

PLANNING COMMITTEE

15 NOVEMBER 2011

Present:- Councillor R A Heaney (Chairman), Councillor S H Challinor (Vice-Chairman, in the Chair for item 81), Councillor M J Bragg, Councillor N Brown, Councillor S Candy, Councillor I Johnson, Councillor D P McLeod, Councillor G L Mitchell, Councillor K Simons, Councillor J F White.

Substitute Members:- Councillor N Turner (for Councillor T J Fawcett) (except items 76 - 80).

Also Present:- Councillor P G De Vaux Balbirnie, Councillor P B Honeywood (items 76 - 81 only), Councillor S A Honeywood (items 76 - 81 only), Councillor L McWilliams, Councillor F Nicholls.

In Attendance:- Temporary Head of Planning, Development Control Manager (PF), Development Control Manager (GP), Senior Planning Officer (RC), Legal Services Manager, Democratic Services Officer (ER).

(6.00 p.m. - 6.53 p.m.
and following an adjournment
6.57 p.m. - 7.10 p.m.)

76.. CHAIRMAN'S ANNOUNCEMENTS

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

The Chairman stated the names of those Members present in the public area, for the record.

77. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Fawcett.

78. MINUTES

The minutes of the meeting of the Committee held on 18 October 2011 were approved as a correct record and signed by the Chairman.

79. PLANNING APPEALS AND DECISIONS

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

80. PROPOSED DIRECTION UNDER ARTICLE 4 OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995 – HOUSES IN MULTIPLE OCCUPATION

The Planning Committee's approval was sought to progress the introduction of a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 across the whole of the Tendring District which would require planning permission to

be obtained for all proposals for the change of use from a class C3 dwellinghouse to a class C4 House in Multiple Occupation (“HMO”).

Councillor P B Honeywood, in his capacity as Housing Portfolio Holder, presented a report of the Temporary Head of Planning and answered questions from the Committee.

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

RESOLVED - (a) That the Council will make a district-wide non-immediate Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 which, when finally confirmed, will require planning permission to be obtained for all changes of use from a use class C3 dwellinghouse to a use class C4 House in Multiple Occupation.

(b) That the Temporary Head of Planning Services (or other equivalent/appropriate officer) is authorised to take all steps and procedures which she considers necessary and appropriate in order to give effect to (a) above.

(c) That the timescale for the making of the Article 4 Direction (and all related procedures) shall broadly accord with that set out in the above-mentioned report but with authority for the Temporary Head of Planning Services (or other equivalent/appropriate officer) to vary it if and insofar as she considers appropriate.

81. PLANNING APPLICATION - 11/00900/FUL - CHURCH MEADOW BUNGALOW , HALL ROAD, GREAT BROMLEY, ESSEX, CO7 7TR

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.

Councillor Heaney declared a personal interest as Ward Member in respect of the application and vacated the Chair but remained in the meeting during the consideration thereof and the voting thereon. The Chair was occupied by Councillor Challinor for the duration of this item only.

Councillor Candy declared a personal interest as a County Councillor and Cabinet Member for Children’s Services.

An update sheet with an amendment to the Officer report was circulated to Members before the meeting and was explained to the Committee by the Development Control Manager (PF).

Ann Jones, a local resident, spoke against the application.

Councillor Fred Nicholls, as Ward Member, spoke against the application, having advised the Committee that he had a personal and prejudicial interest.

Jean Chubb, chairperson of Little Dragons Pre-School, spoke in support of the application.

Councillor Nicholls left the Chamber after public speaking and did not return until after consideration and voting on this application had ended.

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

RESOLVED – That application 11/00900/FUL be REFUSED contrary to the Officer’s recommendation.

Reason for Refusal

The proposal is contrary to policies COM4, QL2, QL7, QL10, TR1A and TR7 of the adopted Tendring District Local Plan (2007) and government guidance in PPS1 (Delivering sustainable Development) and PPS7 (Sustainable Development in Rural Areas). Policy COM4 states, amongst other things, that permission will be granted for the change of use of buildings for appropriate community use provided the proposed facility will not lead to unacceptable parking or traffic problems and where outside of a Settlement Development Boundary there is no suitable site available within the settlement it is intended to serve. Policy QL2 states that new development should be in locations that avoid reliance on the use of the private car and promote transport choice. Policy QL7 seeks to protect existing community facilities in rural areas. Policy QL10 states all new development should meet functional requirements and that planning permission will only be granted if access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. Policies TR1A and TR7 relate to the highway impact and say that proposals will be considered in relation to the road hierarchy to reducing and preventing hazards and inconvenience to traffic. Furthermore, policy TR7 states that for all proposals the adopted car parking standards will be applied.

