

PLANNING COMMITTEE

4 SEPTEMBER 2012

Present:- Councillor S H Challinor (Vice-Chairman, in the Chair), Councillor N Brown, Councillor S Candy, Councillor T A Howard, Councillor I Johnson, Councillor D P McLeod, Councillor K Simons and Councillor J F White

Substitute Members:- Councillor N W Turner for Councillor R A Heaney

Also Present:- Councillor G V Guglielmi, Portfolio Holder for Planning, Councillors Casey (items 37 – 48 only), De Vaux Balbirnie (items 37 – 47 only), McWilliams (items 37 – 47 (part) only) and Platt (items 50 – 53 only)

In Attendance:- Planning Policy Manager, Planning Team Leader, Planning Officer (JR) (items 37 – 46 only), Legal Services Manager and Democratic Services Officer (ER)

(6.00 p.m. - 7.20 p.m.
and following an adjournment
7.23 p.m. - 7.26 p.m.)

37. CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed all those present to the meeting, introduced Members of the Committee and Officers and outlined the procedure.

38. APOLOGIES FOR ABSENCE AND SUBSTITUTE MEMBERS

An apology for absence was submitted on behalf of Councillor Heaney with Councillor Turner substituting for her. There were also apologies from Councillors Fawcett and G L Mitchell.

39. MINUTES

The minutes of the meeting of the Committee held on 7 August 2012 were approved as a correct record and signed by the Chairman.

40. MATTERS ARISING FROM THE ABOVE MENTIONED MINUTES

There were none.

41. NOTICE OF APPLICATIONS TO BE DEFERRED/WITHDRAWN

The Chairman advised that item A.2 - Confirmation of Article 4(1) Direction in Relation to Land at Mistley Quay had been deferred.

42. PLANNING APPLICATIONS WHERE THERE WILL BE PUBLIC SPEAKING

The Chairman advised that there would be public speaking on Planning Application 11/01443/OUT - Land to rear of Bold Venture, Station Road, Great Bentley, CO7 8LH.

43. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 15.3

There were none.

44. PLANNING PORTFOLIO HOLDER'S ANNOUNCEMENTS

The Planning Portfolio Holder, Councillor G V Guglielmi, expressed his thanks to Members who attended the recent briefing sessions for discussions on the new Local Plan and he advised that he had been unable to attend due to illness. He hoped that questions and issues raised by Members had been dealt with satisfactorily, and that the Local Plan would be unanimously supported at the Full Council on 11 September 2012.

45. PLANNING APPEALS AND APPEAL DECISIONS

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

46. PLANNING APPLICATION - 11/01443/OUT - LAND TO REAR OF BOLD VENTURE, STATION ROAD, GREAT BENTLEY, CO7 8LH

Erection of 22 houses together with associated garages and parking, alterations to vehicular access, formation of access road and all ancillary works.

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 De-Vaux Balbirnie declared a non-pecuniary interest, and Councillor McWilliams declared a non-pecuniary interest as Ward Member.

Councillor McWilliams, Ward Member for Great Bentley, spoke against the application.

Mr Barry Spake, a local resident, spoke against the application.

Mr Lesley Short, the applicant's agent, spoke in support of the application.

It was moved by Councillor Candy and seconded by Councillor White to DEFER the application so that discussions and negotiations could take place with the applicant. Upon being put to the vote, this motion was declared LOST.

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

RESOLVED that application 11/01443/OUT be approved in accordance with the Officers' recommendation, subject to the following three additional conditions:-

- Tree G1 to remain
- No pedestrian access to Elm Chase
- SUDS to be employed

being added to the following conditions and the following reason:-

a) Within three 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 affordable housing, education, public open space and a Transport Information and Marketing Scheme (and any further terms and conditions as the Acting Head of Planning (or the equivalent authorised officer) and/or the Head of Resource Management and Monitoring Officer in his or her discretion considered appropriate.

b) Planning conditions in accordance with those set out below (but with such amendments and additions, if any, to the detailed wording thereof as the Acting Head of Planning (or the equivalent authorised officer) in their discretion considered appropriate) and with the

reason for approval set out in (ii) below.

