

PLANNING COMMITTEE

29 JANUARY 2013

Present:- Councillors Heaney (Chairman), Challinor (Vice-Chairman), Brown, Candy, Fawcett, Johnson, McLeod, G L Mitchell, Simons, Talbot and White

Also Present:- Councillor G V Guglielmi (Portfolio Holder for Planning) and Councillor De-Vaux Balbirnie (items 113 to 119 (part))

In Attendance:- Head of Planning (Catherine Bicknell), Planning Development Manager (Clare David), Legal Services Manager (Michael Gibson-Davies) and Democratic Services Officer (Elizabeth Ridout)

(6.15 p.m. - 8.59 p.m.)

113.. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was submitted on behalf of Councillor Howard with Councillor Talbot substituting.

114. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Committee held on 4 December 2012 were approved as a correct record and signed by the Chairman, subject to amending the following sentence in Minute 108 from:

“During consideration of this matter, the microphones failed and members of the public said they could not hear properly.”

to:

“Before consideration of this matter, the microphones failed and members of the public said they could not hear properly.”

115. DECLARATIONS OF INTEREST

There were none.

116. PLANNING APPLICATION - AIRSTRIP AND PREMISES, GREAT OAKLEY LODGE, HARWICH ROAD, GREAT OAKLEY, CO12 5AE

12/00405/FUL - Variation of Condition 5 of Planning Permission T/APP/P1560/A/94/435398 to Allow Helicopters to Operate from the Aerodrome.

Members recalled that, at the meeting of the Planning Committee held on 4 December 2012, it was resolved that the Committee was minded to approve Planning Application 12/00405/FUL, for the reason given in the report, and subject to conditions as summarised in the report, 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 (Minute 92 referred).

Subsequently, Officers had carried out the required consultation and had considered

Members' views as expressed, incorporating those where possible.

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

RESOLVED that the Head of Planning be authorised to grant planning permission for the development subject to the following conditions with such minor amendment to the wording of those conditions as she considers appropriate:

1. Time limit

2. Within a period of 28 days from the date of this planning permission, a block plan at a scale of 1:200 or 1:500 to show the location and extent of a helicopter landing/take-off area, and details of a scheme for its provision, shall be submitted to, for approval in writing by, the Local Planning Authority. The helicopter landing/take-off area shall be sited at or near to the general location indicated upon the applicant's annotated aerial photograph, submitted to the Council on 22 October 2012. Subsequent to any such approval, the helicopter landing/take-off area shall be provided solely as approved and retained thereafter at all times when the airfield is available for use by helicopters. Other than in an emergency, no helicopter shall use the airfield until such time as the helicopter landing/take-off area has been provided as approved and all helicopters using the airfield shall land at and take off solely from the approved area.

Reason – To ensure that helicopter landings and take-offs occur in a controlled manner, away from nearby settlements and other land and properties, in order to minimise the effects of any noise disturbance resulting in the interests of local and residential amenities.

3. No helicopter shall be based permanently at the airfield and no helicopter shall be based temporarily at the airfield for a period exceeding 28 days in any calendar year and the maximum period which helicopters may be based temporarily at the airfield shall not exceed 56 days in total in any calendar year.

Reason – To ensure that use of the airfield by helicopters is controlled appropriately so as to not increase to a level which would cause an unacceptable impact upon local or residential amenities due to noise disturbance resulting from helicopters landing or taking off.

4. Other than for any necessary routine servicing and maintenance of helicopters visiting the airfield, or in the case of emergency repair, the airfield and premises shall not be used as a base for the servicing, maintenance or repair of helicopters.

Reason – For the avoidance of doubt and to ensure that servicing, maintenance and repair activities are limited to those necessary for helicopters visiting the airfield.

5. Other than in an emergency, there shall be no more than 3 helicopters at the airfield at any one time

Reason – To ensure that the number of helicopters using the airfield at any one time is controlled appropriately and does not increase to such a level which would cause an unacceptable impact upon local or residential amenities due to noise disturbance resulting from helicopters landing or taking off.

