

PLANNING COMMITTEE

5 NOVEMBER 2013

Present:- Councillors Heaney (Chairman), Challinor (Vice-Chairman), Brown, Candy, Fawcett, Howard, Johnson, McLeod, McWilliams, Turner and White

Also Present:- Councillors Bucke, Casey and Pugh

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

6.03 p.m. - 8.51 p.m.

55. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor G L Mitchell (with Councillor McWilliams substituting), Councillor Simons (with Councillor Turner substituting) and Councillor G V Guglielmi, Portfolio Holder for Planning and Corporate Services.

56. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee held on 8 October 2013 were approved as a correct record and signed by the Chairman.

57. DECLARATIONS OF INTEREST

Councillor Johnson declared an interest in respect of Planning Application 13/00515/FUL by virtue of the fact she was a Frinton and Walton Town Councillor. Councillor White also declared an interest in this application by virtue of the fact he was a member of the Essex Wildlife Trust.

Councillor Challinor declared an interest in respect of Planning Application 13/00011/TPO by virtue of the fact she was the local Ward Member.

Councillor Turner declared an interest in respect of Planning Application 13/00515/FUL by virtue of the fact he was a Frinton and Walton Town Councillor and also declared an interest in respect of Planning Applications 13/00950/OUT and 13/01027/FUL by virtue of the fact he was the Council's Portfolio Holder with responsibility for beach huts and the crematorium. He informed the Committee that he would take no part in the consideration of those applications except to answer any questions that Members might put to him.

58. PROVISIONAL TREE PRESERVATION ORDER - 13/00011/TPO

The Committee was requested to determine whether the provisional Tree Preservation Order, made in respect of two oak trees on land within the curtilage of 11 Blake Drive, Clacton-on-Sea, should either be confirmed, confirmed in a modified form or allowed to lapse.

It was moved by Councillor Johnson, seconded by Councillor Howard and RESOLVED that the Tree Preservation Order be confirmed without modification.

59. PLANNING APPLICATION 13/00515/FUL – LAND AT THE NAZE, OLD HALL LANE, WALTON ON THE NAZE, CO14 8LF

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 with details of two emails received from Councillor Miles who had requested that the application be deferred.

Mr Roger Evans, a local resident; Mr John Halls, a Frinton and Walton Town Councillor for Walton; Councillor Pugh, as local Ward Member and Mr John Hall, Chief Executive of the Essex Wildlife Trust (the Applicant) spoke in support of the application. Mr David Evans, a local resident, spoke against the application.

It was moved by Councillor Turner and seconded by Councillor Candy that the application be deferred to provide an opportunity for the proposals to be amended with a view to the development applied for making much greater provision for the protection of the Naze (rather than the observation and study of its erosion and destruction by the elements). In seconding the motion, Councillor Candy indicated that, although she supported the development in principle, she considered that it would be beneficial to allow Officers (in consultation with the Chairman, the Vice-Chairman, Planning Portfolio Holder and the two Ward Members) to enter into discussions and negotiations with the Applicant to seek revisions of the application, as had occurred in relation to the replacement storage and starting hut at Manningtree (Minute 6 of the Committee's meeting held on 6 May 2013 refers). The motion on being put to the vote was declared LOST.

It was then moved by Councillor Howard and seconded by Councillor Turner that the application be refused as the proposed building would have an adverse impact on the character and appearance of its surroundings by virtue of its scale, mass and design and would also have an adverse visual impact on The Naze Tower (which is a Grade II* listed building) and its setting. The motion on being put to the vote was declared LOST.

It was then moved by Councillor Johnson, seconded by Councillor Brown and:

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

1. In accordance with the submitted drawings
2. Materials (including details of the green roof)
3. Contamination investigation and any necessary remediation measures
4. Details of any external lighting
5. Details of drainage
6. Details of hard and soft landscaping (including the earth mound)
7. Opening hours
8. Provision of parking and drop off areas
9. Highways conditions as listed in the report
10. Archaeological programme of work

The Committee stood adjourned between 7.58 p.m. and 8.05 p.m.

60. PLANNING APPLICATION - 13/00876/FUL - 57 HARWICH ROAD LAWFORD, MANNINGTREE, CO11 2LP

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.

