

PLANNING COMMITTEE

27 MAY 2014

Present:- Councillors Heaney (Chairman), Challinor (Vice-Chairman), Broderick, Brown, Casey, Fawcett, Johnson, Mitchell, Simons, Watling and White.

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

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

6.02 p.m. - 7.44 p.m.  
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1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor McLeod with Councillor Casey substituting.

2. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Committee held on 29 April 2014 were approved as a correct record and signed by the Chairman.

3. DECLARATIONS OF INTEREST

Councillor White declared a non-pecuniary interest in Planning Application 14/00106/FUL by virtue of the fact the applicant was a member of his rotary club but stated that he intended to stay and take part in the debate.

Councillor Mitchell declared a non-pecuniary interest in Planning Application 14/00429/FUL by virtue of the fact she was a local Ward Member.

Councillor De-Vaux Balbirnie declared a non-pecuniary interest in Planning Application 14/00106/FUL by virtue of the fact he was a local Ward Member.

4. PLANNING APPLICATION - 14/00106/FUL – 36 HOLLAND ROAD, LITTLE CLACTON, CLACTON-ON-SEA CO16 9RS

The Committee was aware that Councillors De-Vaux Balbirnie and White had previously declared non-pecuniary interests in this item, as detailed in Minute 3 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 approval.

An update sheet was circulated to the Committee prior to the meeting with further details of letters received from Little Clacton Parish Council, a petition received that contained 121 signatures and that Members of the Planning Committee and Councillor G V Guglielmi had received letters directly from a local Residents Group.

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

Manager.

Avril Black, a local resident, spoke against the application.

John Cutting, representing Little Clacton Parish Council, spoke against the application.

Councillor De-Vaux Balbirnie, a local Ward Member, spoke against the application.

Ron Cross, the agent on behalf of the applicant, spoke in support of the application.

During public speaking, Councillor De-Vaux Balbirnie had observed that the applicant was a Tendring District Councillor and asked the Committee to refuse the application and allow the applicant to appeal because the application would then be decided by the Planning Inspector. He went on to say that in that way the process would be transparent.

The Chairman firmly indicated that the Committee had often had Councillors' applications before it and that never before had it been suggested that the Committee was not transparent and went on to say that any such suggestion was roundly rejected. Councillor G V Guglielmi strongly objected to Councillor De-Vaux Balbirnie's comments and asked that this be recorded in the minutes. The Chairman agreed and asked that her comments be minuted also.

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

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

Conditions:

- Time Limit for commencement – three years from the date of the decision
- Development in accordance with the plans
- Permitted development rights removed for loft conversions (dormers and roof lights)
- Details of materials and permeable surfacing to hard surfaced areas to be agreed
- External Materials to be agreed
- Hard and Soft Landscaping – including details of the protection of hedgerow and trees during and after construction
- Boundary treatments
- Site Levels
- Demolition and Construction Management Plan
- Surface and foul water drainage scheme to be agreed
- As per Highway Authority recommendations
- As per recommendations in phase 1 habitat survey

The Committee stood adjourned between 6.55 p.m. to 6.59 p.m.

5. PLANNING APPLICATION - 14/00421/FUL - 158 HIGH STREET HARWICH, CO12 3AT

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 amendment to suggested planning condition six.

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

Manager.

Councillor Garry Calver, a local Ward Member, spoke against the application.

Mike McCready, on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor White and seconded by Councillor Watling that planning application 14/00421/FUL be approved, subject to conditions. The motion on being put to the vote was declared LOST.

It was then moved by Councillor Watling, seconded by Councillor White and:

RESOLVED that the application be deferred to allow Officers the opportunity to clarify the proposed hours of operation and the use of the proposed rear smoking area and that the application be reported back to the Committee at its next meeting.

6. PLANNING APPLICATION - 14/00429/FUL - 83 MELBOURNE ROAD, CLACTON-ON-SEA, CO15 3JA

The Committee was aware that Councillor Mitchell had previously declared a non-pecuniary interest in this item, as detailed in Minute 3 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 approval.

It was moved by Councillor Watling, seconded by Councillor Casey and:

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

Conditions:

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

7. PLANNING APPLICATION - 14/00377/FUL - 41 WALDEGRAVE WAY LAWFORD, MANNINGTREE, CO11 2DT

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.

