

PLANNING COMMITTEE

2 JUNE 2011

Present:- Councillors Heaney (Chairman), Challinor (Vice-Chairman), Brown, Fawcett, Howard, Johnson, McLeod, G L Mitchell, Simons, White.

Substitute Members:- Councillor Turner (for Councillor Candy).

Also Present:- Councillor G V Guglielmi - Planning Portfolio Holder.

In Attendance:- Temporary Head of Planning, Development Control Team Manager (PF), Senior Planning Officer (RC), Principal Solicitor, Democratic Services Officer.

(7.05 p.m. – 8.55 p.m.)  
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1.. WELCOME

The Chairman welcomed those present to this the first meeting of the Committee with its new membership and those present introduced themselves.

The Chairman briefly outlined the procedure at meetings and informed those present of the action to take in the event of an emergency.

2. APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillor Candy.

3. MINUTES

The minutes of the meeting of the Committee held on 19 April 2011 were approved as a correct record and signed by the Chairman.

4. APPLICATION TO BE DEFERRED

The Chairman advised that application 11/00037/FUL – Land adj. 142 Harwich Road, Mistley had been deferred to enable Members to undertake a site visit prior to the application coming before the Committee.

5. 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.

6. PLANNING APPEALS QUARTERLY REPORT

The Committee noted the contents of a report (submitted for information only) advising them of the Planning Appeals performance over the past three months compared with performance in the previous two years. Councillor White requested details of which Committee decisions had been overturned on appeal, and the Development Control Team Manager agreed to provide him with this information.

7. SITE VISIT REQUIRED

The Committee was informed that officers recommended a site visit in respect of application 11/00175/DETAIL – Land North of St. Johns Road and West of Little Clacton Road, Clacton-on-Sea, to enable Members to view surrounding development to assess how the proposals will affect the locality prior to the intended presentation of the application at the meeting of the Planning Committee on 28 June 2011.

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

RESOLVED – That a formal site visit be undertaken to the above site on Tuesday 21 June 2011, commencing at 10.00 a.m., for the reasons stated above.

8. PLANNING APPLICATION 11/00145/OUT – ST JOSEPH'S CONVENT, 14-16 RAGLAN ROAD, FRINTON-ON-SEA – DEMOLITION OF THE EXISTING CONVENT AND CONSTRUCTION OF 12 APARTMENTS WITH ASSOCIATED CAR PARKING

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 with a summary of recommended conditions. The recently published update sheet was also considered by the Committee and explained by officers at the meeting.

Councillors Johnson and Turner each declared a personal interest in the application as members of Frinton and Walton Town Council and remained in the meeting during the consideration thereof and the voting thereon.

Mr J Govier, on behalf of the applicant, spoke in support of the application.

It was moved by Councillor Johnson and seconded by Councillor G L Mitchell that consideration of this item be deferred for a site visit to view the site and its surroundings, which motion on being put to the vote was declared LOST.

It was moved by Councillor Turner and seconded by Councillor Johnson that application 11/00145/OUT be refused, contrary to officer recommendation, which motion on being put to the vote was declared LOST.

It was moved by Councillor Fawcett, seconded by Councillor White and:-

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

(a) Within 2 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 the following matters

- Public Open Space Provision; and
- Primary School Space Provision.

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

- Standard outline conditions
- List of approved plans

- Permeable surfacing
- Materials
- Landscaping
- Boundary treatments
- Bicycle and refuse storage to be provided prior to occupation
- Site Levels
- Restricted hours of construction and demolition
- Method statement of construction and demolition
- No floodlighting or external lighting to be installed without consent
- Vehicular access constructed to width of 5.5m
- Pedestrian visibility splays at 1.5m x 1.5m
- No unbound materials in surface treatment for first 6m
- Parking spaces to be 5.5m x 2.9m
- Bin collection point to be within 25m of highway
- Existing accesses onto Raglan Road shall be closed up
- Parking spaces for bicycles and powered two-wheelers to be agreed
- Suitable and appropriate surface water management system to be provided
- Limit maximum building heights at 10 metres above ground level
- Limit maximum building widths at 10.6 metres
- Footprint of building to be at least 8.6 metres back from footway at Raglan Road
- Footprint of building to be at least 7.6 metres back from footway at Hadleigh Road
- Limit minimum amenity space to be provided to be 350 sq. metres

#### Reason for Approval

This outline application proposes the erection of 12 no. flats. The application site lies within the defined settlement boundary of Frinton and close proximity of the town centre services and public transport facilities. In this case the Council considers that having taking into account those policies contained within the Development Plan and other material planning considerations, the proposed development is satisfactory in terms of size, massing and scale to the context of the site, impact upon residential amenity and highway safety. While the density is higher than the surrounding area, the new building is comparable in size, scale and mass to the existing Convent building, occupying a smaller proportion of the site. The proposed building is part two-storey and part three-storey in nature and reflects the scale of the original building. Accordingly, the proposal is considered to be in accordance with the provisions of the Tendring District Local Plan 2007 and national policy guidance.

(c) The Temporary Head of Planning (or the equivalent authorised officer) be authorised to refuse outline planning permission in the event that such legal agreement has not been completed within the period of two 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 and COM26.

