

PLANNING COMMITTEE

2 OCTOBER 2012

Present:- Councillor R A Heaney (Chairman), Councillor S H Challinor (Vice-Chairman), Councillor N Brown, Councillor S Candy, Councillor A J Fawcett, 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 G L Mitchell

Also Present:- Councillors G V Guglielmi (Portfolio Holder for Planning), D Casey (items 65 (part) – 67), and L A McWilliams (Portfolio Holder for Customer and Central Services)

In Attendance:- Acting Head of Planning (Clare David), Temporary Planning Officer (Peter Fletcher), Planning Officer (Gary Ashby) (items 54 – 63), Legal Services Manager (Michael Gibson-Davies) and Democratic Services Officer (Elizabeth Ridout)

(6.00 p.m. - 7.59 p.m.)

54.. CHAIRMAN'S ANNOUNCEMENTS

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

55. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was made on behalf of Councillor G L Mitchell with Councillor Turner substituting.

56. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Committee held on 4 September 2012 were approved as a correct record and signed by the Chairman.

57. MATTERS ARISING FROM THE ABOVE MENTIONED MINUTES

There were none.

58. NOTICE OF APPLICATIONS TO BE DEFERRED/WITHDRAWN

The Chairman advised that Planning Application 12/00490/FUL – Hockley Farm, Church Road, Frating CO7 7HG - had been deferred until the next Committee meeting on 30 October 2012.

59. PLANNING APPLICATIONS WHERE THERE WILL BE PUBLIC SPEAKING

The Chairman advised that there would be public speaking on Planning Applications 12/00109/FUL and 12/00110/LBC – Crown Building Former Secret Bunker, Shrubland Road, Mistley CO11 1HS, and Planning Application 12/00889/FUL – 45 Rosemary Road, Clacton-on-Sea, CO15 1PB.

60. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 15.3

There were none.

61. PLANNING PORTFOLIO HOLDER'S ANNOUNCEMENTS

There were none.

62. 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, including the fact that four recent appeals had been dismissed by the Planning Inspector. Councillor Turner congratulated Officers for their hard work.

63. CONFIRMATION OF ARTICLE 4(1) DIRECTION IN RELATION TO LAND AT MISTLEY QUAY

The Committee was asked to consider whether to confirm the immediate Article 4(1) Direction made on 27 April 2012.

Further comments from TW Logistics Limited (TWL) had been circulated to Members prior to the meeting and a summary of the points raised, with an Officer response, was also contained in the update sheet provided to Members at the meeting.

Members were advised that the existing fence by the quayside at Mistley Quay was erected in September 2008. In basic terms, it was a steel wire mesh fence approaching two metres high in sections of about two metres each. The fence was approximately 150 metres long and ran along the edge of the quayside.

The current fence was 'permitted development'. Officers accepted that some form of fence or barrier was required for health and safety reasons but in their judgment the current fence was excessive, unsightly, harmed the visual amenity of the area and detracted from the character and appearance of the Manningtree and Mistley Conservation Area, within which the fence lay. Various investigations had been carried out by the Council to explore how best to control further development in that area, including the use of 'Article 4 Directions'. These could not be made or applied retrospectively and therefore could not require the removal of the current fence. A non-immediate Article 4 Direction was authorised and served in March 2010 in respect of the land. Around this time, the Regulations governing the making of Article 4 Directions changed, which culminated in the withdrawal of that particular Direction. In November 2010, a further authority for a non-immediate Direction was obtained, but the Council did not proceed with this because it was seeking to pursue an agreed settlement with the owners of Mistley Quay, TWL.

On 12 August 2011, TWL informed the Council that it was proposing to replace the existing fence. Thereafter, in the latter part of 2011 and the first months of 2012, information was received to the effect that TWL had sourced and bought a replacement steel fence nearly as high as the existing fence and that there was a real risk that it was going to be erected. The Council was provided with a description of the replacement fence and evidence of seeing it being brought onto the site and of where parts of it were being stored. Witnesses had been interviewed and Officers evaluated the evidence available. It was decided that there was a real risk that the replacement fence was about to be erected, which would be prejudicial to the proper planning of the area by reason of potential harm to the character and appearance of the Conservation Area and/or would constitute a threat to the visual amenities of the area. Authority was therefore obtained to serve an immediate Article 4(1) Direction on this basis.

On 27 April 2012, an immediate Article 4(1) Direction ("the Direction") was made, served

and came into effect under the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) ("the Order"). The Direction related to the land at Mistley Quay, Mistley, Manningtree. The Direction removed permitted development ("PD") rights for development within Class A of Part 2 of Schedule 2 to the Order within this area. The PD rights removed by the Order were the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

The publicity requirements of the Order were duly followed. Amongst other things, the Direction was advertised and there was a period of public consultation. The public consultation period began on 4 May 2012 and ended on 24 May 2012, during which six written representations were received, namely four letters of support, a formal response of "no comment" from the Secretary of State and a detailed written objection from TWL.

