

PLANNING COMMITTEE

9 DECEMBER 2014

Present:- Councillors Heaney (Chairman), Challinor (Vice-Chairman), Casey, Johnson, McLeod, Simons and White.

Also Present:- Councillors G V Guglielmi (Portfolio Holder for Planning and Corporate Services), P B Honeywood, S A Honeywood and Talbot.

In Attendance:- Head of Planning (Catherine Bicknell), Planning Development Manager (Clare David), Legal Services Manager (Lisa Hastings), Communications and Public Relations Officer (Nigel Brown) and Democratic Services Officer (Michael Pingram).

6.05 pm. - 8.05 p.m.

65. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Brown (with Councillor Casey substituting), Councillor Mitchell, Councillor Scott and Councillor Watling.

66. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on 11 November 2014, were approved as a correct record and signed by the Chairman.

67. DECLARATIONS OF INTEREST

Councillor McLeod declared a non-pecuniary interest in relation to Planning Application 14/01518/FUL by virtue of the fact he was a local Ward Member.

Councillor White declared a non-pecuniary interest in relation to Agenda Item A1 by virtue of the fact he was a local Ward Member for some of the sites mentioned within the report.

Councillor White also declared a non-pecuniary interest in relation to Planning Application 14/00593/FUL by virtue of the fact he was related to the site owners of the adjacent Clacton Covered Market.

68. CARAVAN/CHALET SITES OCCUPANCY RESTRICTION REVIEW

The Committee had before it a report of the Head of Planning, which set out to explain inconsistencies in occupancy restrictions across the District within caravan/chalet sites and to advise of the need to review those conditions, taking account of recent planning appeal/application decisions and the issues highlighted in reports considered by Cabinet in December 2013 and June 2014 that had brought forward the policy approach provisionally agreed by the Local Plan Committee at its meeting held on 21 October 2014.

The Portfolio Holder for Planning and Corporate Services thanked the Council's Head of Planning (Catherine Bicknell) and Development Technician (Tricia Martin) for all of their work in producing the report.

With the permission of the Chairman, Councillor Talbot addressed the Committee on the subject matter of this item.

An oral presentation was then made by the Council's Head of Planning.

Following discussion, it was moved by Councillor White, seconded by Councillor McLeod and RESOLVED that:

- a) Officers pro-actively monitor caravan/chalet parks' compliance with occupancy conditions during the winter of 2014/2015, which would provide a clearer picture of the degree of risk concerning the degree of lawful use that could be established.
- b) Officers share the information obtained from monitoring caravan/chalet parks compliance with occupancy conditions with the Council's Council Tax Section to help ensure that, where necessary, occupants pay the correct amount of Council Tax, and that the calculation of the New Homes Bonus is based on an accurate figure.
- c) Officers continue to update the information collated during the Caravan and Chalet Occupancy Review.
- d) The positive engagement that is now taking place between the Council and site owners, through the Caravan and Chalet Forum in an Emergency Planning context continues to be developed.
- e) The findings of the Caravan/chalet sites occupancy review be reported to the Committee in due course with recommendations relating to enforcement of planning controls.
- f) Officers explore the possibility of applying an Article 4 Direction to Lee-over-Sands and on sites considered in the study to be in Flood Zone 3.
- g) A press release and appropriate letters be issued to publicise the recommendations / decisions.
- h) The Head of Planning advise the Council's Emergency Planning Team that the Planning Committee consider it appropriate to further develop an understanding of the implications of flood risk at all chalet and caravan/holiday parks across the District and work towards reducing that risk.

69. PLANNING APPLICATION - 14/00593/FUL – RUMOURS NIGHTCLUB, 50 ROSEMARY ROAD, CLACTON-ON-SEA, ESSEX CO15 1PB

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 in respect of the application.

Those persons, detailed below, spoke on the application:

- a) Councillor Paul Honeywood, a local Ward Member, spoke against the application.
- b) Mr Martin Croxford, on behalf of traders of the Clacton Covered Market, spoke against the application.

Following discussion by the Committee, it was moved by Councillor McLeod and seconded by Councillor Casey that planning application 14/00593/FUL be approved, subject to conditions. The motion on being put to the vote was declared LOST.

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

RESOLVED that the application be DEFERRED to allow Officers to negotiate a revised scheme that would incorporate two and three bedroom flats and retain as many external original features as possible (including the large bay windows on the Rosemary Road West elevations).

70. PLANNING APPLICATION - 14/01518/FUL - CROOKED ELMS SHELTERED HOUSING UNIT, CROOKED ELMS, HARWICH CO12 4AL

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 in respect of the application.

It was moved by Councillor Johnson, seconded by Councillor Casey and RESOLVED that the application be APPROVED and the Head of Planning be authorised to grant planning permission for the development, subject to the following conditions:

1. Standard time limit
2. Development in accordance with plans

71. PLANNING SERVICES IMPROVEMENT PLAN - UPDATE

Members had before them for information a report to update them on the progress made to date on the Priority 1 actions identified within the Planning Services Improvement Plan.