1. Time limit of three years for commencement
2. Reserved matters conditions.
3. Prior approval of landscaping.
4. Landscaping in accordance with approved scheme.
5. Tree protections measures as set out in Tree Report.
6. Prior Approval of details of bat and reptile mitigation scheme.
7. Full contaminated land condition.
8. Prior approval of acoustic mitigation scheme.
9. Prior approval of surface water drainage scheme.
10. Prior approval of scheme of energy efficiency scheme and rainwater harvesting.
11. Visibility Splays in accordance approved plan.
12. Provision of car parking areas.
13. Garage doors shall be a minimum of 2.3 metres wide.
14. No unbound materials to be used within 6 metres of the highway boundary.
15. Prior approval of onsite parking, turning and unloading area for construction vehicles.
16. Prior approval of wheel washing facilities for construction vehicles.
17. Condition requiring the public's right of passage over the public right of way being maintained at all times.
18. Prior approval of details of the estate roads and footways.
19. Grampian style condition for the upgrading of the 2 bus stops on Plough Road, including landing stage, level entry kerbing, new posts and flags and any reasonable accommodation work to levels.
20. Plot 19 to be single storey.

Reason for Granting Planning Permission:

In principle, housing was acceptable on this brownfield site as it sat within the settlement limits and was close to Great Bentley village centre and train station. The layout proposed was inevitably linear in form but in the interests of the most efficient use of land it was important that it was all used and there were no landlocked sections left over. This layout achieved that aim without causing material harm to neighbouring amenity or highway safety and was acceptable in the context of the residential development to the north. It would make a valuable contribution to the District's housing supply and in turn would reduce the need for further greenfield land allocations.

or

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

47. PLANNING APPLICATION – 12/00224/FUL – 10-12 PALLISTER ROAD, CLACTON-ON-SEA, CO15 1PQ

Change of use and conversion of four ground floor shop units from retail use to five self-contained flats together with associated external alterations and the retention of design alterations carried out during construction of the building approved under 08/00544/FUL.

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.

There were no declarations of interest.

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

RESOLVED that application 12/00224/FUL be approved in accordance with the Officers' recommendation, subject to the following conditions and the following reason for approval:-

1. Time Limit of two years for commencement.
2. Development to accord with approved plans.
3. No windows opening out over the highway.
4. Prior approval of window and brick details.

Reason for Granting Planning Permission:

This is an exceptional permission granted only on the basis of the circumstances of this particular application.

The changes to the previously approved scheme on site are acceptable as the scheme complies with adopted policy. The retention of the uPVC windows in the Conservation Area is acceptable on a modern building such as this in an area where many of the buildings have replacement uPVC windows.

The supporting evidence demonstrated an unsuccessful marketing campaign undertaken over a prolonged time period. The loss of the retail units is outweighed by the fact the proposed scheme will bring the ground floor of the building back into beneficial use and the provision of new housing in the town centre. The scheme takes the opportunity to improve the façade of the building by removing the boarded up shopfronts and replacing them with windows to match those on the first and second floor. Therefore this scheme will enhance the Clacton Conservation Area.

48. PLANNING APPLICATION - 12/00812/FUL - 2 & 4 HASTINGS PLACE, BRIGHTLINGSEA, CO7 0PB

Proposed demolition of existing building and redevelopment with 1No 3Bed and 1No 2Bed dwellings with required amenity space and parking facilities.

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.

The application was before the Committee as the applicant was Tendring District Council.

All Members declared an interest as Tendring District Council Councillors.

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

RESOLVED that application 12/00812/FUL be approved in accordance with the Officers' recommendation, subject to the following conditions and the following reason for approval:-

1. Time limit of three years for commencement
2. Development to accord with approved plans
3. Construction of accesses
4. Pedestrian visibility splays
5. Surface materials
6. Provision of parking spaces
7. Provision of new footway

Reason for Granting Planning Permission:

In approving this application the Local Planning Authority had taken account of the development plan policies and/or proposals listed above and it considered that the proposed development was in accord with those policies and did not harm public amenity. The proposed redevelopment of the site would ensure best use of the land and deliver two detached dwellings with on-site parking and private amenity space. There would be no material harm to highway safety or local or residential amenities and the proposal would enhance the appearance of the site in the street scene.

The Planning Portfolio Holder also reminded the Committee that history was being created as this application being approved meant that Tendring District Council would be building homes for the first time in a number of years.

49. ADJOURNMENT

The Chairman adjourned the meeting for a short while for a comfort break.

50. PLANNING APPLICATION - 12/00760/FUL - 32 WEST STREET, HARWICH, CO12 3DD

Reinstatement of the dwelling following significant fire damage in December 2011.

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.

The application was before the Committee as the applicant was Tendring District Council.

All Members declared an interest as Tendring District Council Councillors.