6. Other than in an emergency, the maximum number of daily take-off movements by helicopters shall not exceed three.

Reason – To ensure that the number of helicopter take-offs on any one day is controlled appropriately and does not increase to such a level which would cause an unacceptable impact upon local or residential amenities due to noise disturbance resulting from

helicopter take-offs.

7. Other than in an emergency, no helicopter shall land at or take off from the airfield outside the hours of 0830 – 2100 local time.

Reason – To ensure that the normal operational hours which govern use of the airfield by helicopters are consistent with the limitation imposed on other flying by Condition 2 of Planning Permission T/APP/P1560/A/94/435398 and that any later or earlier use of the airfield by helicopters which might otherwise be permitted is controlled appropriately so as to not cause an unacceptable impact upon local or residential amenities from noise disturbance resulting from helicopters landing or taking off.

8. Use of the airfield by helicopters shall be primarily for general aviation purposes and, except for emergency purposes, the airfield shall not be offered or promoted for use other than private and business use. Any emergency use of the airfield which occurs outside of the operating hours stated in Condition 7 of this permission or which would cause the limitation on number of take-offs confirmed by Condition 6 of this permission to be exceeded, or which would cause the limitation on the number of helicopters imposed by Condition 5 of this permission to be exceeded, including by the air ambulance, police or military helicopters, and including any such use which may be outside of planning control, shall be notified in writing immediately to Tendring District Council Planning Department by email (Planning.services@tendringdc.gov.uk).

Reason – For the avoidance of doubt and to ensure that the Local Planning Authority is made aware of any emergency use, including by emergency service or military helicopters, in the event of a complaint being received about alleged unauthorised use by helicopters.

9. A record of all helicopter landings and take-offs at the airfield shall be kept and made available to the Local Planning Authority upon request.

Reason – To allow the Local Planning Authority to monitor and confirm all such movements, consistent with the requirement of Condition 3 of Planning Permission T/APP/P1560/A/94/435398, including in the event of a complaint being received about alleged unauthorised use by helicopters.

10. The use of the airfield by helicopters shall be in accordance with The Great Oakley Airfield Pilot Handbook published June 2012 (Issue 2), or any amendment to or replacement of the Handbook which may be approved subsequently, in writing, by the Local Planning Authority, so that pilots using the airfield are made aware of the Flight Protocol Map information contained therein.

Reason – To ensure that pilots flying to and from the airfield are aware of the noise-sensitive areas and SSSI identified as Flight Avoidance Zones, thereby minimising any disturbance to the public, businesses and wildlife.

11. A copy of the Flight Protocol Map as approved shall be displayed prominently in the airfield club house at all times the airfield is in use.

Reason – To ensure that the flight information required to be provided by Condition 7 of Planning Permission T/APP/P1560/A/94/435398 is readily accessible to pilots and is updated as appropriate.

12. Other than in an emergency, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) Schedule 2, Part 4, Class B or any subsequent revision to or replacement of that Order, there shall be no use by helicopters of any of the land shown edged blue upon the submitted application Drawing No.12/063/01.

Reason – To ensure that all helicopters using land identified as being owned or controlled by the applicant land shall use only the landing/take-off area subject of Condition 2 of this permission, and not the additional land adjacent to the permitted airfield, in order to protect nearby properties and areas from the noise disturbance which may otherwise occur as a result use of such additional land.

13. The permitted use of the airfield for helicopter flights shall not include use for helicopter flying training.

Reason – The use of the airfield by helicopters is acceptable as otherwise set out in the terms and conditions of this planning permission, as visiting helicopters arrive and depart whereas helicopter flying training would include hovering over fixed points and slow flying speeds which would result in an unacceptable level of noise disturbance, harmful to local and residential amenity.

14. Other than in an emergency, all helicopters using the airfield shall have a noise rating no greater than for the Bell 206 Long Ranger used in the noise assessment which accompanied the planning application.