Having taken those fully into account, Officers had considered that there was a real and imminent threat of a replacement fence being erected and that were this to happen, it was considered likely that there could have been substantial harm to the visual amenity and character of both the Conservation Area and the wider landscape in this sensitive area if the Direction was not confirmed.

This matter was scheduled for consideration at the Planning Committee held on 4 September 2012 but was deferred as Officers had received further comments from TWL.

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

RESOLVED that

(a) the Immediate Article 4(1) Direction which was made on 27 April 2012 and removed the permitted development rights set out in Class A of Part 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) over land at Mistley Quay, Mistley, Manningtree, be confirmed, thereby making the Direction permanent; and

(b) the Head (or Acting Head) of Planning Services and/or the Head of Resource Management be authorised to effect the confirmation of the Direction, give due notice and take whatever related and other steps as she/they considered appropriate.

64. PLANNING APPLICATION - 12/00490/FUL - HOCKLEY FARM, CHURCH ROAD, FRATING, CO7 7HG

Erection of Polytunnels and Construction of One Agricultural Reservoir

Members were reminded that this application had been deferred to the next meeting of the Planning Committee on 30 October 2012 to allow Environment Agency and Network Rail comments to be obtained and assessed in relation to the revised proposal.

65. PLANNING APPLICATIONS - 12/00109/FUL & 12/00110/LBC - CROWN BUILDING FORMER SECRET BUNKER, SHRUBLAND ROAD, MISTLEY, CO11 1HS

(1) Conversion of the Former Nuclear Bunker into Three Dwellings and Erection of 28 Dwellings in the Grounds

(2) Conversion of the Former Nuclear Bunker into Three Dwellings

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 for both applications.

An update sheet had been circulated to Members prior to the meeting advising of further comments received.

Councillor Martin Rayner, Chairman of Mistley Parish Council, spoke not entirely against nor in favour of the application on behalf of the Parish Council.

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

RESOLVED that Planning Applications 12/00109/FUL and 12/00110/LBC be deferred to allow further discussions/negotiations by the Head (or Acting Head) of Planning, in consultation with the Chairman, Vice Chairman, Portfolio Holder for Planning and the Ward Members, of the following, and subsequent reference back to the Planning Committee:

- The quantity of new build in relation to enabling development costs;
- The design of the curved roof on the new build;
- The management and future liabilities for the upkeep of the access road and communal areas;
- The initial upgrade of the access road;
- The management and upkeep and protection of the features of the bunker;
- Car parking provision;
- The provision of an information board; and
- The suitability of amenity areas for the new build properties and private amenity areas for the bunker.

66. PLANNING APPLICATION - 12/00889/FUL - 45 ROSEMARY ROAD, CLACTON ON SEA, CO15 1PB

Proposed Change of Use of Vacant Shop to Hot Food Takeaway (A5) including Extraction System

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.

The application had been referred to the Committee by the Planning Portfolio Holder as the premises had remained empty following a period of marketing and it was felt that this had a negative impact on the vitality and image of the town centre. It was also felt that there was no demand for retail (A1) premises in this location.

An update sheet had been circulated to Members prior to the meeting advising of further comments received.

Mr Ron Cross, the Applicant's agent, spoke in support of the application.

It was moved by Councillor Candy, seconded by Councillor Turner and:

RESOLVED that Planning Application 12/00889/FUL be approved contrary to the Officer recommendation with the following conditions and reasons:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The use hereby approved shall only take place between the hours of 10:00 and 23:00 on Mondays to Sundays, including Public Holidays.

Reason - In the interests of local residential amenity.

3. The use hereby permitted shall not commence until details of the proposed extraction and odour control system have been submitted to and agreed in writing by the local planning authority. The system shall be installed as approved and shall be retained and maintained to the agreed specification and in good working order thereafter.

Reason - To safeguard the amenities currently enjoyed by residents within the locality.

Reason for approval:

The guidance in the National Planning Policy Framework seeks to promote competitive town centres that provided customer choice and a diverse retail offer and to support their viability and vitality. Whilst the proposal would increase the non-retail frontage of this part of Rosemary Road the change of use of this property which has been vacant for some time would provide a service to the public and have a positive effect on the frontage and town centre as a whole. As such there would be no conflict with the underlying aims of saved policies ER32a and ER33 of the Tendring District Local Plan and the aims of the Framework that encouraged sustainable development.

Informative:

The details of the proposed extraction system required under condition 3 should have regard to the need to ensure that the existing louvered roof light was appropriately closed and sealed so that odours and fumes did not escape by this means.

67. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDED WERE URGENT

There were none.

The meeting was declared closed at 7.59 p.m.

68. 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

69. 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.

70. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

The meeting was declared closed at 7.26 p.m.

71. 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.

72. 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.

73. 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.

74. URGENT MATTERS FOR DEBATE

There were none on this occasion.

75. URGENT MATTERS FOR DEBATE

There were none on this occasion.

Chairman