

PLANNING COMMITTEE

29 APRIL 2014

Present:- Councillors Heaney (Chairman), Challinor (Vice-Chairman), Broderick, Brown, Fawcett, Johnson, D R Mayzes, McLeod, Mitchell and Nicholls.

Also Present:- Councillors Casey, G V Guglielmi (Portfolio Holder for Planning and Corporate Services) and McWilliams.

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

6.00 p.m. - 6.24 p.m.

132. SILENT TRIBUTE

Members and Officers stood in silent tribute to the memory of the late Councillor Sarah Candy.

133. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Watling (with Councillor D R Mayzes substituting) and White (with Councillor Talbot substituting).

134. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Committee held on 1 April 2014 were approved as a correct record and signed by the Chairman.

135. DECLARATIONS OF INTEREST

There were none.

136. 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.

137. PLANNING APPLICATION - 14/00257/OUT - LAND ADJACENT TO FITZROY, ELLIS ROAD, BRADFIELD, CO11 2RE

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.

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

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

Conditions:

1. Standard time limit for commencement of development
2. Standard time limit for the submission of reserved matters application
3. No development to commence until approval of all reserved matters

Informative:

1. Footpath to the rear of the site should not be obstructed at any time

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

138. PLANNING APPLICATION - PLANNING APPLICATION - 13/01340/FUL - BURNT ASH FARM SPINNEL'S LANE, WIX, MANNINGTREE, CO11 2UJ

The Committee were informed that this application had been deferred in order to address new issues that were contained within the recently published National Planning Policy Guidance document titled 'Planning for Renewable and Low Carbon Energy'.

139. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

140. PLANNING APPLICATION - 14/00189/FUL - FORMER TUDOR LODGE CLACTON ROAD, WEELEY HEATH, 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 further details of comments received by the Council's Tree and Landscape Officer.

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

Councillor Peter Dumsday, Vice-Chairman of Weeley Parish Council, spoke against the application.

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

(a) In respect of Planning Application 14/00189/FUL, the proposed erection of 1 No. detached two-storey dwelling with attached swimming pool complex and barbeque area be approved (subject to the conditions listed in (b) below) but that the proposed erection of a detached triple garage with storage over be refused for the reason set out in (c) below.

(b) Conditions:

1. Development in accordance with submitted plans, except those showing the submitted triple garage
2. Use of materials (for dwelling and barbeque building as shown on submitted drawing)
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. Roof covering of swimming pool complex to be Marley Modern concrete interlocking tile, smooth grey colour
10. Roof covering of barbeque building to be natural slate
11. Before the installation of any swimming pool plant equipment, details to be submitted to the local planning authority including acoustic rating required to ensure residential amenities of occupiers of The Towers are not adversely affected.

(c) The erection of the detached triple garage with storage over is refused contrary to the Officers recommendation on the following grounds:-

- The erection of a detached triple garage building with storage over is considered contrary to the National Planning Policy Framework (2012) and saved policy QL11 of the Tendring District Local Plan (2007), and policy SD9 (Part C) of the Tendring District Local Plan Proposed Submission Draft (November 2012).
- The National Planning Policy Framework states decisions should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Saved policy QL11 of the Tendring District Local Plan (2007), and policy SD9 (Part C) of the Tendring District Local Plan Proposed Submission Draft (November 2012), seek to ensure, amongst other things, that all new development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.
- It is considered that the proposed detached triple garage with storage over as shown on drawing no. 1522-55B, by virtue of its scale, height and bulk will have an overbearing adverse impact on the residential amenities of the neighbouring property at The Towers, thereby contrary to the above mentioned policies.

141. PLANNING APPLICATION - 13/00997/FUL - LAND ADJACENT TO KIMBOLDS HEATH ROAD, ST OSYTH, CLACTON-ON-SEA, CO16 9BP

The Committee was aware that Councillor White had previously declared a non-pecuniary interest in this item, as detailed in Minute 124 above. He then withdrew from the meeting whilst this item was considered.

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 objection received from a member of the public and the Officer response.

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

Simon Bourgoyne, a local resident, spoke against the application.

Councillor Talbot, as a local Ward Member, spoke against the application.

Peter LeGrys, as agent on behalf of the applicant, spoke in favour of the application.

Following discussion by the Committee, it was moved by Councillor Fawcett, seconded by Councillor Nicholls and:

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

Conditions:

1. Standard time limit
2. Development in accordance with plans
3. Details of surface treatment to be agreed
4. Parking space sizes
5. Inward opening gates
6. Provision of a communal refuse collection point
7. No year round tipi/tent use
8. Only holiday use for all caravan and camping pitches
9. Waste disposal/treatment
10. Restrict number of pitches to those applied for in interest of noise and disturbance and highway safety
11. Lighting scheme to reduce impact on wildlife (inc low UV levels for bats) only to light footpaths, amenity block etc
12. Bat/bird boxes to encourage habitats
13. Protection of hedgerow
14. Landscaping scheme to provide trees/shrubs for habitats
15. Details of entrance barrier
16. Surface and foul water drainage/utilities

The Committee stood adjourned between 8.27 p.m. to 8.33 p.m.