Reason – To ensure that all helicopters using the airfield are no noisier than the helicopter used in the noise assessment which accompanied the application, so as to not cause an unacceptable impact upon local or residential amenities from noise disturbance which may result from the airfield being used by noisier helicopters.

Informatives

The record of all helicopter landings and take-offs at the airfield is to include all helicopter landings and take-offs made by ambulance, police and military helicopters.

The Pilot Handbook should be available publicly via any web site/s operated by or on behalf of Great Oakley Airfield and the flight school.

The maximum number of all daily take-off movements from the airfield is not to exceed 30, unless previously agreed.

The total number of all annual take-off movements from the airfield is not to exceed 3,650.

117. PLANNING APPLICATION - AIRSTRIP AND PREMISES, GREAT OAKLEY LODGE, HARWICH ROAD, GREAT OAKLEY, CO12 5AE

12/00406/FUL - Variation of Condition 6 of Planning Permission T/APP/P1560/A/94/435398 to Allow Flying Training from the Aerodrome.

Members recalled that, at the meeting of the Planning Committee held on 4 December 2012, it was resolved that the Committee was minded to approve Planning Application 12/00406/FUL, for the reason given in the report, and subject to conditions as summarised in the report, 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 (Minute 93 referred).

Subsequently, Officers had carried out the required consultation and had considered Members' views as expressed, incorporating those where possible.

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

RESOLVED that the Head of Planning be authorised to grant planning permission for the development subject to the following conditions with such minor amendment to the wording of those conditions as she considers appropriate:

1. No aircraft used for flying training shall take off from or land at the airfield outside the hours of 0830 – 2100 local time.

Reason – To ensure that use of the airfield for flying training in airborne aircraft is within the limitations on operational hours imposed on other flying by Condition 2 of Planning Permission T/APP/P1560/A/94/435398, so as to not cause an unacceptable impact upon local or residential amenities from noise disturbance which may result from aircraft being used for flying training either landing at or taking off from the airfield.

2. The maximum number of daily take-off movements of all aircraft from the airfield, including those being used for flying training, shall not exceed 30.

Reason – For the avoidance of doubt as to the maximum number of daily take-offs permitted, as the planning permission hereby granted does not include any increase in the number of permitted daily take-offs, which are limited in accordance with planning permission ref. 06/00770/FUL Condition 2.

3. The total number of annual take-off movements by all aircraft from the airfield, including those being used for flying training, shall not exceed 3,650 in any calendar year.

Reason – For the avoidance of doubt as to the total number of take-offs permitted in any calendar year, as the planning permission hereby granted is not to increase the total number of permitted annual take-offs, which is limited by planning permissions ref. 05/01152/FUL Condition 2 and 06/00770/FUL Condition 2.

4. Flying training from the airfield shall be in single-propeller fixed-wing light aircraft only, designed and built to contain a maximum of four seats.

Reason – To ensure that the aircraft used for flying training are limited in size and type so as to not cause an unacceptable impact upon local or residential amenities from noise disturbance which may result from aircraft being used for flying training either landing at or taking off from the airfield.

5. Flying training shall not include repeated circuit flying on Sundays and on any Public Holidays. Nor shall flying training include any 'touch and go' manoeuvres on Sundays and on any Public Holidays. All circuit practice sessions shall be limited to a maximum of one hour and a maximum of 5 circuits involving 5 take offs in any one session and there shall be a maximum of 3 circuit practice sessions on any day when such flying is permitted.

Reason – To ensure that aircraft being used for flying training do not fly repeated circuits around the airfield or practice such landing and take-off manoeuvres on those days, so as to not cause an unacceptable impact upon local or residential amenities from noise disturbance which may result from aircraft being used for such flying training and by ensuring that there are breaks of a minimum specified time in between such flight training sessions.

6. The use of the airfield for flying training shall be in accordance with The Great Oakley Airfield Pilot Handbook published June 2012 (Issue 2), or any amendment to or replacement of the Handbook which may be approved subsequently, in writing, by the Local Planning Authority so that pilots using the airfield are made aware of the Flight Protocol Map information contained therein.

