

PLANNING COMMITTEE

6 MARCH 2012

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

Substitute Members:- Councillor L A McWilliams (for Councillor K Simons).

Also Present:- Councillors R J Bucke (except items 124 and 125), D J Casey (except items 124 and 125), P G De-Vaux Balbirnie (except item 125), D M Miles (items 123 (part) and 124 only), A R Pugh (except items 124 and 125), D C Skeels (except item 125), N W Turner, G F Watling (except items 124 and 125).

In Attendance:- Project and Planning Consultant, Development Control Team Manager (PF), Senior Planning Officer (RC), Legal Services Manager, Senior Democratic Services Officer.

(6.00 p.m. – 7.12 p.m.
and following an adjournment
7.19 p.m. – 8.20 p.m.
and following a second adjournment
8.27 p.m. – 9.04 p.m.)

119.. CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed those present to the meeting and briefly outlined the procedure at meetings.

120. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Simons and Councillor G V Guglielmi, the Planning Portfolio Holder, who was away on a Neighbourhood Planning course.

121. MINUTES

The minutes of the meeting of the Committee held on 8 February 2012 were approved as a correct record and signed by the Chairman.

122. PLANNING APPEALS, APPEAL DECISIONS AND ENFORCEMENT APPEAL DECISIONS

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

123. 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.

An update sheet with an amendment to the recommendation contained in the Officer report was circulated to Members before the meeting and was explained to the Committee by the Development Control Team Manager.

Councillor Johnson, a member of the Committee, declared a personal interest in the application insofar as she was also a member of Frinton and Walton Town Council.

Councillors Bucke, Pugh, Turner and Watling, present in the public gallery, also declared personal interests in the application insofar as they were also Frinton and Walton Town Councillors.

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

Councillor Vanda Watling, on behalf of Frinton and Walton Town Council, spoke against the application.

Louise Gosling, Tesco Regional Corporate Affairs Manager, spoke on behalf of the applicant.

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

RESOLVED – That the Temporary Head of Planning Services (or the equivalent authorised officer) be authorised to grant planning permission for the development provided as follows:

a) That, subject to further enhancement of the external appearance and detailing of the proposed retail supermarket building shown on the submitted drawing B958/0005/P6 being approved by the Temporary Head of Planning Services (or equivalent authorised officer) in consultation with the Chairman and Vice-Chairman of the Planning Committee, the Planning Portfolio Holder and the Tendring District Councillors for the Walton ward and then;

b) Subject to the Secretary of State not exercising his call-in powers under Section 77 of the Town and Country Planning Act 1990.

c) Within 4 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 (and any further terms and conditions as the Temporary Head of Planning Services (or the equivalent authorised officer) in their discretion consider appropriate):-

- Town Centre Management
- Retention of Tesco Express Store, Walton-on-the-Naze until end of lease
- Local Employment
- Construction and Traffic Management Plan
- Service Vehicles Transport Plan
- Heavy Goods Vehicle Signage Review
- Travel Plan
- Town Centre Signage
- Public Transport Contribution
- Monitoring Fees

d) 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 Temporary Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate) and with the reason for approval set out in (ii) below.

e) The Temporary Head of Planning (or the equivalent authorised officer) be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of four months, as the requirements necessary to make the development acceptable in planning terms has not been secured through S106 planning obligation, contrary to Local Plan Policy QL12.

(i) Conditions:

- Time limit;
- List of approved plans;
- Opening hours;
- Information Board provision
- Delivery times;
- Limit on net sales area;
- No pharmacy or Post Office element within store
- No internal expansion of sales area;
- Limit on proportion of sales area for comparison goods;
- Highway works to be completed prior to opening;
- Staff travel plan;
- Materials of building and car park and circulation areas;
- Sustainability details;
- Archaeology;
- Disabled parking;
- Construction method statement, including timing of site demolition and site clearance;
- Hard and soft landscaping;
- Flood Management plan;
- Building stability;
- Noise;
- Security;
- Pollution control;
- Design of seating, trolleys bays lighting and public art;
- Design of water storage features (SuDS)
- Details of floor levels and finished floor height relative to Martello Tower K;
- Rainwater harvesting.
- Surface water drainage
- Kirby Road Access (Grampian Condition)
- Signalised Pedestrian Crossing of Kirby Road (Grampian Condition)
- Speed Signage at Kirby Road (Grampian Condition)
- Bus Stop upgrades (Grampian Condition)
- Footway enhancement on Mill Lane (Grampian Condition)
- New 3 metre wide Foot/Cycleway to north of Kirby Road between the site access and Mill Lane Car Park (Grampian Condition)
- 3 Metre wide Foot/Cycleway enhancement on northern boundary of Drainage Ditches (Grampian Condition)