142. PLANNING APPLICATION - 13/01448/OUT - LAND ADJACENT THE OLD COTTAGE DALTES LANE, ST OSYTH, CO16 8RZ

The Committee was aware that Councillor White had previously declared a non-pecuniary interest in this item and that he had received lobbying from both the applicant and the objectors as detailed in Minute 124 above.

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.

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

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

Councillor Talbot, a local Ward Member, spoke in favour of the application.

Peter LeGrys, as agent on behalf of the applicant, spoke in support of the application.

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

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

(a) A Unilateral Undertaking in accordance with Policies COM6 and PEO22.

(b) Conditions:

1. Standard time limits for submission of reserved matters and implementation
2. Highways conditions as listed in the report
3. Submission of material samples
4. Details of root protection measures
5. Level details
6. Details of surface water and foul water drainage

(c) Any other conditions considered necessary by the Head of Planning to make the development acceptable.

(d) Any subsequent reserved matters application to be referred to the Planning Committee.

143. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

144. APPLICATIONS REFERRED TO IN REPORT A.1

Planning Application 11/00328/FUL

Erection of 23 dwellings; new access road; driveways; parking; landscaping and all ancillary works (following demolition of 1 dwelling to form access).

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

RESOLVED that the Head of Planning be authorised to REFUSE the application on such detailed terms as she sees fit for the reasons summarised below:

- The proposed development would harm the character, setting and significance of the St Osyth Priory being a designated heritage asset;
- The proposed development would result in material harm to the St Osyth Conservation Area; and
- The benefits of the enabling development, and public access improvements, did not outweigh the disbenefits of departing from Policy EN27 and The National Planning Policy Framework.

Planning Application 11/00329/FUL

Erection of 46 dwellings; new access road; driveways; parking; landscaping and all ancillary works (following demolition of 1 dwelling to form access).

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

RESOLVED that the Head of Planning be authorised to REFUSE the application on such detailed terms as she sees fit for the reasons summarised below:

- The proposed development would harm the character, setting and significance of the St Osyth Priory being a designated heritage asset;
- The proposed development would result in material harm to the St Osyth Conservation

Area; and

- The benefits of the enabling development, and public access improvements, did not outweigh the disbenefits of departing from policy EN27 and The National Planning Policy Framework.

Planning Application 11/00330/FUL

Erection of 33 dwellings; new access road; driveways; parking; landscaping and all ancillary works (following demolition of 1 dwelling to form access).

It was moved by Councillor Johnson, seconded by Councillor McLeod and RESOLVED that the Head of Planning be authorised to REFUSE the application on such detailed terms as she sees fit for the reasons summarised below:

- The proposed development would harm the character, setting and significance of the St Osyth Priory being a designated heritage asset;
- The proposed development would result in material harm to the St Osyth Conservation Area; and
- The benefits of the enabling development, and public access improvements, did not outweigh the disbenefits of departing from Policy EN27 and The National Planning Policy Framework.

Planning Application 11/00331/FUL

Erection of 21 flats within a new "Maltings" style building

It was moved by Councillor Nicholls, seconded by Councillor Johnson and RESOLVED that the Head of Planning be authorised to REFUSE the application on such detailed terms as she sees fit for the reasons summarised below:

- The proposed development would harm the character, setting and significance of the St Osyth Priory being a designated heritage asset;
- The proposed development would result in material harm to the St Osyth Conservation Area; and
- The benefits of the enabling development, and public access improvements, did not outweigh the disbenefits which would be caused by departing from Policy EN27 and The National Planning Policy Framework.

Planning Application 11/00336/CON

Demolition of detached dwelling at 7 Mill Street

After some comments from Members, advice from Officers and clarification of the mover and seconder's reasons, it was moved by Councillor White, seconded by Councillor Broderick and RESOLVED that the Head of Planning be authorised to REFUSE contrary to the Officers' recommendation the application on such detailed terms as she sees fit on the grounds that demolition of the dwelling would be detrimental to the character and appearance of the St Osyth Conservation Area.

145. APPLICATION REFERRED TO IN REPORT A.2

Planning Application – 11/00332/FUL

Erection of 19 dwellings for use as residential and holiday accommodation (C3 use).