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

RESOLVED that application 12/00760/FUL be approved in accordance with the Officers' recommendation, subject to the following conditions and the following reason for approval:-

1. Time Limit of three years for commencement
2. Development to accord with approved plans
3. Joinery details
4. Materials

Reason for Granting Planning Permission:

In approving this application the Local Planning Authority had taken account of the applicable development plan policies and it considered that the proposed development was in accord with those policies and did not harm public amenity. The reinstatement of the dwelling would bring the building back into beneficial use and help to restore the street scene in the designated conservation area, thereby preserving its special character and appearance and the settings of adjacent and nearby listed buildings.

51. PLANNING APPLICATION - 12/00761/LBC - 32 WEST STREET, HARWICH, CO12 3DD

Reinstatement of the dwelling following significant fire damage in December 2011.

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.

The application was before the Committee as the applicant was Tendring District Council.

All Members declared an interest as Tendring District Council Councillors.

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

RESOLVED that application 12/00761/LBC be approved in accordance with the Officers' recommendation, subject to the following conditions:-

1. Time Limit of three years for commencement
2. Development to accord with approved plans
3. Joinery details
4. Materials

52. PLANNING APPLICATION - 12/00767/FUL - 29 COLCHESTER ROAD, ARDLEIGH, CO7 7NS

Proposed construction of vehicular crossing forming new access.

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.

The application was before the Committee as the applicant was Tendring District Council.

All Members declared an interest as Tendring District Council Councillors.

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

RESOLVED that application 12/00767/FUL be approved in accordance with the Officers' recommendation, subject to the following conditions and the following reason for approval:-

1. Time Limit of three years for commencement
2. Development to accord with approved plans
3. Details of access
4. Pedestrian visibility splays
5. Surface materials
6. Provision of turning area
7. Provision of parking space

Reason for Granting Planning Permission:

In approving this application the Local Planning Authority had taken account of the relevant development plan policies and it considered that the proposed development was in accord with those policies and did not harm highway safety or public amenity. The provision of a means of vehicular access, including a parking space and turning area, would allow the occupier of the dwelling to park a car within the residential curtilage, thereby improving accessibility and avoiding having to park upon the public highway.

53. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

The meeting was declared closed at 7.26 p.m.

54. PROGRAMME OF MEETINGS: 2011/2012 MUNICIPAL YEAR

The Council gave consideration to a proposed timetable of meetings of the Council, the Audit Committee, the Community Leadership and Partnerships Committee, the Corporate Management Committee, the Council Tax Committee, the Planning Committee and the Service Development and Delivery Committee for the 2011/2012 Municipal Year.

RESOLVED - That the programme of meetings for the Council, the Audit Committee, the Community Leadership and Partnerships Committee, the Corporate Management Committee, the Council Tax Committee, the Planning Committee and the Service Development and Delivery Committee, as set out in the Appendix to item A.5 of the Reference from Cabinet, be approved.

55. SUB-COMMITTEES OF THE LICENSING AND REGULATORY COMMITTEES AND THEIR CHAIRMEN AND VICE-CHAIRMEN

To avoid the need for formal meetings of the Licensing and Regulatory Committees to be held to appoint their Sub-Committees and the Chairmen and Vice-Chairmen of those Sub-Committees:-

It was moved by Councillor Stock, duly seconded and:-

RESOLVED – (a) That the Appeals Sub-Committee be, and is, hereby appointed and that the members thereof for the 2011/2012 Municipal Year be as follows:-

Councillor Aldis
 Councillor Bragg
 Councillor S A Honeywood
 Councillor Nicholls
 Councillor Platt
 Councillor Simons

(b) That Councillor S A Honeywood be elected Chairman of the Appeals Sub-Committee for the 2011/2012 Municipal Year.

(c) That Councillor Platt be appointed Vice-Chairman of the Appeals Sub-Committee for the 2011/2012 Municipal Year.

(d) That the Licensing (General Purposes) Sub-Committee be, and is, hereby appointed and that the members thereof for the 2011/2012 Municipal Year be as follows:-

Councillor Casey
 Councillor De-Vaux Balbirnie
 Councillor Downing
 Councillor Fawcett
 Councillor V E Guglielmi
 Councillor Powell
 Councillor Pugh
 Councillor Skeels

(e) That Councillor Downing be elected Chairman of the Licensing (General Purposes) Sub-Committee for the 2011/2012 Municipal Year.

(f) That Councillor Fawcett be appointed Vice-Chairman of the Licensing (General Purposes) Sub-Committee for the 2011/2012 Municipal Year.