Reason – To ensure that pilots flying from and to the airfield are aware of the noise-sensitive areas and SSSI identified as Flight Avoidance Zones, thereby minimising any disturbance to the public, businesses and wildlife.

7. A copy of the Flight Protocol Map as approved shall be displayed prominently in the airfield clubhouse at all times the airfield is in use.

Reason – To ensure that the flight information required by Condition 7 of Planning Permission T/APP/P1560/A/94/435398 is readily accessible to pilots using the airfield and is updated as appropriate.

8. A record of all flying training take-offs from the airfield shall be kept and made available to the Local Planning Authority upon request.

Reason – To allow the Local Planning Authority to monitor and confirm all such movements, consistent with the requirement of Condition 3 of Planning Permission T/APP/P1560/A/94/435398, including in the event of any complaint concerning flying training being received by the Local Planning Authority.

9. The permitted use of the airfield for flying training shall not include any aerobatic flying training.

Reason – The use of the airfield for flying training is acceptable as otherwise set out in the application details and particulars, which do not include aerobatic flying, as governed by the terms and conditions of this planning permission, whereas aerobatic flying training would cause an unacceptable impact upon local or residential amenities due to the noise disturbance which would result.

10. There shall be no helicopter or gyrocopter/gyroplane flying training from the airfield.

Reason – For the avoidance of doubt.

Informatives

Each ‘touch and go’ manoeuvre will count as one take-off and flight training cannot exceed 15 take-offs per day.

The Pilot Handbook should be available publicly via any web site/s operated by or on behalf of Great Oakley Airfield and the flight school.

The runways should be marked out in accordance with the guidance contained in CAA CAP 793: “Safe Operating Practices at Unlicensed Aerodromes (Including Helicopter Landing Sites and Aerodromes Used for Flying Training)”.

118. PLANNING APPLICATION - LAND AT GUTTERIDGE HALL LANE, WEELEY, CO16 9AS

12/00935/FUL - Variation of 1 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.

Members were reminded that this application was deferred at the meeting of the Planning Committee held on 4 December 2012 to give Members the opportunity to consider the reasons for refusal of application 12/00692/FUL for further pitches at the site. A copy of the decision notice was circulated to members of the Planning Committee and was also attached as Appendix A to the report. The application had been further deferred at the meeting of the Planning Committee held on 3 January 2013 due to technical problems with the sound system.

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.

It was moved by Councillor McLeod, seconded by Councillor White that the application be approved, upon which the motion being put to the vote was declared LOST.

It was then moved by Councillor G L Mitchell, seconded by Councillor Candy and

RESOLVED that planning application 12/00935/FUL be refused for the following reason:

- adverse visual impact on the rural character of the area due to the scale and position of the building

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

119. PLANNING APPLICATIONS - BATHSIDE BAY, STOUR ROAD, HARWICH, ESSEX, CO12 3HF

10/00202/FUL - Application for Replacement Planning Permission (in respect of Planning Permission 03/00600/FUL) Subject to a New Time Limit (To 2021) for the Reclamation of Bathside Bay and Development to Provide an Operational Container Port; Comprising:- Engineering and Reclamation Works Including Construction of a Cofferdam and 1400 Metre Quay Wall; Construction of a Concrete Block Paved Container Handling and Stacking Facility with 11 Quayside Cranes and 44 Rubber Tyre Gantry (RTG) Cranes and Associated Workshop, Customs Control, Border Inspection Post and Mess Buildings, Substations, Fuelling Station and Mast and Crane Mounted Lighting; Development of a 6.13 Ha Rail Terminal with 3 Rail Gantry Cranes and Heavy Duty Container Area Linked to Existing Rail Facilities; Associated Office Buildings, Logistics Facility, Car and HGV Parking and Driver Facilities; Site Works, including Additional Hardstanding, Structural Landscape and Mounding, Wetland Buffer, Internal Estate Roads and Perimeter Fencing.