72. PLANNING APPLICATION 11/00475/FUL – SPRING STABLES, GUTTERIDGE HALL LANE, WEELEY – CHANGE OF USE OF THE LAND TO A RESIDENTIAL CARAVAN SITE TO INCLUDE THE STATIONING OF CARAVANS FOR 3 NO. GYPSY/TRAVELLER PITCHES AND FOR THE ERECTION OF UTILITY/DAY-ROOM BUILDINGS ANCILLARY TO THAT USE ON LAND

The Committee had before it the published Officer report containing an appraisal of the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval with a summary of recommended conditions. The recently published update sheet was also considered by the Committee and explained by officers at the meeting.

Councillors De-Vaux Balbirnie, Skeels and Essex County Councillor Mick Skeels, present in the public area, each declared an interest as Ward Councillors in respect of the application and remained in the meeting during the consideration thereof and the voting thereon.

Mr J Groom, on behalf of a local resident, spoke against the application.

Mrs C Bannister, on behalf of Weeley Parish Council, spoke against the application.

Councillor De-Vaux Balbirnie, one of the Ward Members, spoke about the application.

Mr T Doran, the applicant, spoke in support of the application.

It was moved by Councillor Candy, seconded by Councillor Turner and:-

RESOLVED - That consideration of application 11/00475/FUL be deferred for a period not exceeding six months to allow for further reports to be commissioned into the suitability of the site for occupation, with the authority to commission such reports as she deems necessary to be delegated to the Temporary Head of Planning Services in consultation with the Chairman, the Planning Portfolio Holder, the Ward Councillors and Weeley Parish Council.

73. ADJOURNMENT

The Chairman adjourned the meeting for a short while to allow members of the public to leave if they wished.

74. PLANNING APPLICATION 11/00037/FUL – LAND ADJ. 142 HARWICH ROAD, MISTLEY

The Committee had before it the published Officer report containing an appraisal of the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval with a summary of recommended conditions.

Mr G Archer, on behalf of local residents, spoke against the application.

Mr M Rayner, Chairman of Mistley Parish Council, spoke in support of the application.

Mrs C Moor, on behalf of the applicant, English Rural Housing, spoke in support of the application.

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

RESOLVED – That in respect of application 11/00037/FUL the Temporary Head of Planning (or equivalent authorised officer) be authorised to grant outline planning permission for the development subject to:-

(a) Within 2 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

- Public Open Space Provision; and,
- Dwellings remain for local need.

(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 Temporary Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate) and with the reason for approval set out in (i) below:-

- Time Limit
- Landscaping Scheme
- Implementation of Landscaping Scheme
- Removal of Permitted Development Rights - Fencing
- Ecological Mitigation Measures
- Site Access Layout
- Estate Road Layout
- Vehicular Visibility Splays
- Construction Method Statement
- Completion of Car Parking and Vehicular Turning Heads

- Completion of Surface Water Drainage Scheme
- Siting of Hedgerow to Site Frontage
- Provision of Footpath
- Bicycle Parking Provision
- Communal Lighting Details
- Renewable Energy
- Permeable/Porous Driveways
- Approved Plans

(i) Reason for Approval

The proposal, for the erection of 15 no. affordable housing units, ancillary car parking and associated works, is considered to be in accordance with the provisions of the Tendring District Local Plan (2007). The Local Planning Authority, having had regard to all planning considerations material to the determination of this application, including particularly the scale, design, layout and siting, ecology and highway matters of development proposed and all consultations and representations made in connection with the application, conclude that the proposal accords with the provisions of the development plan as applicable to it, including the policies and proposals noted below, and in the absence of any material adverse impact resulting from the development consider that there are no material grounds which justify its refusal.

(c) The Temporary Head of Planning (or the equivalent authorised officer) be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of two 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 and HG5.

Note

Councillor Candy wished it to be noted, and the Chairman agreed, that there seemed to be an issue concerning the understanding of some local residents and Parish Council members of the site selection approach on this occasion, which had left them feeling excluded from the site consultation process, and asked officers if they could ensure that this was rectified for the future.

75. PLANNING APPLICATION 11/00417/FUL - 25 - 27 STATION ROAD, CLACTON-ON-SEA

The Committee had before it the published Officer report containing an appraisal of the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval with a summary of recommended conditions. The recently published update sheet was also considered by the Committee and explained by officers at the meeting.

Mr M Fearn, the applicant's agent, spoke in support of the application.

It was moved by Councillor Candy, seconded by Councillor White and:-

RESOLVED – That application 11/00417/FUL be approved subject to conditions providing:-

- Time Limit.
- Approved Plans.

