

PLANNING COMMITTEE

16 JULY 2013

Present:- Councillors Heaney (Chairman), Challinor (Vice-Chairman), Brown, Candy, Fawcett, Howard, McLeod, D Oxley, Simons, Turner and White

Also Present:- Councillors G V Guglielmi (Planning and Corporate Services Portfolio Holder), Cossens, McWilliams (except items 16 - 20 (part)), Stock and Talbot (except items 24 - 26)

In Attendance:- Head of Planning (Catherine Bicknell), Planning Development Manager (Clare David), Senior Solicitor (Michael Gibson-Davies), Communications Manager (Nigel Brown), Democratic Services Officer (Janey Nice) (except items 20 (part) - 26) and Democratic Services Officer (Michael Pingram)

(6.00 p.m. - 8.47 p.m.)

16.. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor G L Mitchell with Councillor Turner substituting, and Councillor Johnson with Councillor D Oxley substituting.

17. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Committee held on 18 June 2013 be approved as a correct record and signed by the Chairman.

18. DECLARATIONS OF INTEREST

Councillor White declared an interest as a ward member in item 13/00360/FUL Land North of Frowick Lane, St Osyth and Councillor Turner declared an interest as a Frinton and Walton Town Councillor in item 13/00200/FUL Elm Todd, Little Clacton Road, Great Holland, Frinton-on-Sea.

19. PLANNING APPEALS AND APPEALS DECISIONS

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

20. PLANNING APPLICATIONS - 12/01411/FUL & 12/01412/ADV - WESTPARK, IPSWICH ROAD, COLCHESTER, ESSEX CO4 9HB

1) Erection of Fast Food Restaurant and Drive-Thru with Associated Access Road, Parking for Cars, Cycles and Motor Cycles, Delivery Bay, Footpaths and Landscaped Areas and Change of Use to A3 and A5.

2) Illuminated Projecting Fascia Signage and Applied Signage to Fast Food Restaurant Building. Illuminated Blade Totem Sign Adjacent to Access Road. 2 No. Applied Lettering Signs to Building, 1 No. Applied Logo Vinyl Graphic, 1 No. Blade Totem Sign and 8 No. Site Direction/Information Signs.

In respect of application one above (12/01411/FUL), 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, together with aerial images of the site.

An update sheet was circulated to the Committee prior to the meeting summarising one further letter of objection.

The following people spoke against the application, namely Mr David Haskell, a local resident, Councillor Stock, as ward member and Councillor Paul Smith, member of Colchester Borough Council for St John's Ward. Mr Christopher Tivey, on behalf of the applicant, spoke in favour of the application.

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

RESOLVED that the application be refused for the following reasons;

(a) That the application is refused subject first to the Head of Planning consulting with Colchester Borough Council Officers to establish the validity of including a reason for refusal relating to any adverse impact that the proposal would have on the vitality and viability of Colchester Town Centre and that the inclusion or otherwise of this reason is delegated to the Head of Planning

(b) That subject to the outcome of (a) above the application is refused for the following reasons:

- Increased traffic generation will have an adverse impact on highway safety by virtue of traffic congestion;
- The proposal would be out of scale and keeping with the domestic context of the site surroundings;
- Adverse impact on residential amenity in terms of noise; light; cooking smells; litter and general disturbance;
- Unsustainable location;
- Fails to have a positive contribution to the environment contrary to Policy QL11

In respect of application two above (12/01412/ADV), no decision was taken.

21. ADJOURNMENT

The Chairman adjourned the meeting at 7.14 p.m. and it resumed at 7.20 p.m.

22. PLANNING APPLICATION - 13/00200/FUL - ELM TODD, LITTLE CLACTON ROAD, GREAT HOLLAND, FRINTON-ON-SEA, CO13 0EX

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, together with aerial images of the site.

An update sheet was circulated to the Committee prior to the meeting summarising one additional objection received.

Councillor Cossens, a ward member, spoke against the application.