9. PLANNING APPLICATION 11/00263/FUL – CHRISTIAN SCIENCE CHURCH, 1 WITTONWOOD ROAD, FRINTON-ON-SEA – ERECTION OF 2NO. DWELLINGS (SEMI-DETACHED), (FOLLOWING DEMOLITION OF EXISTING CHURCH) AND NEW VEHICULAR ACCESS

Councillors Johnson and Turner each declared a personal interest in the application as members of Frinton and Walton Town Council and remained in the meeting during the consideration thereof and the voting thereon.

Mr P Le Grys, on behalf of the applicant, spoke in support of the application.

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

RESOLVED – That application 11/00263/FUL be approved subject to conditions providing:-

- Standard time limit and
- List of approved plans
- Layout of vehicular accesses as per amended plan
- Pedestrian visibility splays to each dwelling access
- Access – no unbound materials within first 6m
- Permeable paving
- Details of materials to be used in construction
- Details of landscaping

Reason for Approval

The application site is within the defined settlement boundary of the town and the principle of demolishing the existing church and replacing it with residential development has already been established in the previous appeal decisions relating to the site. The application proposes a replacement building to form 2 no. dwellings in a style which relates appropriately to the character of the local area. The development both accords with the policy framework for this part of Frinton-on-Sea and is considered appropriate for its setting. The views of objectors have been carefully considered but the proposal is considered to enhance the character of this section of the Frinton & Walton Conservation Area.

10. PLANNING APPLICATION 11/00289/FUL – LAND ADJOINING IPSWICH ROAD AND WICK LANE, ARDLEIGH - USE OF LAND AS CAR DEALERSHIP:- ERECTION OF BUILDING FOR USE AS CAR SHOW ROOM, WORKSHOP AND ANCILLARY OFFICES WITH ASSOCIATED CAR PARKING AND LANDSCAPING, AND CONSTRUCTION OF NEW ACCESS AND UPGRADING OF EXISTING ACCESS

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

RESOLVED – That application 11/00289/FUL be approved subject to conditions providing:-

- Time limit
- Plan numbers
- Surface materials
- External materials
- Landscaping scheme
- Change of land height and planting seasons
- Compliance with recommendations of FRA
- Archaeology condition
- Floodlighting
- Setting out of accesses
- Visibility splays
- No unbound material
- Provision of a wheel wash
- Marking out of parking spaces
- Parking for powered two wheelers
- Loading/unloading on site
- Signage details for access signs
- Boundary treatment
- Ecological enhancement

Reason for Approval

Whilst the proposed development does not accord with Development Plan Policies and the aims and aspirations of national planning guidance, substantial weight has been given to the existing planning permission for the site, which is for development of a similar scale and nature. Weight has also been given to planning permission granted in 2009 on a nearby site, which was considered acceptable given the economic and visual improvements it would provide. This proposal would provide similar improvements. In light of these factors it is considered that in this particular location, that the scale and nature of the proposal is acceptable. Account has also been taken of the site's accessibility from the A12 and the other commercial development in the area.

Taking these factors into account the Local Planning Authority considers that the proposed development is acceptable in this locality in terms of its siting, scale and detailed design and which will not adversely affect local amenity, subject to appropriate quality of materials and landscaping. There would also be no unacceptable impacts upon flood risk, highway safety, ecology and archaeology, subject to the conditions imposed.

11. PLANNING APPLICATION 11/00364/FUL - 9 KINGS CLOSE, LAWFORD – FRONT EXTENSION

Councillor G V Guglielmi declared a personal interest in the application as a Member of Lawford Parish Council.

It was moved by Councillor Turner, seconded by Councillor Johnson and:-

RESOLVED – That application 11/00364/FUL be approved subject to conditions providing:-

- Time limit
- Plan numbers

Reason for Approval

Having regard to the pattern of existing development in the area and the development plan policies listed in the officer report it is considered that subject to compliance with the conditions attached to this permission and owing to siting, scale and fenestration layouts, the proposed development would not reduce the amenities enjoyed by occupants of neighbouring property and would not have an adverse impact upon the character of the surrounding area or be detrimental to highway safety.

12. URGENT ITEM

Members were advised that officers recommended that a site visit be undertaken to Land at Gutteridge Hall Lane, Weeley in respect of a further gypsy/traveller application at this site to enable new Members to familiarise themselves with the site prior to the intended presentation of the application at the meeting of the Planning Committee on 28 June 2011. This was being considered as an urgent item to ensure that determination of the application was not delayed.

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

RESOLVED – (a) That a formal site visit be undertaken to the above site on Tuesday 21 June 2011, for the reasons stated above and that this site visit follow directly on from the earlier site visit agreed in respect of application 11/00175/DETAIL – Land North of St. Johns Road and West of Little Clacton.

(b) That the site visit in respect of application 11/00037/FUL – Land adj. 142 Harwich Road, Mistley be undertaken immediately after the two site visits mentioned in (a) above and in Minute 7 above.

13. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

14. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

The meeting was declared closed at 7.37 p.m.

15. 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.

16. 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.

17. 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.

18. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

The meeting was declared closed at 9.03 p.m.

19. 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.

20. 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.

21. URGENT MATTERS FOR DEBATE

There were none on this occasion.

22. URGENT MATTERS FOR DEBATE

There were none on this occasion.

Chairman