In this instance, the adopted car parking standards state that the proposed pre-school should be provided with 1 space per full time equivalent and dropping off/picking up facilities. Whilst the staff car parking area has been provided, it is considered that due to the limited size of the forecourt area and the absence of an in/out driveway arrangement, the site could not safely accommodate a dropping off/picking up facility without leading to increased traffic congestion within the vicinity of the site that would adversely impact on highway safety. The private drive leading up to the application site is of limited width that is insufficient to cater for the increase in traffic this development would attract. There is already congestion in the vicinity of the site at peak school times due to the nearby primary school. The additional traffic arising from the proposed development would further exacerbate the traffic congestion in the area to the detriment of highway safety.

The proposal is located in a rural area and outside of any settlement limits as defined in the Local Plan. The site is remote from the main centres of population and there is limited access to public transport. Therefore, users of the development would be largely dependent on use of a private motor-car to travel to and from the site. The proposal would, therefore, be contrary to the principles of sustainable development.

In addition, there is a suitable alternative premise within the Great Bromley Village area in the form of the Great Bromley Village Hall, which the pre-school currently occupy. Whilst the village hall is also outside of the settlement boundary it lies close to the application site and demonstrates that there is no local need for a further facility. The opening of a new facility would also have an adverse impact on the future operation of the village hall.

82. PLANNING APPLICATION - 11/00347/FUL - THE HAWK, HAWK LANE, WEELEY, CO16 9AF

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.

An update sheet with an amendment to the Officer report was circulated to Members before the meeting and was explained to the Committee by the Senior Planning Officer (RC).

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

RESOLVED – That application 11/00347/FUL be approved subject to conditions providing:-

- Building alterations to be completed in full within 4 months of grant of planning permission
- List of approved plans

Reason for approval:

The proposal for the erection of an agricultural building following internal and external alterations is in accordance with Local Plan policies EN16, QL9 and QL11. These seek to ensure agricultural buildings will not adversely affect visual amenity, and is reasonably required for agricultural purposes. In this case, it is considered that the building as amended is acceptable in terms of its need for the purposes of agriculture, design, siting, size and materials of construction and would not have an adverse impact upon its countryside setting.

83. PLANNING APPLICATION - 11/01137/FUL - HAKUNA MATATA, 27 INGLENOK, CLACTON-ON-SEA, CO15 4SL

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.

An update sheet with an amendment to the Officer report was circulated to Members before the meeting and was explained to the Committee by the Development Control Manager (GP).

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

RESOLVED – That application 11/01137/FUL be approved subject to conditions providing:-

- Time limit
- Approved plans

Reason for approval:

In approving this application, the local planning authority has taken account of all planning considerations material to its determination, particularly the impact on residential amenities and the representations made by the neighbour at 25 Inglenook.

In the absence of any material adverse impact resulting from the development, the local planning authority concludes that the proposals accord with the provisions and policies of the development plan.

84. PROVISIONAL TREE PRESERVATION ORDER 10/12 – LYON CLOSE, HOLLAND ROAD, CLACTON-ON-SEA

The Committee were requested to determine whether the provisional Tree Preservation Order, made in respect of nine individual trees and two groups on land at Lyon Close, Clacton-on-Sea, should be confirmed or allowed to lapse.

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

RESOLVED – That Tree Preservation Order 10/12 be confirmed without modification.

85. PROVISIONAL TREE PRESERVATION ORDER 10/28 – LAND REAR OF MARY LANE SOUTH, GREAT BROMLEY

The Committee were requested to determine whether the provisional Tree Preservation Order, made in respect of one group and one woodland on land rear of Mary Lane South, Great Bromley, should be confirmed or allowed to lapse.

Councillor Heaney 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.

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

RESOLVED – That Tree Preservation Order 10/28 be confirmed without modification.

86. PLANNING MATTERS: LOCAL PROTOCOL FOR COUNCILLORS

Members were asked to consider whether to recommend to the Standards Committee that revisions to Planning Matters: Local Protocol for Councillors, as contained in item A.7 of the Report of the Interim Head of Planning, and incorporating the further proposed amendments detailed on the update sheet provided to Members at the meeting, should be approved.

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

RESOLVED - That Members agree the amendments to Planning Matters: Local Protocol for Councillors and refer the Protocol as amended to the Standards Committee for formal adoption at its meeting on 14 March 2011, subject to a written addendum to report A.2 to that meeting with the comments of Members of the Planning Committee at this evening's meeting and indicating those comments which were universally supported by Members of the Planning Committee.

Note: Members wished the Independent Remuneration Panel be requested to review allowances in light of increased duties arising from the proposed regular scheduled formal site visits.

87. THANK YOU

The Chairman wished to extend her heartfelt thanks and good wishes for the future to Elizabeth Wilson, Interim Head of Planning, who was attending her last meeting of the Committee before leaving the Council, and all those present joined in a round of applause.

88. EXCLUSION OF PRESS AND PUBLIC

It was RESOLVED that under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the item of business to be considered below on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

Chairman