

PLANNING COMMITTEE

7 JANUARY 2014

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

Also Present:- Councillors G V Guglielmi (Planning and Corporate Services Portfolio Holder), De-Vaux Balbirnie MBE, McWilliams and Turner.

In Attendance:- Chief Executive (Ian Davidson), Corporate Director (Public Experience) (June Clare), Head of Planning (Catherine Bicknell), Communications Manager (Nigel Brown), Democratic Services Officer (Michael Pingram), Engineering Services Manager (Mike Badger), Planning Development Manager (Clare David) and Senior Solicitor (Michael Gibson-Davies).

6.06 p.m. - 7.50 p.m.  
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72. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Howard.

73. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee held on 3 December 2013 were approved as a correct record and signed by the Chairman.

74. DECLARATIONS OF INTEREST

Councillor Johnson declared a non-pecuniary interest in Planning Application 11/00796/OUT as a Frinton and Walton Town Councillor.

Councillor Turner declared a personal interest in respect of Planning Application 11/00796/OUT as the Local Ward Member and a Frinton and Walton Town Councillor.

Councillor De-Vaux Balbirnie declared a non-pecuniary interest in respect of Planning Application 13/01275/FUL as a Local Ward Member.

Councillor Turner declared a non-pecuniary interest in Planning Application 13/01195/FUL as the Council's Portfolio Holder with responsibility for the scheme.

75. 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.

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

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 an

additional condition, Town Council objection comments and an additional objection letter received.

At the meeting an oral presentation was made by the Council's Planning Development Manager.

After questions had been answered by the Planning Development Manager and debate and discussion by the Committee, it was moved by Councillor Johnson, seconded by Councillor White and:

RESOLVED that the application be refused.

Officers advised the Committee that it was necessary for the Committee to give reasons for refusing an application contrary to the Officer recommendation. The Senior Solicitor advised that it was not appropriate for the Committee to refuse the application without also at least passing a resolution identifying the reasons for its decision. A discussion by the Committee ensued and some proposed reasons were put forward by a Member or Members of the Committee, at least some of which officers advised were not pertinent to the consideration of the outline application and could not be sustained on appeal.

The Committee was advised that it was open to them, if so minded, to reconsider the resolution, provided that a formal resolution to set aside the resolution to refuse the application was first passed.

After further discussion by the Committee, it was moved by Councillor Heaney, seconded by Councillor White and:

RESOLVED that the above resolution to refuse the application be set aside.

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

RESOLVED that: (a) the Head of Planning be authorised to grant planning permission for the development subject to:

(a) Within 6 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

- Affordable Housing Provision; and
- On-site Play Space Provision.

(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).

(i) Conditions:

1. Details of the appearance, landscaping, layout, access and scale, (hereinafter called "the reserved matters")
2. Application for approval of the reserved matters
3. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters.
4. Existing and proposed site and finished floor levels
5. Samples of the materials
6. Hard and soft landscaping
7. All hard and soft landscaping implementation
8. Landscaping - Five year clause

9. Tree protective measures
10. As per requirements of the Arboricultural report shown on the Tree Protection Plan
11. As requested by the Highway Authority
12. Boundary treatments
13. Details of Refuse storage/collection areas
14. Permeable surfacing
15. Scheme to provide renewable energy and energy and water efficiency technologies to be used
16. Construction Method Statement
17. Detail of any attenuation facility to collect storm water
18. Details of foul water strategy
19. Detail of surface water management strategy
20. Erection of 1.8m close-boarded fence on northern boundary of site
21. Double glazing with Weighted Sound Reduction Index (Rw) of at least 33dB to all habitable rooms
22. Further submission of ecology/reptile/bat survey
23. Limit maximum building heights at 10.5 metres above ground level for three-storey buildings, and 9.5 metres above ground level for two-storey buildings
24. Maximum up to 37 dwellings within the site
25. Type-3 asbestos survey of the buildings on site
26. Post demolition ground assessment of the site for contamination
27. Broadband provision
28. Play-space size to be a minimum of 100 square metres

(c) The Head of Planning (or the equivalent authorised officer) be authorised to refuse outline planning permission in the event that such legal agreement had not been completed within the period of six months, as the requirements necessary to make the development acceptable in planning terms had not been secured through S106 planning obligation, contrary to Saved Policies COM6 and HG4 of the Tendring District Local Plan (2007), Policies PEO22 and PEO10 of the Tendring District Local Plan Proposed Submission Draft (2012), and the aims and objectives of the National Planning Policy Framework.

(d) Members requested that Section 106 discussions included a preference for the affordable units to be transferred to the Council

(e) An informative to invite pre-application discussions to include Member involvement before the submission of any reserved matter application which will provide advice on the access; layout; design; scale and external appearance of the development.

It was agreed that any reserved matters application should be referred to Planning Committee.

77. PLANNING APPLICATION - 13/01206/FUL - 15 THE CHASE HOLLAND-ON-SEA, CLACTON-ON-SEA, ESSEX, CO15 5PU

This item was withdrawn from the Committee agenda before the meeting to enable officer(s) to issue a decision notice to approve planning permission under delegated powers.

78. PLANNING APPLICATION - 13/01275/FUL - TUDOR LODGE CLACTON ROAD, WEELEY, ESSEX, CO16 9EF

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 updated details of the alterations from the approved plans and a letter of objection received.

At the meeting an oral presentation was made by the Council's Planning Development Manager.

Following discussion by the Committee, it was moved by Councillor Candy, seconded by Councillor Simons and:

RESOLVED that the application be deferred and be brought back to a future Planning Committee meeting to enable officers to negotiate with the applicant with a view to making changes to the first floor bedroom window in the side (north east) elevation in order to prevent the unacceptable overlooking of the residential property and garden area of the next door property.

79. PLANNING APPLICATION - 13/01195/FUL – SEA DEFENCES, MARINE PARADE EAST, CLACTON-ON-SEA, CO15 5AG

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 two consultation responses received.

At the meeting an oral presentation was made by the Council's Planning Development Manager.

Councillor Turner, as Portfolio Holder, spoke in favour of the application.

Following discussion by the Committee, 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 time limit of three years
2. In accordance with the submitted drawings
3. Highways conditions requiring a construction management plan and retention of footway clear of obstruction
- 4 Construction Environmental Management Plan/Traffic Management Plan to be agreed: including details of compound areas; lighting; waste management; emission control; noise and vibration; and construction traffic routing (where relevant).

80. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

81. 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.

82. 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.

83. 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.

84. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

85. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

The meeting was declared closed at 7.37 p.m.

86. 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.

87. 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.

88. 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.

89. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

The meeting was declared closed at 9.03 p.m.

90. 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.

91. 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.

92. URGENT MATTERS FOR DEBATE

There were none on this occasion.

93. URGENT MATTERS FOR DEBATE

There were none on this occasion.

Chairman