

PLANNING COMMITTEE

4 DECEMBER 2012

Present:- Councillor R A Heaney (Chairman), Councillor S H Challinor (Vice-Chairman), Councillor J Broderick, Councillor N Brown, Councillor S Candy, Councillor T J Fawcett, Councillor D P McLeod, Councillor G L Mitchell, Councillor D Oxley, Councillor K Simons and Councillor J F White

Also Present:- Councillor D Casey (items 81 – 93), Councillor T Howard (items 81 – 94 (part)), Councillor M Platt (item 93 (part)) and Councillor N Stock (items 92 (part) – 95)

In Attendance:- Head of Planning (Catherine Bicknell), Planning Team Leader (Martyn Fulcher), Planning Officer (Peter Fletcher), Environmental Health Officer (Martin Court) (items 81 – 93), Legal Services Manager (Michael Gibson-Davies) and Democratic Services Officer (Elizabeth Ridout)

Also in Attendance:- Chief Executive (Ian Davidson) (items 81 – 95) and Inward Investment and Business Liaison Manager (Sally Looker) (items 81 – 93)

7.30 p.m. - 9.03 p.m.)

81.. CHAIRMAN'S ANNOUNCEMENTS

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

82. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were made on behalf of Councillor Howard (in the public gallery as Ward Member, speaking on items 92 and 93) (with Councillor Broderick substituting), Councillor Johnson (with Councillor D Oxley substituting) and Councillor G V Guglielmi (Planning and Corporate Services Portfolio Holder).

83. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Committee held on 30 October 2012 were approved as a correct record and signed by the Chairman.

84. MATTERS ARISING FROM THE ABOVE MENTIONED MINUTES

There were none.

85. NOTICE OF APPLICATIONS TO BE DEFERRED/WITHDRAWN

The Chairman advised that Planning Applications 10/00202/FUL, 10/00203/FUL and 10/00204/LBC had been deferred prior to the meeting to allow officers to prepare an additional report to deal with written representations which had been received very recently.

86. PLANNING APPLICATIONS WHERE THERE WILL BE PUBLIC SPEAKING

The Chairman advised that there would be public speaking on the following Planning Applications:

12/00405/FUL - Airstrip and Premises, Great Oakley Lodge, Harwich Road, Great Oakley;
 12/00406/FUL - Airstrip and Premises, Great Oakley Lodge, Harwich Road, Great Oakley;
 12/00935/FUL - Land at Gutteridge Hall Lane, Weeley;
 12/00949/FUL - Ardleigh Hall Squash Club, Dedham Road, Ardleigh; and
 12/01126/FUL - Landmark House, Frating Road, Great Bromley.

87. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 15.3

There were none.

88. PLANNING PORTFOLIO HOLDER'S ANNOUNCEMENTS

There were none.

89. PLANNING APPEALS AND APPEAL DECISIONS

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

90. EXPLANATORY NOTE ON CURRENT LOCAL AND NATIONAL PLANNING POLICY

The Committee received information on current Local and National Planning Policy and noted the content.

91. THE "POSITIVE AND PROACTIVE STATEMENT" IN DECISION NOTICES

Members were informed of a new statutory requirement for all local Planning Authorities to include on Decision Notices an additional statement explaining how the Authority had worked with the Applicant in a "Positive and Proactive" manner, which was noted.

92. PLANNING APPLICATION – 12/00405/FUL - AIRSTRIP AND PREMISES, GREAT OAKLEY LODGE, HARWICH ROAD, GREAT OAKLEY, CO12 5AE

Variation of Condition 5 of Planning Permission T/APP/P1560/A/94/435398 to allow helicopters to operate from the aerodrome

Councillor Howard declared a non-pecuniary interest as Ward Member and because he had been elected as a District Councillor on the basis of his opposition to the proposal.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

An update sheet was circulated to the Committee prior to the meeting with details of further representations.

Mr Stephen Hazlewood, a local resident, spoke against the application.

