

PLANNING COMMITTEE

13 DECEMBER 2011

Present:- Councillors Challinor (Vice-Chairman in the Chair), Brown, Candy, Johnson, G L Mitchell, Simons (except items 84 - 90) and attending as Planning Portfolio Holder, Councillor G V Guglielmi.

Substitute Members:- Councillors Casey (for McLeod), Nicholls (for Heaney), Powell (for White) (except items 84 - 90), Turner (for Councillor Fawcett).

Also Present:- Councillors De Vaux Balbirnie, P B Honeywood (items 84 – 95 only), S A Honeywood (items 84 – 95 only), Skeels, White (items 84 – 89 only).

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

(6.06 p.m. – 8.06 p.m.
and following an adjournment
8.16 p.m. – 8.52 p.m.)

84. CHAIR

In the absence of the Chairman of the Committee (Councillor Heaney), the Chair was occupied by the Vice-Chairman (Councillor Challinor).

85. 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 names of those Members present in the public area were stated for the record.

The Chairman advised that she would take the last of the six reports on the agenda as the second report and then the remaining items in order.

86. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Bragg, Heaney, Fawcett and White.

87. PUBLIC SPEAKING

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

RESOLVED – That public speaking be allowed on item 95 (Planning Application - 11/00996/FUL - Reunion House, 35 Jackson Road, Clacton-on-Sea, CO15 1JA).

88. MINUTES

The minutes of the meeting of the Committee held on 15 November 2011 were approved

as a correct record and signed by the Chairman, subject to an omitted apology made by Councillor Heaney on behalf of Councillor G V Guglielmi being included.

89. PLANNING APPEALS AND APPEAL DECISIONS

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

90. PLANNING APPLICATION - 11/01191/FUL - BEACH HUT 648, FRONT ROW, HIGH WALL PROMENADE, FRINTON-ON-SEA, CO13 9JD

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.

Councillors Johnson and Turner, as members of Frinton and Walton Town Council (and Councillor Turner, as ward member), each declared a personal interest in the application and remained in the meeting.

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

RESOLVED – That application 11/01191/FUL be REFUSED contrary to the Officer recommendation for the following reasons:-

Reasons for Refusal:

The proposal, for the erection of a raised decked area enclosed by balustrade and steps to an existing beach hut is considered contrary to Tendring District Local Plan (2007) policies QL9, QL11, and EN17.

Policies QL9 and QL11 seek inter alia, to ensure that new development makes a positive contribution to the quality of the local environment, protects or enhances local character, and the scale and nature of development is appropriate to the locality. Policy EN17 states that development within a Conservation Area must preserve or enhance the character or appearance of the Conservation Area.

It is considered that the proposed raised decked area enclosed by balustrade is of poor design which fails to make a positive contribution to the quality of the local environment and also fails to preserve or enhance the character and appearance of the Frinton and Walton Conservation Area.

91. UNAUTHORISED ADVERTISEMENTS, ST OSYTH

The Committee had before it a report relating to the unauthorised display of advertisements on residential properties in St Osyth village objecting to the St Osyth Priory development proposals. The recently published update sheet was also considered by the Committee and explained by Officers at the meeting.

Mr Peter Le Grys spoke on behalf of the action group Save Our St Osyth.

Mrs Helen Moore, Managing Director of City & Country Group, spoke on behalf of Mr Tim Sargeant in support of prosecution.

Councillor White, who was present in the public area, declared an interest as a Ward Member and spoke in favour of the Officer recommendation.

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

RESOLVED – That the contents of the report be noted and that prosecution action for the unlawful advertisements shall not be taken unless the authority of this Committee has first been obtained.

NOTE: In accordance with the provisions of Council Procedure Rule 23.5, Councillor Candy requested that it be recorded in the Minutes that she had abstained from voting on the motion.

92. PLANNING APPLICATION - 11/00475/FUL - SPRING STABLES, GUTTERIDGE HALL LANE, WEELEY, CO16 9AS

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.

Councillors De Vaux Balbirnie and Skeels each declared a personal interest as ward members.

