

PLANNING COMMITTEE

3 MARCH 2015

Present:- Councillors Heaney (Chairman), Challinor (Vice-Chairman), Brown, Johnson, D R Mayzes, McLeod, Nicholls, Scott, Turner and White.

Also Present:- Councillors G V Guglielmi (Portfolio Holder for Planning and Corporate Services), L McWilliams (Portfolio Holder for Well-being and Partnerships), Pugh and Watling.

In Attendance:- Head of Planning (Catherine Bicknell), Planning Development Manager (Clare David), Legal Services Manager (Lisa Hastings), Democratic Services Manager (Colin Sweeney), Communications and Public Relations Officer (Nigel Brown) and Legal Associate (Charlotte Parker-Smith).

(6.00 p.m. - 10.38 p.m.)

88.. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Mitchell (with Councillor Turner substituting) and Simons (with Councillor D R Mayzes substituting).

89. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on 3 February 2015, were approved as a correct record and signed by the Chairman.

90. DECLARATIONS OF INTEREST

(i) Councillor Heaney declared a non-pecuniary interest in relation to Agenda Item No.4 (Planning Applications) and, in particular, to Planning Applications:

A.3 - Planning Application 14/01238/OUT – Agricultural Field to the North of Meadow Close, Elmstead CO7 7HR;

A.4 - Planning Application 14/01292/OUT – Land to the West of Church Road, Elmstead Market CO7 7AR; and

A.5 - Planning Application 14/01728/OUT – Charity Field, Land South of Colchester Road, Elmstead CO7 7ET

Councillor Heaney so declared by virtue of the fact she was the local Ward Councillor.

With regard to A.3 – Planning Application 14/01238/OUT – Councillor Heaney advised the Committee that as she wished to speak on the application in accordance with the provisions of the Council's Public Speaking Scheme, she would, at that point in the proceedings, vacate the Chair, speak on the application and take no part in the subsequent discussion or voting thereon.

(ii) Councillor Johnson declared a non-pecuniary interest in relation to Agenda Item No.4 (Planning Applications) and, in particular, to Planning Applications:

A.1 - Planning Application 14/01447/DETAIL – Land to the North of Wittonwood Road, Frinton-on-Sea CO13 9LB; and

A.6 - Planning Application 14/01663/FUL – Land at Old Hall Lane, Walton-on-the-Naze CO14 8LF

Councillor Johnson so declared by virtue of the fact she was a Member of Frinton and Walton Town Council, which had previously considered both of the above applications.

(iii) Councillor Nicholls declared a non-pecuniary interest in relation to Agenda Item No.4 (Planning Applications) and, in particular, to Planning Applications:

A.3 - Planning Application 14/01238/OUT – Agricultural Field to the North of Meadow Close, Elmstead CO7 7HR;

A.4 - Planning Application 14/01292/OUT – Land to the West of Church Road, Elmstead Market CO7 7AR; and

A.5 - Planning Application 14/01728/OUT – Charity Field, Land South of Colchester Road, Elmstead CO7 7ET

Councillor Nicholls so declared by virtue of the fact he was the local Ward Councillor.

(iv) Councillor Turner declared a non-pecuniary interest in relation to Agenda Item No.4 (Planning Applications) and, in particular, to Planning Applications:

A.1 - Planning Application 14/01447/DETAIL – Land to the North of Wittonwood Road, Frinton-on-Sea CO13 9LB; and

A.6 - Planning Application 14/01663/FUL – Land at Old Hall Lane, Walton-on-the-Naze CO14 8LF

Councillor Turner so declared by virtue of the fact that, with regard to A.1 – Planning Application 14/01447/DETAIL - and following advice received by the Council's Legal Services Manager, he had not predetermined the application.

With regard to A.6 – Planning Application 14/01663/FUL - Councillor Turner advised the Committee that as he wished to speak on the application in accordance with the provisions of the Council's Public Speaking Scheme, he would speak on the application and take no part in the subsequent discussion or voting thereon.