Councillor Howard, Ward Member for Great Oakley and Little Oakley, spoke against the application.

Mr Peter Kember, the Applicant's Agent, spoke in support of the application.

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

RESOLVED that the Committee is minded to approve Planning Application 12/00405/FUL, for the reason given in the report and subject to conditions as summarised below provided

that the full detailed wording of the planning conditions was first prepared by the Head of Planning in consultation with the Chairman and Vice-Chairman of the Committee, the Planning and Corporate Services Portfolio Holder and relevant Ward Members and subject to such full detailed conditions then being reported to and formally approved by the Planning Committee:-

Reason for Approval

The grant of planning permission to allow use of the airfield by helicopters would help to support business, in addition to being of wider public benefit, including health and safety by providing a designated landing area with access to refuelling, including for the police helicopter and air ambulance and rest facilities for pilots, away from any major area of population. The controlled use of the airfield by helicopters would help to ensure that local amenities and residential and other environmentally sensitive areas nearby were better protected from possible noise and disturbance, by the imposition of planning conditions.

Conditions:

1. Three year time limit;
2. Scheme for helicopter landing/take-off area to be approved;
3. No helicopters to be based permanently at the airfield;
4. Airfield not to be used as a base for helicopter servicing;
5. No more than three helicopters to use the airfield at any one time ;
6. No more than three helicopter take-offs per day in total ;
7. No take-offs or landings between the hours of 21.00 – 08.30;
8. Notification of any emergency use;
9. Accessible flight log to monitor movements;
10. Use by helicopters to accord with protocol in Pilot Handbook;
11. Flight paths to be displayed in club house;
12. Removal of permitted development rights;
13. No helicopter/gyroplane flying training; and
14. Limit on size/type of helicopters.

93. PLANNING APPLICATION - 12/00406/FUL - AIRSTRIP AND PREMISES, GREAT OAKLEY LODGE, HARWICH ROAD, GREAT OAKLEY, CO12 5AE

Variation of Condition 6 of Planning Permission T/APP/P1560/A/94/435398 to allow flying training from the aerodrome

Councillor Howard declared a non-pecuniary interest as Ward Member and because he had been elected as a District Councillor on the basis of his opposition to the proposal.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

An update sheet was circulated to the Committee prior to the meeting with details of further representations.

Mr Martin Nicholls, a local resident, spoke against the application.

Councillor Howard, Ward Member for Great Oakley and Little Oakley, spoke against the application.

Mr Peter Kember, the Applicant's Agent, spoke in support of the application.

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

RESOLVED that the Committee is minded to approve Planning Application 12/00406/FUL, for the reason given in the report and subject to conditions as summarised below provided that the full detailed wording of the planning conditions was first prepared by the Head of Planning in consultation with the Chairman and Vice-Chairman of the Committee, the Planning and Corporate Services Portfolio Holder and relevant Ward Members and subject to such full detailed conditions then being reported to and formally approved by the Planning Committee:-

Reason for Approval

The grant of planning permission is in accordance with Development Plan policy and use of the airfield for flying training would help to provide a valued training facility for student pilots and would help to support business (flying school/related employment and farm diversification) whilst operating within the current daily and annual limits set for aircraft take-offs.

Conditions:

1. No take-offs or landings between the hours of 21.00 – 08.30;
2. No more than 30 take-off movements in any one day;
3. No more than 3650 take-off movements in any calendar year;
4. Single propeller fixed-wing light aircraft only;
5. No circuit, including 'touch and go', flying training on Sundays or Public Holidays;
6. Use to accord with protocol in Pilot Handbook;
7. Circuits and flight paths to be displayed in club house;
8. Accessible flight log to monitor movements;
9. No aerobatic flying training; and
10. No helicopter/gyroplane flying training.

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

94. PLANNING APPLICATION - 12/00935/FUL - LAND AT GUTTERIDGE HALL LANE, WEELEY, CO16 9AS

Variation of One No. Pitch Layout Permitted under Application Ref: 08/00960/FUL granted at appeal ref: APP/P1560/A/08/2090227 to include the change of use of a stable building to a utility/day room

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

The application had been referred to the Planning Committee at the request of the local Ward Member, Councillor Skeels.