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

RESOLVED that the Head of Planning be authorised to REFUSE the application on such detailed terms as she sees fit for the reasons summarised below:

- The proposed development would harm the character, setting and significance of St Osyth Priory, which is a designated heritage asset;
- The proposed development would result in material harm to the St Osyth Conservation Area; and
- The benefits of the enabling development, and public access improvements, did not outweigh the disbenefits of departing from policy EN27 and The National Planning Policy Framework

146. APPLICATION REFERRED TO IN REPORT A.3

Planning Application – 11/00333/OUT
Erection of 190 dwellings on 16.3 hectares of land.

After some debate, it was moved by Councillor McLeod, seconded by Councillor Simons and:

RESOLVED that the Head of Planning be authorised to approve the application subject to the conditions summarised below and subject to a Section 106 Legal Agreement first being entered into, in each case on such detailed terms as she considers appropriate and on the basis that the Agreement contains planning obligations relating to:

- The implementation of restoration and repair works to the Priory Estate, in a manner to be agreed with English Heritage; and
- Phasing; and
- Mitigation and monitoring work, as requested by Natural England.

Conditions:

- Standard time limit for commencement - either before the expiration of five years from the date of this outline permission or from the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later.
- Reserved matters applications to be submitted
- Development to be carried out in accordance with approved drawings relating to access
- Details of infrastructure works including utility services, earthworks, drainage/attenuation and roadworks
- Phasing of works
- Materials/detailing
- Hard and soft landscaping
- Landscaping implementation
- Landscape Management Plan (to include RSPB requirements)
- Existing trees to be protected in accordance with measures meeting British Standards
- Car Parking Standards compliance
- Cycle Parking details to be submitted and approved
- Wheel cleaning facility to be provided
- Highway works to be carried out in accordance with approved drawings to include:
 1. a priority junction off the B1027 to include 1no. Three metre wide footway/cycleway and 120x4.5x120 metre visibility splay;

2. a right turn priority junction to include 1 no. non-pedestrian central island and 1 no. cycle/pedestrian central island, and
3. Three metre footway/cycleway along the western side of the B1027

- Provision of two new bus stops on the B1027 adjacent to the proposal site and/or upgrade of two nearest bus stops in Colchester Road
- Residential Travel Information Packs
- Pond survey to be undertaken to assess the presence or otherwise of protected species
- New Bowmans Archery Range site to be used for archery purposes only and associated car parking to be laid out and maintained for such use at all times
- A surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development to be submitted and approved
- Construction and Environmental Management Plan to be submitted and Water, energy and resource efficiency measures during the construction and operational phases to be submitted and approved
- Wastewater strategy to be submitted and approved
- Foul water strategy to be submitted and approved
- Surface water/flood risk assessment to be submitted and approved
- Pre-works bat surveys to be undertaken
- External lighting details to be submitted and approved to ensure lighting is sensitively designed, minimises light spillage and avoids illuminating bat commuting and foraging routes and to ensure the use of low level, directional lighting to minimise light pollution
- Reptile habitat provision in accordance with Protected Species Survey findings
- Bespoke landscaping strategy (to introduce a strong Invertebrate foraging element)
- Post construction monitoring and control programme to ensure pond is not affected by the potential spread of Australian stonecrop
- Scheme for the provision and implementation of rainwater harvesting to be submitted and approved
- Secure by Design compliance
- Submission of cross-sections drawings to illustrate finished floor and roof levels
- Ground contamination and remediation details (as appropriate) to be submitted and approved
- High speed broadband connection
- Employment and Recruitment Strategy

The Committee requested that the reserved matters application(s) be referred to the Planning Committee for determination in due course.

The Council's Planning Team Leader (Major) explained that the application would now be referred to Secretary of State in order that he could determine whether or not to call it in and that therefore the application had not been approved at this stage.

147. APPLICATION REFERRED TO IN REPORT A.4

Planning Application – 11/00334/FUL
Construction of a visitor centre/function room suite.

It was moved by Councillor Johnson, seconded by Councillor McLeod and RESOLVED that the Head of Planning be authorised to REFUSE the application on such detailed terms as she sees fit for the reasons summarised below:

- The proposed development would harm the character, setting and significance of the St Osyth Priory being a designated heritage asset;
- The proposed development would result in material harm to the St Osyth Conservation

Area; and

- The benefits of the enabling development, and public access improvements, did not outweigh the disbenefits of departing from policy EN27 and The National Planning Policy Framework

148. APPLICATION REFERRED TO IN REPORT A.5

Planning Application for Listed Building Consent – 11/00335/LBC
Works for construction of a visitor centre/function room suite.

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

RESOLVED that the Head of Planning be authorised to grant listed building consent for the works subject to the following condition on such detailed terms as she sees fit:-

- Standard Time Limit – Three Years.

149. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

150. 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.

151. 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.

152. URGENT MATTERS FOR DEBATE

There were none on this occasion.

153. URGENT MATTERS FOR DEBATE

There were none on this occasion.

Chairman