Reason for Approval

This application is in conflict with the Development Plan. However, the following material considerations in combination outweigh the Development Plan:

- Policies in PPS4 and draft Core Strategy.
- Needs of applicant.
- Unsuccessful marketing.
- Better access for disabled.
- Improved bank facilities.
- Additional employment.

76. PLANNING APPLICATION 11/00544/FUL – 40 QUEENS ROAD, FRINTON-ON-SEA

The Committee had before it the published Officer report containing an appraisal of the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval with a summary of recommended conditions. The recently published update sheet was also considered by the Committee and explained by officers at the meeting.

Councillors Johnson and Turner, and Councillor Watling present in the public area, each declared an interest as Town Councillors in respect of the application and remained in the meeting during the consideration thereof and the voting thereon.

Councillor Watling, as one of the Ward Members, spoke against the application.

Mr J Cavanna, the applicant, spoke in support of the application.

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

RESOLVED – That application 11/00544/FUL be refused for the following reasons:-

The proposal for the erection of seven apartments (following demolition of 40 Queens Road) is considered contrary to Government Guidance as set out in PPS1 'Delivering Sustainable Development', and PPS3 'Housing'. The proposal is also considered contrary to policies QL9, QL11, HG3, HG7 and TR7 of the Tendring District Local Plan (2007). PPS1 requires high standards of design and states that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. PPS3 (as amended in June 2010) excludes private residential gardens as previously developed land, and deleted the national indicative minimum density of 30 dwellings per hectare. Policy QL9 states that permission will only be granted if, amongst other things, the development relates well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials. Policy QL11 states that permission will only be permitted if (inter alia) the scale and nature of the development is appropriate to the locality, and the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. Policy HG3 relates to residential development within defined settlements and states, amongst other things, that residential development will be permitted provided it can take place without material harm to the character of the local area. Policy HG7 states all proposals should be so designed to have no undue adverse impact on the character of the area, or on neighbours' residential amenity. Policy TR7 states for residential development within town centres the adopted car parking standards will be applied, and outside town centres variations to the adopted standards for residential development will be considered where local circumstances suggest this to be appropriate. In this case the adopted Essex County Council Parking Standards (2009) applies.

In this instance the Local Planning Authority considers that the proposed building, by virtue of the overall mass, bulk and design will result in development which is out of scale and proportion with surrounding development to the serious detriment of visual amenity and the character and appearance of the surrounding area.

Furthermore, it is considered the proximity of the proposed development to No.38 Queens Road would adversely affect the residential amenities of this dwelling to such a degree as to warrant the proposal unacceptable.

Moreover, the proposal provides for inadequate parking provision when assessed against the adopted 2009 Parking Standards. As a result of the reduced number of parking spaces, it is considered that the development would intensify the pressures for on-street parking in this area and vehicles left parked within the adjoining streets would cause conditions of danger, obstruction and congestion, thereby contrary to highway safety.

77. PLANNING APPLICATION 11/00241/FUL – UNIT 2 - 3 NEWMANS ESTATE FORD ROAD, CLACTON-ON-SEA

The Committee had before it the published Officer report containing an appraisal of the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval with a summary of recommended conditions.

Mr P Le Grys, the applicant's agent, spoke in support of the application.

It was moved by Councillor McLeod, seconded by Councillor White and:-

RESOLVED – That application 11/00241/FUL be approved subject to conditions providing:-

- Time limit.
- No change to other D1 use.

Reason for Approval

No town centre site is available and that the proposed site is sequentially the best available that would meet the needs of the proposed use and its business model. The site is accessible by a variety of means of transport. The proposal does not materially harm highway safety or neighbours' amenities, and complies with adopted parking standards.

78. PLANNING APPLICATION 11/00528/FUL - FOREMANS YARD, RECTORY ROAD, WEELEY HEATH

The Committee had before it the published Officer report containing an appraisal of the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval with a summary of recommended conditions.

It was moved by Councillor Candy, seconded by Councillor Heaney and:-

RESOLVED – That application 11/00528/FUL be approved subject to conditions providing:-

- Time Limit
- Development in accordance with the plans

- Materials Condition

Reason for Approval

The use of ebony wood stain for the walls of the garage is acceptable as the walls will not be prominent in the streetscene.

The use of red concrete pantiles for the roof is unfortunate as the roof will not match the other new dwelling on site. Taking the roof materials of the dwelling opposite into consideration, on balance the proposed pantiles are acceptable.

79. CLG CONSULTATION – PLANNING FOR TRAVELLER SITES

It was noted from the recently published update sheet that there would be no discussion on this item at the meeting. Members were instead invited to pass their comments on the CLG consultation direct to the Principal Development Plans Officer by Friday 1 July 2011.

80. 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

81. 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.

82. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

83. 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.

84. 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.

85. URGENT MATTERS FOR DEBATE

There were none on this occasion.

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There were none on this occasion.

Chairman