

PLANNING COMMITTEE

4 FEBRUARY 2014

Present:- Councillors Challinor (Chairman), Broderick, Brown, Fawcett, V E Guglielmi, Johnson, McLeod, G L Mitchell, Turner and White.

Also Present:- Councillors G V Guglielmi (Planning and Corporate Services Portfolio Holder), Casey, Calver, De-Vaux Balbirnie MBE, D R Mayzes, McWilliams, Nicholls and D Oxley.

In Attendance:- Corporate Director (Public Experience) (June Clare), Head of Planning (Catherine Bicknell), Monitoring Officer (Lisa Hastings), Planning Development Manager (Clare David), Planning Policy Manager (Gary Guiver), Inward Investment and Business Liaison Manager (Sally Looker), Senior Solicitor (Michael Gibson-Davies), Communications Manager (Nigel Brown), Enterprise and Innovation Officer (Michelle Gordon) and Democratic Services Officer (Michael Pingram).

6.02 p.m. - 8.36 p.m.  
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99. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Heaney (with Councillor V E Guglielmi substituting), Councillor Howard (with Councillor Broderick substituting) and Councillor Simons (with Councillor Turner substituting).

100. ADVICE FROM THE LEGAL SERVICES MANAGER

The Legal Services Manager repeated the legal advice previously provided to Members about lobbying and concerning predisposition and predetermination. This advice included guidance concerning the debate about Horsley Cross at the Council meeting on 26 November 2013 and the role of Members of the Planning Committee to determine the applications at this evening's meeting and she explained to the Committee that these were two different functions. However, Members were only permitted to take part in determining the planning application if they possessed an open mind to fully evaluate the application after hearing all representations and taking into account all relevant material considerations. The Legal Services Manager then answered questions on these matters from the Committee.

101. DECLARATIONS OF INTEREST

Councillor Johnson declared a non-pecuniary interest in Planning Application 13/01035/FUL as a Frinton and Walton Town Councillor.

Councillor Turner declared that, as he was pre-determined in respect of Planning Application 13/01035/FUL, with the Chairman's permission, he would step down from the Committee for that item and would speak under public speaking as a Ward Member and then immediately leave the room for the remainder of that item.

Councillor Nicholls declared a non-pecuniary interest in Planning Application 13/01452/FUL as a local Ward Member.

102. PLANNING APPLICATION – 13/01275/FUL - TUDOR LODGE CLACTON ROAD, WEELEY, 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 an additional 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 McLeod, seconded by Councillor Johnson and:

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

1. Development in accordance with submitted plans
2. Use of materials (as previously approved)
3. Boundary treatment (as previously approved)
4. Hard and Soft Landscaping (as previously approved)
5. Protective fencing for existing trees to be retained during construction works (as previously approved)
6. Driveways and parking areas to be made of porous materials, or direct run-off water to permeable area.
7. Any gates erected to be set back 6m from highway and open inwards.
8. First floor windows on north-west elevation (facing The Towers) marked as obscure glazed on the submitted drawing to be glazed as such prior to occupation of the dwelling, and thereafter retained.
9. Dummy projection to north-west elevation to be constructed prior to first occupation of the dwelling, and thereafter retained in its approved form.

103. PLANNING APPLICATION - 13/00745/OUT - LAND SOUTH WEST OF HORSLEY CROSS ROUNDABOUT CLACTON ROAD, HORSLEY CROSS, CO11 2NZ

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 one additional comment of objection and a consultee response from H & E Explosives Inspectorate which stated there were no licensed explosive sites in the vicinity of the application site. The Council's Planning Development Manager also stated to the Committee that since the update sheet had been published an additional letter of objection had been received.

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

Martin Rayner, Chairman of Mistley Parish Council, spoke in favour of the application.

John Mathews, Chairman of Wix Parish Council, spoke against the application.

Nicky Parsons, as agent on behalf of the applicant, spoke in favour of the application.

Following discussion by the Committee, it was moved by Councillor White, seconded by Councillor Johnson and:

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

A) The completion of a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) within six months of the date of the Committee's resolution to approve on such detailed terms as the Head of Planning in her discretion considers appropriate, dealing with the following matters:

1. Phasing of development and design code – including delivery of broadband mast
2. The future management of the communal areas of the site
3. The future management and maintenance of the strategic landscaping areas and surface water attenuation pond and sustainable urban drainage measures
4. Travel plan and public transport service and provision of additional and improved bus stops
5. The division of floor space accommodated by B2 and B8 uses
6. The retention of the bus depot for a specified period of time
7. Air Quality Monitoring
8. Retention of land for potential future A120 improvements
9. Employment and Skills Plan (for the construction phases of development) and a Local Labour Agreement (for all jobs created on the business park)

B) Planning conditions in accordance with those set out below, with such amendments and additions, if any, to as the Head of Planning in her discretion considers appropriate.