(v) Councillor White declared a non-pecuniary interest in relation to Agenda Item No.4 (Planning Applications) and, in particular, to Planning Applications:

A.2 - Planning Application 14/00593/FUL – Rumours Nightclub, 50 Rosemary Road, Clacton-on-Sea CO15 1PB

A.7 - Planning Application 14/01772/FUL – Lee Wick Farm, Lee Wick Lane, St Osyth CO16 8ES

Councillor White so declared by virtue of the fact that, with regard to A.2 – Planning Application 14/00593/FUL - he had family members who lived in the vicinity of the site and, with regard to A.7 – Planning Application 14/01772/FUL - he was a local Ward Councillor and had been lobbied by both sides.

With regard to A.7 – Planning Application 14/01772/FUL - Councillor White advised the Committee that as he wished to speak on the application in accordance with the provisions of the Council's Public Speaking Scheme, he would speak on the application and take no part in the subsequent discussion or voting thereon.

91. PLANNING APPLICATION – 14/01447/DETAIL - LAND TO THE NORTH OF WITTONWOOD ROAD, FRINTON-ON-SEA CO13 9LB

With reference to Minute No.82 of the Planning Committee held on 3 February 2015, 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 that reserved matters be approved.

An update sheet was circulated to the Committee prior to the meeting, with details of comments received from the Highway Authority in relation to amended plans to include a footpath through the development.

At the meeting, an oral presentation was made by the Council's Planning Development Manager in respect of the application.

The Chairman advised the Committee that, since the matter had been previously considered at its 3 February 2015 meeting, and that no significant changes in planning circumstances had been received since that meeting and, in accordance with the Council's Scheme for Public Speaking at Planning Committees, there was no provision to permit public speaking on this occasion.

Following discussion by the Committee, it was moved by Councillor McLeod, seconded by Councillor White and RESOLVED that reserved matters be APPROVED, subject to the following conditions and informative:

Conditions:

1. Approved Plans; and
2. Details of the new play equipment, the timing of provision and the arrangements for handing over the completed scheme to be agreed.

Informative:

The Applicant be reminded that those conditions attached to outline planning permission 11/00796/OUT, to remain extant and of effect.

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

With reference to Minute No.69 of the Planning Committee held on 9 December 2014, 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.

The Chairman advised the Committee that, since the matter had been previously considered at its 9 December 2014 meeting, and that no significant changes in planning circumstances had been received since that meeting and, in accordance with the Council's Scheme for Public Speaking at Planning Committees, there was no provision to permit public speaking on this occasion.

Following discussion by the Committee, it was moved by Councillor Brown, seconded by Councillor McLeod and RESOLVED that the Head of Planning 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 (on such detailed terms as the Head of Planning in her discretion considered appropriate) dealing with the following matters:

- Education contribution

- Local play equipment contribution
- Affordable housing contribution

(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 her discretion considered appropriate:

1. Time limit for commencement
2. Development in accordance with submitted plans
3. Working hours restriction
4. Control of pollution during construction works
5. Noise survey
6. Scheme of odour prevention
7. Drainage strategy
8. Provision of a surface water management strategy.
9. Construction Method Statement
10. Details of provision and retention of parking for powered two wheelers and bicycles
11. Provision of Residential Travel Information Pack

93. PLANNING APPLICATION – 14/01238/OUT - AGRICULTURAL FIELD TO THE NORTH OF MEADOW CLOSE, ELMSTEAD CO7 7HR

With reference to Minute No.90 (i) (Declarations of Interest), Councillor Heaney advised the Committee that as she wished to speak on the application in accordance with the provisions of the Council's Public Speaking Scheme, she would vacate the Chair, speak on the application and take no part in the subsequent discussion or voting thereon.

Accordingly, Councillor Challinor (Vice-Chairman) presided for the consideration and disposal of this matter.

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 comment received from Councillor Heaney, which highlighted the fact that the committee report did not include a full version of the representation made by Elmstead Parish Council. However, in spite of this omission, all the matters raised in the Parish's objection letter had been considered as part of the committee report and, for completeness, Elmstead Parish Council's comments had been included, in full, within the update sheet.

