

PLANNING COMMITTEE

3 APRIL 2012

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

Substitute Members:- Councillor N W Turner (for Councillor G L Mitchell).

Also Present:- Councillors D J Casey (except items 126 - 129 (part)), H A Shearing (except item 135).

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

(6.00 p.m. – 7.28 p.m.)  
-----

126.. CHAIRMAN'S ANNOUNCEMENTS

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

127. APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillor G L Mitchell.

128. MINUTES

The minutes of the meeting of the Committee held on 6 March 2012 were approved as a correct record and signed by the Chairman.

129. MATTERS ARISING FROM THE ABOVE MENTIONED MINUTES

Councillor White expressed concern that Officers had decided to return planning application 11/01381/FUL (regarding 1 The Lane, Manningtree for removal of condition 2 of 09/00036/FUL to allow permanent use of the premises as a youth cafe/drop-in centre, also known as "The Hub") to the Planning Committee meeting on 15 May 2012 after the Committee had voted by 8 – 1 on 6 March 2012 to grant a permanent permission. He indicated that there was no reason to reconsider the application and that the decision to return it to Committee could create a very dangerous precedent and was totally unacceptable. He stated that, as a result of Officer's decision, The Hub had decided to shut because they did not want to overrun their existing planning permission. Councillor Johnson stated that she agreed entirely with Councillor White and Councillor McLeod said he also objected, mentioning, in particular, that The Hub was not told they could stay open.

The Legal Services Manager explained that, as a result of a mistake, a number of written objections had been sent to the enforcement section and had therefore not been taken into account when the report was written. This had not come to light until after the Committee made its decision on 6 March 2012. He advised the Committee that if significant material considerations were not taken into account, this could result in a legal challenge. Hence the decision to return the application to Committee.

A discussion between the Temporary Head of Planning Services, the Development Planning Manager and the Chairman culminated in an assurance being given by the Temporary Head of Planning Services that enforcement action would not be taken against

The Hub being open pending determination of its planning application on 15 May 2012.

130. PLANNING APPLICATIONS WHERE THERE WILL BE PUBLIC SPEAKING

The Chairman advised there would be public speaking on both Planning Applications on the agenda.

131. PLANNING PORTFOLIO HOLDER'S ANNOUNCEMENTS

Councillor G V Guglielmi advised Members that a workshop would be arranged to consider the direction of the Local Plan, and all Members would be advised of further details in due course.

132. NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The Temporary Head of Planning Services advised the Committee regarding the NPPF and stated that it had come into force on 27 March 2012 and rescinded all PPGs and PPSs, although some of the guidance would be re-issued. She referred to the 'update sheet' and said that the adopted Tendring District Local Plan (2007) remained the primary document to consider when determining planning applications because its policies had been saved but that the NPPF was also a material consideration. She further advised that there was a transitional period of a year for the Council to finalise its local plan to ensure it complies with the NPPF and that this was a tight timescale.

133. 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.

134. PLANNING APPLICATION - 12/00134/FUL - GAS UTILITY SITE, ST JOHNS ROAD, CLACTON-ON-SEA, CO16 8DX

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.

Councillor Challinor declared a personal interest as Ward Member in respect of the application.

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 Planning Manager.

The Development Planning Manager also advised the Committee that, as stated on the update sheet, Councillor Challinor had not submitted or made an objection to the proposed development but that it was clear from Councillor Challinor's online submission that her comments were submitted as "neutral" and that they sought clarification of a number of issues.

Councillor Shearing spoke against the application.

Mr Shamash, on behalf of the applicant, spoke in favour of the application.

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

RESOLVED – That application 12/00134/FUL be REFUSED contrary to the Officer's

recommendation for the following reasons:-

It is the policy of the Local Planning Authority, as contained within saved Policy COM27 of the adopted Tendring District Local Plan (2007), that new proposals for telecommunications development will only be permitted if four listed criteria are met. These require, among other things, that the siting and design of the proposal does not have an adverse effect on the appearance and character of the locality. The proposed development would result in a 5m high extension to the existing lattice tower telecommunications mast, which has an 'industrial' appearance in what is now largely a residential area with an open aspect to St John's Road, a main route carrying traffic to and from Clacton-on-Sea (Tendring District's main town). In the Council's opinion, the context of the site now is materially different to when the original mast was erected, in that there was substantial mature boundary planting in the locality and the view of the mast from St Johns Road was, to a large degree, screened by vegetation which no longer is the case. As such, the proposal does not accord with Policy COM27 of the adopted local plan by virtue of its siting and design, as the additional visual impact of the proposed 5m high extension upon the appearance and character of the surrounding area, including upon both existing and permitted residential properties, would result in significant visual harm, leading to loss of local and residential amenity.

135. PLANNING APPLICATION - 12/00092/FUL - THE MARKET PLACE, BROOK STREET, MANNINGTREE, CO11 1DJ

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 Planning Manager.

Councillor Candy declared a personal interest as Ward Member in respect of the application.

Councillor G V Guglielmi also declared a personal interest as Ward Member and as a Manningtree Town Councillor, and joined the public gallery for this item only.

Councillor Lay-Flurrie, on behalf of Manningtree Town Council, spoke against the application.

Councillor G V Guglielmi, as Ward Member, spoke in favour of the application.

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

RESOLVED – That application 12/00092/FUL be approved in accordance with the Officer recommendation and subject to the following conditions:-

- Standard Time Limit (3 years)
- Approved Plans

Reason for Approval:

Having regard to the pattern of existing development in the area and the relevant provisions of the development plan, it is considered that the proposed development would not materially harm the character or appearance of the area or the living conditions of neighbouring occupiers and would be acceptable in terms of traffic safety and

convenience.

136. 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.

137. 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.

138. 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