10/00203/FUL - Application for Replacement Planning Permission (in Respect of Planning Permission 03/00601/FUL) Subject to a New Time Limit (to 2021) for a Small Boat Harbour (Sic) Comprising; Engineering and Reclamation Works Including Construction of a Cofferdam Wall and Breakwater; Sheltered Moorings for Boats and Wave Wall; Slipway and Boat Storage and Tender Compounds; Public Viewing and Seating Areas; Fisherman's Store and Fuel Facility; and Site Works Including Access Road, Car Parking and Lighting, Fencing and Landscape Mounds.

10/00204/LBC - Application for Replacement Listed Building Consent (in Respect of Listed Building Consent 03/00602/LBC) Subject to a New Time Limit (To 2021) for the Partial Demolition of the Long Berthing Arm Attached to the Listed Train Ferry Gantry and Associated Remedial Works.

Members were reminded that the applications were previously on the agenda for consideration at the meeting of the Planning Committee held on 4 December 2012. However a late item of correspondence had been received that resulted in a further deferral of the applications. The matters raised within the late correspondence had now been considered within the report.

An update sheet was circulated to the Committee prior to the meeting with details of two further written representations and further advice from officers.

Jenni Meredith, a local resident, spoke against the applications.

Jon Bowles, on behalf of Hutchison Ports (UK) Limited, spoke in support of the applications.

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

RESOLVED that the Head of Planning (or the equivalent authorised officer) be authorised to grant planning permission and listed building consent for the developments subject to conditions on the same terms respectively as the conditions attached to planning permissions 03/00600/FUL, 03/00601/FUL and 03/00602/LBC with the exception of revised time limit to 2021 (from 2016) and with such amendment(s) (if any) to the detailed wording of the conditions as she considers appropriate to give full and proper effect thereto.

Reason for approvals:

The Development Plan for the site comprises the Tendring District Local Plan 2007.

Consideration of the proposal has taken full account of the following:

- The Secretary of State's letter (in which he was minded to approve planning permission) dated 21 December 2005;
- The Secretary of State's decision letter dated 29 March 2006 that granted planning permission for : the reclamation of Bathside Bay and development to provide an operational container port; a small boat harbour; creation of an estuarine and coastal habitat through a managed realignment of coastal defences; and, partial demolition and works to the listed Train Ferry Gantry;
- The report of the Inspector, K.G. Smith BSc (Hons) MRTPI, to which reference is made in the Secretary of State's letters;
- The Section 106 Legal Agreement and Deeds of Variation (dated 15 October 2004 and 23 March 2006 respectively) and further supplemental Deeds completed on 28 June 2011 that included, amongst other things, the provision of the small boat harbour; the delivery of the managed realignment; and the approval and implementation of a package of works to widen the A120 Trunk Road;
- The documentation accompanying applications 03/00600/FUL; 03/00601/FUL 03/01200FUL and 03/00602/FUL including the Environmental Statement dated April 2003 and Additional Information dated September 2003 provided under Regulation 19 of the Environmental Impact Assessment Regulations 1999;
- Harbour Revision Order dated 17 March 2010;
- The documentation accompanying applications 10/00201FUL; 10/00202FUL; 10/00203/FUL; and 10/00204/LBC including the Supplemental Environmental Statement dated 23 February 2010 and the Supplementary Traffic Assessment dated 23 February 2010;
- The current economic recession and reduction in global trade which has resulted in a temporary stagnation of demand for container traffic ;
- The consultation responses from all statutory and non-statutory consultees and all other representations made in relation to the proposal, including letters dated 11 April 2012 and 27 July 2012 from Richard Buxton Environmental & Public Law;
- The National Planning Policy Framework (2012);

- The National Policy Statement for Ports (2012);
- Tendring District Local Plan – Proposed Submission Draft (2012);
- The judgment of Edwards-Stuart J dated 13th December 2011 in the case of R (on the application of Saunders) v Secretary of State for Communities and Local Government.

Appropriate weight has been given to protected species and biodiversity interests of the Special Protection Area (SPA), made up of the Stour Estuary SSSI and the Orwell Estuary SSSI, and the wider environment in accordance with the requirements of the Conservation of Habitats and Species Regulations 2010; the NPPF (2012); and the relevant policies of the Development Plan, with which the proposals comply.