At the meeting, an oral presentation was made by the Council's Planning Development Manager in respect of the application.

Mr Gerald Bevan spoke against the application.

Councillor Heaney, a local Ward Member, spoke against the application.

Mr Andy Butcher, the Agent on behalf of the Applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Nicholls, seconded by Councillor Mayzes and RESOLVED that the GRANT of outline planning permission be delegated to the Head of Planning in accordance with recommendation (c) and (d) and subject to:

a) In consultation with the Portfolio Holder for Planning and Corporate Services, local Ward Councillors and relevant Essex County Council Portfolio Holders, the Head of Planning be

authorised to agree details of the proposed pedestrian crossing with Essex County Council Highway Authority;

b) Otherwise, if details of a controlled pedestrian crossing could not be agreed, the matter be reported back to the Planning Committee.

c) Within six 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 (where required):

- Affordable housing (subject to viability report)
- Pedestrian crossing on Colchester Road
- Improvements to bus stops in the vicinity of Colchester Road and Oatlands junction (these would include):
 - West bound stop – enter taper improved, circa 9m of the existing layby filled in and a 5m section of raised kerbing and a new exit taper.
 - East bound stop – relocated circa 15m to the east.
- Education contribution (subject to viability report)

d) 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 considered appropriate):

(i) Conditions:

1. Details of the appearance, access, layout, scale and landscaping (the reserved matters)
2. Application for approval of the reserved matters to be made within three years
3. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters
4. Development to contain a maximum of 20 dwellings
5. Existing and proposed site and finished floor levels
6. Details of all earthworks
7. Details of materials
8. Hard and soft landscaping
9. All hard and soft landscaping implementation
10. Development constructed in accordance with details contained within the Tree Report
11. Landscaping – Five year clause
12. Landscape/Public open space management plan
13. Ecological mitigation scheme and management plan
14. Details of boundary treatments
15. Details of refuse storage/collection points
16. Archaeology investigative and report works
17. Site lighting strategy
18. Sustainability report for reserved matters
19. Construction Method Statement, including details of hours of operation during construction.
20. Parking in line with adopted Parking Standards
21. Details of a surface water drainage scheme, including surface water swales
22. No dwellings/premises to be occupied until the surface water drainage strategy is carried out
23. Details of a foul water strategy
24. Unfettered vehicular, pedestrian and cycle access to be provided to land to the north, west and east of the site
25. Details of wheel cleaning facility
26. No occupation of the development until the following have been provided or completed:
 - A pedestrian crossing on Colchester Road at the western end of the village.
 - A residential travel plan

- Residential travel information packs
- Improvements to bus stops in the vicinity of Colchester Road/Oatlands junction. These would include:
 - West bound stop – enter taper improved, circa 9m of the existing layby filled in and a 5m section of raised kerbing and a new exit taper.
 - East bound stop – relocated circa 15m to the east.
- 27. Details of the estate road(s) and footways
- 28. Construction of carriageway(s) of the proposed estate road(s)
- 29. Internal estate road junction visibility splays
- 30. Vehicular turning facility for service and delivery vehicles
- 31. Details of new driveways and parking areas
- 32. Scheme for provision and implementation of water, energy and resource efficiency measures, during the construction
- 33. Details for the disposal of surface water
- 34. The development to comprise one and one-and-a-half storey dwellings only; and
- 35. Details of traffic-calming measures

e) That the Head of Planning (or the equivalent authorised officer) be authorised to refuse outline planning permission in the event that such legal agreement had not been completed within the period of six months, as the requirements necessary to make the development acceptable in planning terms had not been secured through S106 planning obligation, contrary to saved policies QL2, HG4, COM26 and QL12 of the Tendring District Local Plan (2007) and draft policies SD7 and PEO10 of the Tendring District Local Plan Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014);

The Committee stood adjourned between 7.54 p.m. and 8.02 p.m.