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

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

RESOLVED that Planning Application 12/00935/FUL be deferred to allow officers to formally report to Members with details of the refusal of Planning Application 12/00692/FUL, before considering the application 12/00935/FUL at a future meeting of the Committee.

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

95. PLANNING APPLICATION - 12/00949/FUL - LAND ADJACENT TO ARDLEIGH HALL SQUASH CLUB, DEDHAM ROAD, ARDLEIGH, CO7 7LD

Proposed Construction of Three No. Four Bedroom and One No. Three Bedroom Detached Houses and Associated Garages

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

The Committee was reminded that this Planning Application had been deferred from the meeting held on 30 October 2012 in order for Officers to investigate the existing demand for the tennis courts on the site and the demand for such facilities across the District, and to verify the position regarding highway issues (particularly the level of onsite car parking).

An update sheet was circulated to the Committee prior to the meeting with details of further representations.

Councillor Stock, on behalf of Ardleigh Parish Council, spoke against the application.

It was moved by Councillor McLeod and seconded by Councillor Challinor that Planning Application 12/00949/FUL be approved, subject to conditions summarised in the officer report with such final detailed wording of those conditions as the Head of Planning considered appropriate, in consultation with the Chairman and Vice-Chairman of the Committee, the Portfolio Holder for Planning and Corporate Services and relevant Ward Members, which motion on being put to the vote was declared LOST.

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

RESOLVED that Planning Application 12/00949/FUL be deferred to allow officers an opportunity to obtain further information on drainage and highways issues and with a view to seeking from Essex County Council an assessment of integrated water drainage, and from Essex County Council (Highways) formal detailed comments on parking provision in relation to highway safety and convenience along The Street, Ardleigh.

96. PLANNING APPLICATION - 12/01126/FUL - LANDMARK HOUSE, FRATING ROAD, GREAT BROMLEY, CO7 7JN

Change of Use from Office (Use Class B1) to a Single Dwelling (Use Class C3)

Councillor Heaney declared a non-pecuniary interest as Ward Member.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written

representations received and a recommendation of approval.

An update sheet was circulated to the Committee prior to the meeting with details of further representations.

Mr Andrew Beard, the Applicant's Agent, spoke in support of the application.

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

RESOLVED that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development subject to:-

(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 Public Open Space Provision be undertaken; and

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

(i) Conditions:

1. Time limit for commencement – Three years
2. Development in accordance with the submitted plans

(ii) Reason for approval:

In approving this application, the Local Planning Authority had taken account of the development plan policies listed. The amount of employment floor space to be lost was too small to justify a financial contribution under Local Plan Policy ER3. It was considered that conversion to a single residential dwelling would represent a more sustainable form of development in this rural residential area, resulting in a less intensive use of the access and removing all commercial vehicle movements. Occupation by a business unrelated to the neighbouring dwelling would also be likely to result in harm to residential amenity. It was therefore considered that those matters outweighed the fact that the site was located outside of the defined development boundary. Residential conversion of this building to a single dwelling would not seriously undermine the Council's housing settlement policies and would not set a harmful precedent for the surrounding area.

(c) The 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 S106 planning obligation, contrary to Local Plan Policy COM6.

97. PLANNING APPLICATION - 10/00202/FUL, 10/00203/FUL AND 10/00204/LBC-BATHSIDE BAY, STOUR ROAD, HARWICH, CO12 3HF

With reference to Minute 85 above, these applications had been deferred prior to the meeting in order to allow a written response and legal consultation to be made regarding a late representation.

98. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

The meeting was declared closed at 9.03 p.m.

99. 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.

100. 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.

101. URGENT MATTERS FOR DEBATE

There were none on this occasion.

102. URGENT MATTERS FOR DEBATE

There were none on this occasion.

Chairman