

PLANNING COMMITTEE

8 FEBRUARY 2012

Present:- Councillor R A Heaney (Chairman), Councillor S H Challinor (Vice-Chairman), Councillor N Brown, Councillor T J Fawcett, Councillor I Johnson, Councillor D P McLeod, Councillor G L Mitchell, Councillor K Simons, Councillor J F White and attending as Planning Portfolio Holder, Councillor G V Guglielmi.

Substitute Members:- Councillor F H Nicholls (for Councillor S Candy).

Also Present:- Councillors P B Honeywood (items 107 – 114 only), S A Honeywood (items 107 – 114 only), L A McWilliams.

In Attendance:- Project and Planning Consultant, Senior Planning Officer (PH), Environmental Health Officer (MC) (items 107 – 115 only), Legal Services Manager, Democratic Services Officer (ER).

(6.00 p.m. – 7.21 p.m.
and following an adjournment
7.25 p.m. – 7.40 p.m.)

107. CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed those present to the meeting and 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.

108. THE LATE COUNCILLOR MARY BRAGG

The Chairman paid tribute to Councillor Mary Bragg's valued contribution to the Planning Committee and requested a letter to be sent on behalf of the Planning Committee and Planning Services expressing their condolences to Councillor Mary Bragg's widower, Basil, on her recent passing.

109. APOLOGY FOR ABSENCE

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

110. NOTICE OF APPLICATIONS TO BE DEFERRED/WITHDRAWN

The Committee was advised that application 11/00897/FUL - Starena Lodge, Clacton Road, Weeley, CO16 9DH had been deferred for consideration of additional highway matters.

111. MINUTES

The minutes of the meeting of the Committee held on 10 January 2012 were approved as a correct record and signed by the Chairman.

112. MATTERS ARISING FROM THE ABOVE MENTIONED MINUTES

With regard to the meeting held on 10 January 2012 where the Committee considered

application 11/00244/FUL – Land North of Kirby Road, Martello Caravan Park, Kirby Road, Walton-on-the-Naze, Councillor McLeod said he considered that deferral of the application had been the right decision and that this had been helpful.

113. 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.

Councillor White advised that he had been keeping a summary of the decisions made in those reports and would be happy to share the findings with the Committee. The Chairman agreed this would be beneficial to the Committee.

114. PLANNING APPLICATION - 11/01366/FUL - 8 - 12 CARNARVON ROAD, CLACTON-ON-SEA, CO15 6PH

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.

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.

This outlined that a 'without prejudice' offer of £230,000 towards affordable housing had been made by the applicant. In this context, officers were no longer recommending that the application be refused on the basis of inadequate contribution towards affordable housing (reason 2 in the Officer report).

Councillors P B Honeywood and S A Honeywood, as Ward Members, each declared a personal interest in the application and remained in the meeting.

Councillor P B Honeywood spoke in favour of the application.

David Williams spoke on behalf of the applicant.

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

RESOLVED – That application 11/01366/FUL be refused for the following reasons:-

It is the policy of the Local Planning Authority, as contained within saved Policy QL9 of the adopted Tendring District Local Plan (2007), and Part A of Policy DP1 of the Local Development Framework Core Strategy And Development Policies Proposed Submission Document (October 2010) that new development proposals should be of a high standard of design and not constitute an incongruous form of development in the local street scene. The above policies are given greater emphasis through Planning Policy Statement 1: Delivering Sustainable Development, which seeks to ensure that design is high quality, appropriate in its context, and takes the opportunities available for improving the character and quality of an area. The Draft National Policy Framework carries through this approach, stating that developments need to "respond to local character and reflect the identity of local surroundings" and be "visually attractive as a result of good architecture".

The existing site is occupied by three buildings of attractive appearance, and rich detailing. They contribute positively to the rhythm, character and sense of place of this historic part of Clacton through their appearance, age, plot width, siting within their plot, scale and proportion. By contrast, the proposed flats present bland mediocrity in its design with little detail or articulation. In its appearance, detailing, form, positioning, scale and proportion, it

is harmful to the appearance of the site and to the character of the street scene. For these reasons, the proposal conflicts with the requirement of the above policies and advice.

115. PLANNING APPLICATION - 11/01436/FUL - GOLFE HALL, PLOUGH ROAD, GREAT BENTLEY, CO7 8LA

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 additional objection was circulated to Members before the meeting and was explained to the Committee by the Senior Planning Officer.

Councillor McWilliams, as Ward Member, declared a personal interest in the application and spoke against the application.

Christopher Richer, a local resident and the owner of the site, spoke against the application.

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

RESOLVED – That application 11/01436/FUL be approved on a temporary basis for a period of one year so as to allow its impact on local amenities to be assessed, subject to the following conditions:-

- Opening hours.
- Doors and windows to be closed during opening hours.

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 highway safety and the representations made. In the absence of any material adverse impact resulting from the development, the proposals accord with the provisions and policies of the development plan.

116. ADJOURNMENT

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

117. PLANNING APPLICATION - 11/01383/FUL - KIOSK NO 1, NO 2 & NO 3, KINGS PROMENADE, CLACTON-ON-SEA

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.

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

RESOLVED – That application 11/01383/FUL be approved subject to the following conditions:-

- Time Limit
- Plans

Reason for Approval:

In approving this application the Local Planning Authority has taken account of the development plan policies listed in the Officer report and it considers that the proposed development is in accord with those policies and does not harm public amenity. The proposals improve the appearance of the kiosks, promenade and seafront whilst retaining a 4.2 metre wide promenade that is adequate to allow the free movement of pedestrians and emergency vehicles. There will be no impact on the geological SSSI on which the kiosks are located and/so no harm to designated public open space.

118. PLANNING APPLICATION - 11/01489/FUL - CROOKED ELMS SHELTERED HOUSING UNIT, MAPLE CLOSE, HARWICH, CO12 4AL

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.

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

RESOLVED – That application 11/01489/FUL be approved subject to the following 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.

119. 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