(ii) Reason for Approval:

This site is designated in the Tendring District Local Plan (2007) as part of a wider site for caravan and chalet park use and should normally be retained for that purpose. The development of the land for retail purposes is acceptable if the proposals meet the requirements of policy ER18 of the Local Plan and the criteria set out in PPS 4 (Planning for Sustainable Economic Growth). The application has been assessed against the criteria in PPS4, in particular the sequential approach (policy EC15) and the impact test (policy EC16). There are no sequentially preferable sites to that proposed and there is no clear evidence that the proposal, as assessed, is likely to lead to any significant adverse impacts in terms of the criteria in policies EC10 and EC16. The proposals also retain the existing caravan park on the wider site.

The site lies in Flood Zones 2 and 3a as defined by the Environment Agency. Shops are identified as a less vulnerable use which is acceptable in Zones 2 and 3a. New development should wherever possible be steered to areas with the lowest risk of flooding (Zone 1). The sequential test has been applied and no sequentially preferable sites that are reasonably available and that are appropriate for the type of development proposed have been identified in the locality in lower flood risk areas. Therefore the development would accord with the guidance in PPS25.

The application site lies close to a Scheduled Ancient Monument and the impact on the heritage asset has been assessed against the criteria in PPS5. Whilst there would be an adverse impact the overall benefits of the development have been judged to outweigh this impact.

Having had regard to the negative and positive impacts of the proposal assessed against the criteria in policies EC16 and EC10 of PPS4, PPS5 and policies ER18 and EN23 of the Local Plan, the proposals for public realm improvements that would be secured through a planning obligation and taking account of other material considerations, including the representations made in response to the application and the responses from consultees the Local Planning Authority has concluded that on balance that there would be no material conflict with the Local Plan or Government Guidance and that the application should be approved.

NOTE: In accordance with the provisions of Council Procedure Rule 23.5, Councillor Johnson required that she be recorded in the minutes as having voted against the above resolutions.

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

124. PLANNING APPLICATION - 11/00897/FUL - STARENA LODGE, CLACTON ROAD, WEELEY, CLACTON-ON-SEA, CO16 9DH

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 Committee was informed that an extra petition containing 24 signatures against the application had been received.

Councillor Bannister, on behalf of Weeley Parish Council, spoke against the application.

Councillor De-Vaux Balbirnie, as one of the Ward Members, spoke against the application.

Councillor Skeels, as one of the Ward Members, declared a personal interest in the application and spoke against the application.

Phillip Jones spoke on behalf of the applicant.

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

RESOLVED – That application 11/00897/FUL be refused contrary to the Officer recommendation for the following reasons:-

The proposal, for a 20 pitch static holiday caravan park with peripheral and supplemental

landscape planting, is considered to be contrary to policies QL1, QL2, QL9, QL10, QL11, ER16, and COM31a of the Tendring District Local Plan (2007), PPS1 Delivering Sustainable Development, PPS4 Planning for Sustainable Economic Growth, and the guidance in the Draft National Planning Policy Framework.

Policy EC7 of Planning Policy Statement 4 'Planning for Sustainable Economic Growth' states that to help deliver the Government's tourism strategy, local planning authorities should support sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and which utilise and enrich, rather than harm, the character of the countryside, its towns, villages, buildings and other features. Local planning authorities should support the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres. This is reflected in the Draft National Planning Policy Framework (paragraph 81).

The application site is in close proximity to the Weeley Bridge Caravan Park to the north. Furthermore, the village of Weeley also accommodates the Homestead Lake Country Park. It is acknowledged that the owner-occupied caravans/lodges on these sites are not fully occupied, and therefore the provision of a new owner-occupied holiday caravan park in close proximity to the village of Weeley should not be supported as an identified need has not been established in the area. Furthermore, the proposal would have limited benefits to local businesses and therefore would not outweigh the harm the proposed development would have on the character of its countryside location.