Full account has been given to the impact of the proposal on the highway network. Regard has been had to the transport information provided in the Environmental Statement dated April 2003 and the Supplementary Traffic Assessment dated 23 February 2010. In consultation with the Highways Agency and Essex County Council (as the local highway authority) it is considered that, subject to the imposition of controlling conditions to secure improvements to the network and the phasing of development, the A120 (T) will be protected as part of the national strategic road network and the requirements of road safety for the A120 and connecting side roads will be maintained.

An assessment has been made that the proposals would adversely affect the integrity of the SPA. However, it is concluded that there is an overriding need for a container port at Bathside Bay to meet the national need for container capacity in the UK (National Policy Statement for Ports 2012) and that the proposal would bring significant economic and regeneration benefits to an area that is recognised as a Priority Area for Economic Regeneration. There are no alternative solutions. Imperative Reasons of Overriding Public Interest exist. Adequate compensatory measures have been agreed in the Deed dated 15 October 2004 between the Applicant, Harwich Haven Authority, Environment Agency and English Nature.

For these reasons the development proposal is seen as fulfilling a national need which seeks to achieve improved economic performance whilst balancing social, transport, historic environment; and environmental considerations.

120. PLANNING APPLICATIONS - CROWN BUILDING FORMER SECRET BUNKER, SHRUBLAND ROAD, MISTLEY, CO11 1HS

12/00109/FUL - Conversion of the Former Nuclear Bunker into 3 Dwellings and Erection of 28 Dwellings in the Grounds.

12/00110/LBC - Conversion of the Former Nuclear Bunker into 3 Dwellings

Members were reminded that these applications were deferred at the meeting of the Planning Committee held on 2 October 2012 to allow further discussion of the detail of the applications with the Head of Planning, in consultation with the Chairman, Vice Chairman, Portfolio Holder for Planning and the Ward Members. A meeting with the named Members and officers took place on 20 November 2012.

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 for both applications.

An update sheet was circulated to the Committee prior to the meeting with details of one further letter of representation, and comments from the Highways Authority.

Martin Rayner, Chairman of Mistley Parish Council, spoke against the applications.

Mark Jackson, on behalf of the Applicant, spoke in support of application 12/00109/FUL.

Robert Lucas, on behalf of the Applicant, spoke in support of application 12/00110/LBC.

It was moved by Councillor Candy, seconded by Councillor G L Mitchell and

RESOLVED that Planning Application 12/00109/FUL be refused for the following reasons:

- Inappropriate size and scale;
- inadequate road; and
- adverse impact on the special qualities of the Conservation Area, locality and environment by virtue of over development and density of development.

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

RESOLVED that Planning Application 12/00110/LBC be refused for the following reason:

- The scale and amount of conversion works/alterations needed to facilitate the conversion of the bunker to three residential units would have an adverse impact on the character of the listed building.

121. PLANNING APPLICATION - 52-53B WEST STREET, HARWICH, CO12 3DD

12/01272/FUL - Replacement of Existing Hardwood/Glazed Communal Entrance Door and Frame with New Steel/Glazed Security Door and Upgrading Door Entry Control System.

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.

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

RESOLVED that Planning Application 12/01272/FUL be approved subject to the following conditions and reason:-

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

Reason for Approval:

In approving this application, the local planning authority had taken account of the development plan policies and it considered that the proposed development was in accord with those policies, preserved the appearance of the conservation area and did not harm public amenity.

122. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

123. 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 at the meeting held on 4 December 2012 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.

An update sheet was circulated to the Committee prior to the meeting with details of a correction and further representation received.

It was moved by Councillor Turner, seconded by Councillor Johnson 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 the following matters:

- Public Open Space Provision; and
- Outdoor Sports Facility Projects.