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

RESOLVED – (a) That application 11/00475/FUL be DEFERRED, contrary to the Officer recommendation in order to allow a further report to be prepared with a revised set of draft conditions to include amendments making provision (amongst other things) for the planning permission to cease if certain timescales (such as that relating to the treatment plant) are not complied with, amended timescales in the Council's draft condition 14, the inclusion for provision of a bund in the landscaping condition and an additional condition requiring the provision of fencing. Details of the conditions to be circulated to members of the Committee in advance of the agenda.

(b) That Officers shall immediately take appropriate steps to ensure that adequate funding is in place to take full and proper enforcement action in the event that planning permission is granted if it is expedient to take enforcement action and that the further report referred to in (a) above identifies the said steps, the amount of the funding and the extent of the potential enforcement action covered by the funding.

93. ADJOURNMENT

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

94. CONDOLENCES

On behalf of the Committee, the Chairman expressed sadness at the recent death of John Farrow, the Section 106 Legal Agreements Manager in Planning Services, and offered condolences to his family.

95. PLANNING APPLICATION - 11/00996/FUL - REUNION HOUSE, 35 JACKSON ROAD, CLACTON-ON-SEA, CO15 1JA

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.

Councillors P B Honeywood and S A Honeywood each declared a personal interest as ward members.

Mr Tim Snow, agent for the applicant, spoke in support of the application

Councillor S A Honeywood, as a ward member, spoke against the application.

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

RESOLVED – That application 11/00996/FUL be APPROVED subject to conditions making provision for:-

- Time limit
- Approved plans
- Implementation of tree planting
- Approval of materials
- Implementation of cycle shelter
- Implementation of bin store

Reasons for approval

This development complies with the development plan and with the objectives of the Clacton Town Centre Area Action Plan Preferred Options Consultation (April - June 2010). It provides new residential accommodation in a location that would enhance the vitality of the town centre. The design would be complementary to the existing and adjacent buildings and tree planting would ensure an overall improvement to the appearance of the site.

Parking for the existing uses and proposed new flats is well in excess of what would normally be expected of such a town centre site and amenity space provision exceeds policy requirements. Back-to-back distances of 35 metres with properties on Ellis Road are commensurate with the next-door Jackson House development and meet with the recommendations of the Essex Design Guide, ensuring there is no material loss of privacy.

Takeaway / café uses on the ground floor do not result in unacceptable odours with current extraction arrangements and background noise levels are within acceptable bounds. The development presents no highway safety issues as no new access or additional parking is proposed, and in any case, both the access and Ellis Road generally are of an acceptable standard of safety.

The completion of a Unilateral Undertaking means that the applicant has met their obligations to contribute towards the Council's provision of public open space.

96. PLANNING APPLICATION – 11/01168/FUL – 11-13 WEST AVENUE, CLACTON-ON-SEA, CO15 1QS

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.

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

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

RESOLVED – That application 11/01168/FUL be REFUSED contrary to the Officer recommendation for the following reason:-

Reasons for refusal:

The proposal involves the change of use from Class A1 retail to Class A2 Financial use.

The application site is located in West Avenue in Clacton within a designated primary shopping frontage in the Local Plan and within the designated primary shopping area.

Policy ER32a of the Local Plan says that within the primary shopping area "proposals for non-retail development at ground floor level will not be permitted". The application is within fundamental breach of this policy.

Policy ER33 of the Local Plan is concerned with non-retail uses within primary shopping frontages. The proposal does not meet the requirements of this policy. It requires that non-retail uses do not dominate and that the proportion does not exceed 10% of the length of the individual street frontage. This 10% is already exceeded as on this street frontage it is currently 38%. If this was approved it would increase to 54%. This is far in excess of the policy and at over 50% will mean non-retail uses will dominate contrary to policy. The proposal is also in direct conflict with the final sentence of Policy ER33, which states that:- "Within the Primary Shopping Frontages non-retail uses will not be permitted at the ground floor level."

The proposal is therefore contrary to the policies in the Development Plan and in particular to saved policies ER32a and ER33 in the adopted Tendring District Local Plan (2007).

Chairman