It was moved by Councillor Watling, seconded by Councillor Casey and:

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

Conditions:

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

8. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

9. PLANNING APPLICATION - 14/00608/OUT - LAND TO THE EAST OF FREELANDS, THORPE ROAD, WEELEY, CO16 9JH

The Committee was aware that Councillor De-Vaux Balbirnie had previously declared a non-pecuniary interest in this item, as detailed in Minute 11 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 approval.

An update sheet was circulated to the Committee prior to the meeting with details of a further letter of objection.

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 Brown and RESOLVED that:

(a) the Head of Planning be authorised to grant planning permission for the development subject to the completion of a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 dealing with Open Space Provision and further subject to the following conditions:

1. Details of reserved matters
2. Application for approval of the reserved matters
3. Time scales for commencement
4. Construction Method Statement to include:
  - i) the parking of vehicles of site operatives and visitors
  - ii) loading and unloading of plant and materials
  - iii) storage of plant and materials used in constructing the development
  - iv) wheel and under-body washing facilities
5. Location and design of the proposed private drive
6. Minimum vehicular visibility splays
7. No unbound materials
8. Off street parking details
9. Details of gates
10. Vehicular turning facility
11. Details of materials

(b) the reserved matters application be referred to the Committee for its consideration in due course.

(c) additional informatives for the reserved matters submission to retain as much of the frontage hedgerow as possible and to obtain all the necessary consents to culvert the ditch when forming the access be sent to the applicant.

10. PLANNING APPLICATION - 14/00107/FUL - CLACTON GATEWAY LAND SOUTH WEST OF ROUNDABOUT AT BROOK RETAIL PARK AND NORTH OF BROOK COUNTRY PARK, CLACTON-ON-SEA, CO16 8YN

The Committee was aware that Councillor De-Vaux Balbirnie had previously declared a

disclosable pecuniary interest in this item, as detailed in Minute 11 above and he duly left the room during the discussion of this item.

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.

An update sheet was circulated to the Committee prior to the meeting with details of comments made by the Council's Regeneration Services Team, a summary of three letters written by the applicant, a summary of the Council's advice to the applicant accompanied by a letter, a summary of a letter received from Asda, an e-mail received from the Executive Officer of Property (Co-op) and a revised recommendation.

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

The Committee was informed that, because the applicant had appealed to the Planning Inspectorate on the grounds of non-determination, it was no longer able to make a decision on this application. However, they would be required to give an expression of view as to how they would have dealt with the application in order that that view could be put forward on behalf of the Council at the forthcoming Public Inquiry.

Martin Robeson, on behalf of the applicant, spoke in support of the application.

Following discussions by the Committee, it was moved by Councillor Johnson, seconded by Councillor Mitchell and RESOLVED that:

(a) the Planning Committee endorses the view that the application would have been REFUSED for the reason set out below and instructs and authorises Officers to defend the Council's case at appeal accordingly and/or on such basis as the Head of Planning considers appropriate in the light of any new or further evidence, advice, or material planning considerations.

(b) the Head of Planning is authorised to take any other steps which she considers appropriate to give effect to resolution (a) above.

Reason:

The proposal is contrary to the National Planning Policy Framework (NPPF); National Planning Policy Guidance – Ensuring the Vitality of Town Centres and Tendring District Adopted Local Plan (2007) policies ER31; ER32 and Tendring District Local Plan Proposed Submission Draft (November 2012), as amended by the Tendring District Local Plan Pre-Submission Focussed Changes (January 2014) policies SD5 and PRO6. The proposal fails to satisfy the criteria of sustainable development as set out in the NPPF and fails to meet the impact test for town centre uses. The application and its supporting material has failed to demonstrate that the proposed development would not result in a significant adverse impact on the vitality and viability of Clacton town centre and this significant adverse impact would not be outweighed by the benefits.

11. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

12. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

13. 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.

14. 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

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15. 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.

16. 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

17. 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.

18. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

19. 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.

20. 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.

21. URGENT MATTERS FOR DEBATE

There were none on this occasion.

22. URGENT MATTERS FOR DEBATE

There were none on this occasion.

Chairman