(g) That Premises/Personal Licences Sub-Committee 'A' be, and is, hereby appointed and that the members thereof for the 2011/2012 Municipal Year be as follows, with the appointment of a third member from the Labour Group, which appointment to be dealt with by the Chief Executive in accordance with the authority delegated to him to appoint a member at the request of the Group Leader:-

Councillor Downing
Councillor Powell

(h) That Councillor Downing be elected Chairman of the Premises/Personal Licences Sub-Committee 'A' for the 2011/2012 Municipal Year.

(i) That Premises/Personal Licences Sub-Committee 'B' be, and is, hereby appointed and that the members thereof for the 2011/2012 Municipal Year be as follows:-

Councillor V E Guglielmi
Councillor G L Mitchell
Councillor Shearing

(j) That Councillor V E Guglielmi be elected Chairman of the Premises/Personal Licences Sub-Committee 'B' for the 2011/2012 Municipal Year.

(k) That Premises/Personal Licences Sub-Committee 'C' be, and is, hereby appointed and that the members thereof for the 2011/2012 Municipal Year be as follows:-

Councillor De Vaux-Balbirnie
Councillor Fawcett
Councillor Platt

(l) That Councillor Platt be elected Chairman of the Premises/Personal Licences Sub-Committee 'C' for the 2011/2012 Municipal Year.

56. TENDRING DISTRICT LOCAL PLAN PREFERRED OPTIONS CONSULTATION

Council's approval was sought in respect of the Tendring District Local Plan Preferred Options Consultation.

The Local Plan Committee had considered the consultation document at its meeting held on 9 June 2016 and Council had before it the Committee's recommendations.

Council also had before it a report of the Head of Planning Services which informed Members of major as well as minor changes to the consultation documents in order to make the Plan up-to-date prior to public consultation and to be consistent in not allocating sites for housing which had been refused permission. Some of those changes were a result of decisions made by the Planning Committee at its meeting held on 14 June 2016. The changes had been made to the Plan attached as Appendix A to the report of the Head of Planning Services and a schedule of those changes was provided in Appendix C thereto.

Members had had circulated to them prior to the commencement of the meeting amended maps in relation to Great Bentley and Frinton, Walton, Kirby-le-Soken, Kirby Cross and Great Holland. Those maps had been altered as a result of the recent refusal of related planning applications.

Councillor Stock, Chairman of the Local Plan Committee, thanked the Members of that Committee and the Officers, particularly the Head of Planning Services (Cath Bicknell) and the Planning & Regulation Manager (Simon Meecham), for their hard work and dedicated effort in getting the Local Plan to its current position. He also thanked the members of the public and representatives of parish councils who had participated in the public speaking scheme at meetings of the Local Plan Committee.

Councillors Stock, Turner, Scott, Winfield, Parsons, Stephenson, Calver, Bray, V E Guglielmi, Howard, G V Guglielmi, Coley, Broderick and M Brown participated in the debate.

It was moved by Councillor Stock, seconded by Councillor Turner and RESOLVED that Council:

(a) approves the content of the Tendring District Local Plan Preferred Options consultation document, attached as Appendix A to the Report of the Head of Planning Services, which incorporates the changes set out in Appendix C thereto and including the amended maps for Great Bentley and Frinton, Walton, Kirby-le-Soken, Kirby Cross and Great Holland, as circulated, for public consultation for a period of eight weeks;

(b) delegates authority to the Head of Planning Services, in consultation with the Chairman of the Local Plan Committee, to make minor amendments to the text of the Local Plan consultation documents up to the point of publication for consultation purposes. Such amendments are to be circulated to all Members of the Council prior to the commencement of the public consultation; and

(c) delegates authority to the Head of Planning Services, in consultation with the Chairman of the Local Plan Committee, to agree the content of the Sustainability Appraisals for the Local Plan Consultation Documents for public consultation for a period of six weeks. The content of the Sustainability Appraisals are to be circulated to all Members of the Council prior to the commencement of the public consultation.

NOTES: (1) in accordance with the provisions of Council Procedure Rule 18.5, Councillors Bray, Broderick, Parsons and Whitmore each requested that they be recorded in the minutes as having voted against the above decisions; and

(2) in addition, Councillor G V Guglielmi requested that he be recorded in the minutes as having abstained from voting on the above decisions.

57. URGENT MATTERS FOR DEBATE

There were none on this occasion.

58. URGENT MATTERS FOR DEBATE

There were none on this occasion.

Chairman