Following discussions by the Committee, it was moved by Councillor Howard, seconded by Councillor McLeod 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. Development in accordance with the plans
3. Demolition of existing property within three months of first occupation of proposed dwelling
4. Make good to neighbouring property
5. Landscape scheme
6. Vehicular turning facility to be retained in approved form
7. Parking spaces to be constructed to at least minimum size standards
8. Minimum internal measurements of double garage
9. Details of bicycle storage
10. No development before Construction Method Statement
11. Closure of existing access onto Harwich Road

61. PLANNING APPLICATION - 13/00950/OUT - WEELEY CREMATORIUM THORPE ROAD, WEELEY, CLACTON ON SEA, CO16 9AH

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 with details of an email objection from Weeley Parish Council stating that the application was ambiguous.

Mrs Carol Bannister, speaking as a Weeley Parish Councillor, said she was generally in favour of the application but did have some concerns.

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. Time limit for commencement – two years after last approved reserved matter
2. Time limit for submission of reserved matters – three years
3. No development until reserved matters approved for access, appearance, layout, landscaping and scale
4. Full noise assessment required
5. Air quality assessment required

NOTE: In accordance with the provisions of Council Procedure Rule 23.5 Councillor Turner required that he be recorded in the minutes as having abstained from voting on the above resolution.

62. PLANNING APPLICATION - 13/01027/FUL - REDUNDANT SITE ADJ BLUE CHALETS LOWER KINGS PROMENADE, MARINE PARADE WEST, CLACTON ON SEA, ESSEX

It was moved by Councillor Candy, seconded by Councillor McWilliams 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 – within three years
2. Development to be carried out fully in accordance with approved plans

NOTE: In accordance with the provisions of Council Procedure Rule 23.5 Councillor Turner required that he be recorded in the minutes as having abstained from voting on the above resolution.

63. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

64. PLANNING APPLICATION - 11/00796/OUT - LAND AT WITTONWOOD ROAD FRINTON-ON-SEA, CO13 9LB

Further to Minute 42, Councillor Turner had declared an interest in this application as Town Councillor and Ward Member and Councillor Johnson had declared an interest as a Town Councillor.

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 with details of amendments to proposed conditions and an updated informative.

Mr Richard Bray, the applicant, spoke in favour of the application.

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

RESOLVED that the application be deferred for no more than three months to enable Officers to negotiate the following issues with the applicant:

1. The proposed point of access – investigate the possibility of utilising the existing access onto Wittonwood Road or an in – out arrangement;
2. The provision of built affordable housing units on the site;
3. The provision of an area of land within the site for a children’s playground;
4. Drainage – to include SUD’s and ;
5. Landscaping to include secured by design measures.

At the request of Councillor Challinor it was agreed that any reserved matters application should be referred to the Planning Committee.

65. PLANNING APPLICATION - 12/01084/FUL - PARKERS FARM LAND ADJACENT KIRBY HALL, MUMFORD LANE, KIRBY-LE-SOKEN, CO13 0EF

Further to Minute 42, Councillor Johnson had declared a personal interest in this application and also declared an interest as a Town Councillor. Councillor Turner had also declared a personal interest in this application.

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 refusal, together with aerial images of the site.

Councillor Cossens spoke as a Ward Member and indicated that he also spoke as a Frinton and Walton Town Council Member for the Kirby-Le-Soken Ward and also declared his interest by explaining that he had known the applicant and his family for many years, provided the applicant with soil fertility advice and had an involvement with the applicant's farm land.

Mr Peter LeGrys, the applicant's agent, spoke in favour of the application.

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

RESOLVED that the application be approved contrary to the Officer recommendation subject to a condition to restrict the occupation of the dwelling to farm manager's accommodation and other conditions delegated to the Head of Planning (or equivalent authorised Officer) at their discretion.

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

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

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

Conditions:

1. Standard 3 year time limit for commencement.
2. Development in accordance with submitted plans.

67. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

68. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

The meeting was declared closed at 7.37 p.m.

69. 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.

70. 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.

71. 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.

72. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

The meeting was declared closed at 9.03 p.m.

73. 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.

74. 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.

75. URGENT MATTERS FOR DEBATE

There were none on this occasion.

76. URGENT MATTERS FOR DEBATE

There were none on this occasion.

Chairman