1. Submission of reserved matters within three years
2. Commencement of development within two years of approval of last reserved matter
3. Existing and proposed site levels and finished floor levels – identifying areas of cut and fill and the import or export of materials
4. Samples of all external roof and wall materials
5. No building on northern boundary to exceed 10 metres in height
6. No other building to exceed 12 metres in height
7. Details of screen walls and fences and security gates
8. Details of street lighting; floodlighting or other means of illumination
9. Highways conditions as reproduced within the report including provision of new roundabout junction
10. No building to be used as an independent office (Class B1)
11. Details of hard and soft landscaping
12. Implementation of landscaping
13. No outside storage or commercial or manufacturing activities
14. Details for the storage of refuse
15. Dust management plan during construction
16. No retail sales unless ancillary
17. Details of on-site surface water attenuation and discharge to Holland Brook and implementation of recommendations of flood risk assessment
18. Foul water strategy
19. A scheme to minimise impact on wildlife
20. Programme of archaeological work
21. Broadband provision

During the course of the debate Members referred to Reserved Matters being brought to the Committee at a later date.

The Committee was adjourned from 7.02 p.m. until 7.06 p.m.

104. PLANNING APPLICATION - 13/01452/FUL - LAND EAST OF HALL ROAD, GREAT BROMLEY, CO7 7TR

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 an additional letter of support and that the unilateral undertaking was progressing but not yet complete.

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

Richard Perry, on behalf of Great Bromley Parish Council, spoke against the application.

Councillor Nicholls, as Ward Member, spoke against the application.

Steve Norman, as agent for the applicant, spoke in favour of the application.

Following discussion by the Committee, it was moved by Councillor Johnson, seconded by Councillor McLeod and:

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

(a) Prior to the application determination date of 10th February 2014, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 on such detailed terms as the Head of Planning in her discretion considers appropriate, dealing with the following matters:

- Public open space

(b) Planning conditions in accordance with those set out below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning in their discretion considers appropriate

Conditions:

1. Standard three year time limit for commencement.
2. Development in accordance with submitted plans.
3. Occupancy restricted to agricultural manager at the poultry unit.
4. Samples of construction materials.
5. Construction Method Statement
6. Onsite vehicular turning facility.
7. Details of boundary treatments.
8. Use of permeable surfacing.
9. The temporary mobile home shall be removed as soon as the dwelling is occupied.

(c) The Head of Planning be authorised to refuse planning permission in the event that such legal agreement has not been completed prior to the application determination date of 10th February 2014, as the requirements necessary to make the development acceptable in planning terms had not been secured through S106 planning obligation, contrary to saved policy COM6 of the Tendring District Local Plan (2007) and draft policy PEO22 of

the Tendring District Local Plan Proposed Submission Draft (2012).

105. PLANNING APPLICATION - 13/01035/FUL - ST JOSEPHS CONVENT 14 - 16 RAGLAN ROAD, FRINTON-ON-SEA, CO13 9HH

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.

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

Councillor Turner, who had declared that he was predetermined and would therefore step down from the Committee for the item (see Minute 101 above), spoke against the application as a Ward Member and then immediately left the room for the whole of the remainder of the item.

Jane Andrews, a local resident, spoke against the application.

David Williams, on behalf of the applicant, spoke in favour of the application.

Following discussion by the Committee, it was moved by Councillor Johnson, seconded by Councillor White and:

RESOLVED that the Head of Planning be authorised to refuse the application contrary to the officer's recommendation on the grounds that the scale, height, massing and bulk of the building would result in an imposing and dominant building out of character with the context of the site and contrary to Policies QL9, QL11 and SD9 of the adopted and emerging local plans.

106. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

107. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

108. 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.

109. 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.

110. 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.

111. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

112. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

The meeting was declared closed at 7.37 p.m.

113. 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.

114. 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.

115. 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.



116. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

The meeting was declared closed at 9.03 p.m.

117. 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.

118. 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.

119. URGENT MATTERS FOR DEBATE

There were none on this occasion.

120. URGENT MATTERS FOR DEBATE

There were none on this occasion.

Chairman