The application site is considered to be in an inappropriate location, out of keeping with its surroundings and in an unsustainable location. To the north of the site is the Clacton to Colchester railway line, and to the north of this is the Weeley Bridge Caravan Park. It is considered that the railway line forms a distinct barrier between development to the north and countryside to the south. The application site to the south of the railway line, although previously developed, forms part of the wider countryside setting of the area which includes mature boundary hedgerows and agricultural land/paddock land in an undeveloped form. As a result, the development of this site as a holiday caravan park is considered to adversely affect the visual character of the area, contrary to policies QL9 and QL11, and PPS4 which ensures the countryside is protected for the sake of its intrinsic character and beauty.

The application site is also remote from the main residential areas of Weeley and its local facilities, which in general are limited. As a result, a heavy reliance on the use of the private car would be required to access these local facilities and the main service centres in the area such as Clacton. For these reasons, the proposal is harmful to the interests of sustainability, and as such it is in conflict with the requirements of Local Plan policies QL1 and QL2, and government guidance in PPS1 and PPS4.

The Design and Access Statement submitted with the application states in paragraph 8.1 that the proposed site will be private with no access provided to the general public. Policy ER16 of the Local Plan requires proposals for tourism and leisure uses to be accessible to all potential visitors and users. The proposed development is not therefore accessible to all potential visitors and users, contrary to policy ER16.

The application site is in close proximity to Weeley St Andrew's Primary School, Rainbow Pre-School, Village Hall and local residents off Gutteridge Hall Lane to the south of the application site. It is considered that a holiday caravan park of the number of units proposed, together with the anticipated traffic flow movements to and from the site along the long slip road off Clacton Road, is likely to result in an adverse noise impact and loss of amenity, quiet enjoyment and expectations of living conditions enjoyed by the neighbouring residents and the school, contrary to policy QL11.

Whilst in Flood Risk Zone 1, the application site has poor drainage and is consequently prone to localised flooding. As a consequence of the site being prone to periodical flooding, satisfactory provision has not been made for the proper disposal of surface water disposal, contrary to policy COM31a.

The proposed development is expected to lead to congestion along the slip road off Clacton Road due to the existing car parking, especially at peak school times, thereby leading to difficulties in delivering static holiday caravans and to cater for the expected vehicular movements to and from the holiday park, contrary to the highway safety of all road users and pedestrians and policies ER16 and QL10 of the Local Plan.

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

125. PLANNING APPLICATION - 11/01381/FUL - 1 THE LANE, MANNINGTREE, CO11 1AW

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 details of additional representations, namely a letter and a 141 signature petition in support of the proposal from local youths who use the facility and stressing the importance of The Hub to them and the benefits it brings, was circulated to Members before the meeting.

Jenine Collier, on behalf of the Manningtree and District Chamber of Trade, spoke against the application.

Malcolm Westwood, the applicant, spoke in support of his application.

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

RESOLVED – That application 11/01381/FUL be approved contrary to the Officer recommendation subject to the following conditions and the following reason for approval:-

- The use only to be used by Manningtree Churches
- No hot food to be served or prepared
- Opening times 0900hrs to 2200hrs Monday – Saturdays and not at all on Sundays or Public Holidays

Reason for Approval

In approving this application the local planning authority has taken account of the development plan policies and/or proposals listed above. While the proposal may be in conflict with policy ER33 of the adopted Tendring District Local Plan (2007) it is considered that the proposed change of use to youth café/drop-in centre does not adversely undermine the retail function of Manningtree Town Centre due to the property's siting along a narrow lane set back off the main retail frontage of the High Street. Additionally, the proposal would provide for the continued running of a community facility for which the applicant has proven local need. Furthermore, due to the lack of complaints to the Council's Public Experience (Environment Health) department regarding noise and amenity concerns and the fact the site is sited within a town centre location (where some noise is to be expected) the proposed permanent use of the premises as a youth cafe/drop-in centre would not have a significant adverse impact upon local residents' amenity levels.

NOTE: In accordance with the provisions of Council Procedure Rule 23.5, Councillor

Candy required that she be recorded in the minutes as having voted against the above resolutions.

126. 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.

127. 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.

128. ADJOURNMENT

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

129. 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.

130. 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.

131. 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