It was moved by Councillor McLeod 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:-

1. Standard three year time limit
2. Approved plans
3. Removal of turbines if not generating energy
4. Landscaping scheme

23. PLANNING APPLICATION - 12/01312/FUL - ST OSYTH PRIORY, THE BURY, ST OSYTH, CLACTON-ON-SEA, CO16 8NZ

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, together with aerial images of the site.

Mrs Sonia Grantham as Chairman of St Osyth Parish Council and Councillor Talbot as ward member spoke against the application. Richard Winsborough, on behalf of the applicant spoke in favour of the application.

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

RESOLVED that the Head of Planning be authorised to grant planning permission for the development, subject to the following conditions:-

1. Time Limit for commencement – three years
2. Materials to be used are as detailed within Design and Access Statement
3. Garages to be used only for those purposes incidental to the enjoyment of the dwelling houses within the St Osyth Priory
4. No internal or mezzanine floors to be constructed
5. Phased programme of Archaeological works which includes the need for an archeological dig
6. Landscaping Scheme

24. PLANNING APPLICATION - 13/00360/FUL - LAND NORTH OF FROWICK LANE, ST OSYTH, CO16 8HJ

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, together with aerial images of the site.

An update sheet was circulated to the Committee prior to the meeting adding proposed condition 21 as set out below.

Mr Damian Baker spoke on behalf of the applicant in favour of the application.

It was moved by Councillor McLeod, 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:-

1. Standard time limit for commencement
2. Development to be carried out strictly in accordance with submitted plans
3. Details of height, design and separation of panels to be submitted and approved
4. Details of security fencing and security measures to be submitted and approved
5. No other fencing to be erected
6. Construction Method Statement to be submitted and approved

7. Decommissioning Method Statement to be submitted and approved
8. Landscaping scheme (including implementation)
9. Temporary vehicular access to be constructed as approved
10. Prior to temporary access being brought into use, details of construction and future maintenance of bridging or piping of the drainage ditch/watercourse to be submitted and approved
11. No unbound surface materials to be used in treatment of vehicular access
12. Any gates erected to be inward opening at point of access
13. HGV turning facilities to be provided and maintained within the site
14. Traffic Management Plan to be submitted and approved
15. A scheme of biodiversity enhancement to be submitted and approved
16. Programme of archaeological works to be implemented prior to any works commencing
17. No external lighting (other than as may approved in accordance with security measures)
18. Flood Risk management and surface water drainage proposals to be carried out in accordance with submitted details
19. No construction or decommissioning works outside the hours of 0800-1800 Monday to Friday and 0800-1300 Saturdays without prior written approval
20. Fixed permission for 26 years when the use will cease and all solar panels and ancillary equipment shall be removed from the site in accordance with the Decommissioning Statement (pursuant to 7 above)
21. All ancillary equipment and perimeter security fencing to be painted green in accordance with details to be agreed.

25. PLANNING APPLICATION - 13/00647/FUL - CHURCHILL COURT, PARKESTON ROAD, DOVERCOURT, CO12 4NU

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, together with aerial images of the site.

It was moved by Councillor Mcleod, seconded by Councillor D Oxley and:

RESOLVED that the Head of Planning be authorised to grant planning permission for the development, following expiry of the site notice on 17 July 2013 subject to the following conditions and to no material objections being received.

Conditions:

1. Standard time limit for commencement
2. Development in accordance with submitted plans
3. Details of the layout and proposed equipment of the play area
4. Details of the size, appearance and siting of the CCTV cameras
5. Removal of cameras when no longer required for security purposes
6. Landscaping of Fryatt Avenue/Harcourt Avenue parking area

26. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

The meeting was declared closed at 8.47 p.m.

27. 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.

28. 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.

29. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

The meeting was declared closed at 7.37 p.m.

30. 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.

31. 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.

32. 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.

33. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

The meeting was declared closed at 9.03 p.m.

34. 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.

35. 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.

36. URGENT MATTERS FOR DEBATE

There were none on this occasion.

37. URGENT MATTERS FOR DEBATE

There were none on this occasion.

Chairman