application 12/00949/FUL be deferred to allow officers an opportunity to obtain further information on drainage and highways issues and with a view to seeking from Essex County Council an assessment of integrated water drainage, and from Essex County Council (Highways) formal detailed comments on parking provision in relation to highway safety and convenience along The Street, Ardleigh.

149. PLANNING APPLICATION - 12/01126/FUL - LANDMARK HOUSE, FRATING ROAD, GREAT BROMLEY, CO7 7JN

Change of Use from Office (Use Class B1) to a Single Dwelling (Use Class C3)

Councillor Heaney declared a non-pecuniary interest as Ward Member.

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.

An update sheet was circulated to the Committee prior to the meeting with details of further representations.

Mr Andrew Beard, the Applicant's Agent, spoke in support of the application.

It was moved by Councillor Candy, seconded by Councillor Broderick and:

RESOLVED that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development subject to:-

(a) Within three months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 dealing with Public Open Space Provision be undertaken; and

(b) Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate) and with the reason for approval set out in (ii) below.

(i) Conditions:

1. Time limit for commencement – Three years
2. Development in accordance with the submitted plans

(ii) Reason for approval:

In approving this application, the Local Planning Authority had taken account of the development plan policies listed. The amount of employment floor space to be lost was too small to justify a financial contribution under Local Plan Policy ER3. It was considered that conversion to a single residential dwelling would represent a more sustainable form of development in this rural residential area, resulting in a less intensive use of the access and removing all commercial vehicle movements. Occupation by a business unrelated to the neighbouring dwelling would also be likely to result in harm to residential amenity. It was therefore considered that those matters outweighed the fact that the site was located outside of the defined development boundary. Residential conversion of this building to a single dwelling would not seriously undermine the Council's housing settlement policies and would not set a harmful precedent for the surrounding area.

(c) The Head of Planning (or the equivalent authorised officer) be authorised to refuse planning permission in the event that such legal agreement had not been completed within the period of three months, as the requirements necessary to make the development acceptable in planning terms had not been secured through S106 planning obligation, contrary to Local Plan Policy COM6.

150. PLANNING APPLICATION - 10/00202/FUL, 10/00203/FUL AND 10/00204/LBC-BATHSIDE BAY, STOUR ROAD, HARWICH, CO12 3HF

With reference to Minute 85 above, these applications had been deferred prior to the meeting in order to allow a written response and legal consultation to be made regarding a late representation.

151. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

The meeting was declared closed at 9.03 p.m.

152. 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.

153. 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.

154. URGENT MATTERS FOR DEBATE

There were none on this occasion.

155. URGENT MATTERS FOR DEBATE

There were none on this occasion.

Chairman