

PLANNING COMMITTEE

10 JANUARY 2012

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

Substitute Members:- Councillors T A Howard (for Councillor M J Bragg), N W Turner (for Councillor K Simons).

In Attendance:- Councillors R J Bucke, P G De Vaux Balbirnie (except items 104 (part) – 106), D M Miles, G F Watling.

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

(6.00 p.m. – 7.32 p.m.
and following an adjournment
7.37 p.m. – 7.41p.m.)

97. 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.

98. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Bragg, Simons and the Planning Portfolio Holder, Councillor G V Guglielmi.

99. NOTICE OF APPLICATIONS TO BE DEFERRED/WITHDRAWN

The Chairman advised that application 11/00475/FUL – Spring Stables, Gutteridge Hall Lane, Weeley, CO16 0AS had been withdrawn, and that application 11/01366/FUL – 8-12 Carnarvon Road, Clacton-on-Sea, CO15 6PH had been deferred.

100. MINUTES

The minutes of the meeting of the Committee held on 13 December 2011 were approved as a correct record and signed by the Chairman.

101. 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.

102. PLANNING APPEALS QUARTERLY REPORT

The Committee noted the contents of a report advising of appeals performance from 1 April 2011 to 22 December 2011.

The Temporary Head of Planning answered questions raised by Members of the Committee regarding the report.

103. ENFORCEMENT QUARTERLY PERFORMANCE REPORT

The Committee noted the contents of a report advising of the Enforcement Service's performance over the last three months.

The Temporary Head of Planning answered questions raised by Members of the Committee regarding the report.

104. PLANNING APPLICATION - 11/00244/FUL - LAND NORTH OF KIRBY ROAD, MARTELLO CARAVAN PARK, KIRBY ROAD, WALTON-ON-THE-NAZE, CO14 8QP

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 (PF).

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

Nigel Hunt, a local resident, spoke in favour of the application.

Jack Robertson, Chairman of the local Resident's Association, spoke against the application.

Louise Gosling spoke on behalf of the applicant.

Councillor Delyth Miles raised concerns about the application and requested that there be further negotiations with the applicant to improve the design and the scope of S106 financial contributions.

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

RESOLVED – That application 11/00244/FUL be deferred to allow further consultation and discussion between the applicant and local members to seek improvements to the design of the proposed store and to the scale and scope of the matters that would be covered in the S106 Agreement.

105. ADJOURNMENT

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

106. PLANNING APPLICATION - 11/01147/FUL - 2 - 3B CURRENTS LANE, HARWICH, CO12 3DE

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 Development Control Team Manager advised that no new material planning issues had arisen since the publication of the report.

All members of the Committee present declared a personal interest in this application due to the fact that Tendring District Council was the applicant.

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

RESOLVED – That application 11/01147/FUL be approved provided as follows:-

(a) That subject to new material planning issues being raised as a result of the outstanding public consultation exercise (expiring on 2 January 2011), the Temporary Head of Planning be authorised to grant planning permission for the development subject to planning conditions in accordance with those set out in (b) below (but with such amendments and additions, if any, to the detailed wording thereof as the Interim Head of Planning in her discretion considered appropriate).

(b) That the grant of planning permission be subject to the following planning conditions:

- Standard Time Limit (3 years)
- Approved plans

Reason for Approval:

In approving this application the local planning authority has taken account of the development plan policies and it considers that the proposed development is in accord with those policies, preserves the appearance of the conservation area and does not harm public amenity.

107. 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.

108. 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.

109. 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