(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 plans
3. Permeable surfacing
4. Materials
5. Hard and Soft Landscaping
6. Tree protection measures
7. Boundary treatments
8. Refuse storage area to be provided prior to occupation
9. Site Levels
10. Restricted hours of construction and demolition
11. Land contamination
12. Surface water drainage
13. As per Highway Authority recommendations
14. As per key recommendations in phase one habitat survey
15. Parking spaces to existing leisure club car park to be marked out

(ii) Reason for Approval

This application proposes the erection of four no. residential dwellings and associated garages. The application site lies within the defined settlement boundary of Ardleigh and within the Ardleigh Conservation Area. In this case the Council considers that having taking into account those policies contained within the Development Plan and other material planning considerations, the proposed development is satisfactory in terms of density and

scale to the context of the site, impact upon residential amenity, impact upon the character and appearance of the conservation area and highway safety. Furthermore, it is considered the tennis court is surplus to requirements and provides no recreational value to the community, and a financial contribution is provided to be used to assist in the provision of play and or recreation within the Ardleigh parish to compensate for this loss. Accordingly, the proposal is considered to be in accordance with the provisions of the Tendring District Local Plan 2007 and the National Planning Policy Framework.

or;

(c) The Head of Planning (or the equivalent authorised officer) be authorised to refuse planning permission in the event that the legal agreement has not been completed within the period of three months referred to in (a) above, as the requirements necessary to make the development acceptable in planning terms will not then have been secured through S106 planning obligation, contrary to Local Plan Policy COM6 and the aims and aspirations of policies COM7/7a.

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

Erection of Polytunnels and Construction of Agricultural Reservoir

Councillors Heaney and Nicholls each declared a non-pecuniary interest as Ward Members.

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 at the meeting held on 2 October 2012 to allow officers to obtain and assess comments from the Environment Agency and Network Rail in relation to the revised proposal.

An update sheet was circulated to the Committee prior to the meeting with details of a correction to the report.

Mr Mark Culley, a local resident, spoke against the application.

Councillor Nicholls spoke against the application.

Mr David Edward, the Applicant, spoke in support of the application.

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

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

1. Time Limit for commencement – three years
2. Development in accordance with the plans
3. Biodiversity compensation/mitigation scheme
4. Landscape scheme
5. No excavated materials to be exported from site
6. Details of warning signage adjacent to public right of way
7. Removal of polytunnels and such other associated supporting structures and foundations above and below ground once useful economic life finished on such terms as the Head of Planning Services considers appropriate

- 8. No internal, external or other lighting without prior permission on such terms (which may include requirement for a lighting scheme) as the Head of Planning Services considers appropriate
- 9. As required by key recommendations of habitat survey
- 10. Details of drainage to ensure any reservoir overflow and storm/surface water does not flow towards the railway

Reason for Granting Planning Permission:

The proposal for the erection of polytunnels and construction of one agricultural reservoir is considered to be in accordance with the provisions of Policies EN1, EN16 and RA8 of the Tendring District Local Plan 2007 and other development plan policies listed. In particular, the scale of the proposal would not have a significant adverse impact on the landscape characteristics of the locality or residential amenity and a biodiversity compensation/mitigation plan secured by condition will soften the development and provide enhancement to the landscape and the local wildlife environment. Furthermore, the proposed development is not considered to have an adverse impact on the local highway network or public right of way.

Informative:

Highway Informative regarding public's right and ease of passage over the public footpath is maintained free and unobstructed at all times.

125. PLANNING APPLICATION - 11/01172/OUT - LAND REAR OF EDWARD STREET AND UNA ROAD, PARKESTON, CO12 4PS

With reference to Minute 103 above, this application had been deferred prior to the meeting to allow responses from the Environment Agency and Essex County Council Highways.

126. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

The meeting was declared closed at 7.37 p.m.

127. 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.

128. 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.

129. 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.

130. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

The meeting was declared closed at 9.03 p.m.

131. 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.

132. 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.

133. URGENT MATTERS FOR DEBATE

There were none on this occasion.

134. URGENT MATTERS FOR DEBATE

There were none on this occasion.

Chairman