94. PLANNING APPLICATION – 14/01292/OUT - LAND TO THE WEST OF CHURCH ROAD, ELMSTEAD MARKET, CO7 7AR

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.

Mr David Poole, the Agent on behalf of the Applicant, spoke in support of the application.

It was moved by Councillor Nicholls, seconded by Councillor Johnson and unanimously RESOLVED that the Head of Planning be authorised to GRANT outline planning permission for the development, subject to:

a) Within six 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 (where required):

- Affordable Housing (subject to viability report)
- Education contribution
- Highway and Public Transport improvements
- Public open space contribution
- Completion and transfer of public open space, allotments and community facilities

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 considered appropriate):

(i) Conditions:

1. Details of the appearance, access, layout, scale and landscaping (the reserved matters)
2. Application for approval of the reserved matters to be made within three years
3. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters
4. Development to contain up to 20 dwellings
5. Details of materials
6. Hard and soft landscaping
7. All hard and soft landscaping implementation
8. Development constructed in accordance with details contained within the Tree Report
9. Landscaping – Five year clause
10. Landscape/Public open space management plan
11. Ecological mitigation scheme and management plan
12. Details of boundary treatments
13. Details of refuse storage/collection points
14. Archaeology investigative and report works
15. Site lighting strategy
16. Construction Method Statement, including details of hours of operation during construction.
17. Parking in line with adopted Parking Standards
18. Details of a surface water drainage scheme, including surface water swales
19. Footpath works to the north of the site
20. Detailed assessment of ground conditions of the land proposed for new playing field
21. Playing field to be used for outdoor sport and for no other purpose
22. Pitch shall be constructed and laid out in accordance with the standards and methodologies set out in the guidance note Natural Turf for Sport
23. Details of a management and maintenance scheme for the facility
24. Details of a community use scheme to be applied to the playing fields and community hall
25. Contamination investigation
26. Details of wheel cleaning facility
27. Prior to commencement of development, details of the following to be submitted and approved:
 - Upgrading of the two bus stops in the vicinity of the Colchester Road/Church Road/Clacton Road/School Road junction to current Highway Authority specification which may include but shall not be limited to real time passenger information
 - Possible improvements at and in the vicinity of the Colchester Road/Church Road/Clacton Road/School Road junction
28. No occupation of the development until the following have been provided or completed:
 - A priority junction off Church Road to include as a minimum 2no. 6 metre kerbed radii, 1no. footway and a 43 x 2.4 x 43 metre visibility splay
 - A minimum 4.8 metre wide carriageway in Church Road between the proposal site access and the private access located immediately south of 43, Church Road
 - Two new sections of minimum 1.5 metre wide footway along Church Road between the proposal site access and the private access located immediately south of 43, Church Road
 - The agreed details for upgrading of the two bus stops in the vicinity of the Colchester Road/Church Road/Clacton Road/School Road junction
 - The agreed details of improvements at and in the vicinity of the Colchester Road/Church Road/Clacton Road/School Road junction
29. Scheme to provide renewable energy and energy and water efficiency technologies to be used.
30. Layout and Phasing Plan and Programme

c) That the Head of Planning (or the equivalent authorised officer) be authorised to refuse outline planning permission in the event that such legal agreement had not been completed

within the period of six months, as the requirements necessary to make the development acceptable in planning terms had not been secured through S106 planning obligation, contrary to saved policies QL2, HG4 (where relevant), COM6, COM26 and QL12 of the Tendring District Local Plan (2007) and draft policies SD7, PEO22, PEO10 and KEY2 of the Tendring District Local Plan Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014); and

d) That reserved matters are reported back to the Planning Committee.

95. PLANNING APPLICATION - 14/01728/OUT - CHARITY FIELD, LAND SOUTH OF COLCHESTER ROAD, ELMSTEAD CO7 7ET

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.

Mr Joseph Greenhow, the Agent on behalf of the Applicant, spoke in support of the application.

It was moved by Councillor Nicholls, seconded by Councillor White and unanimously RESOLVED that:

1. The item stand DEFERRED to a future meeting of the Planning Committee to enable meaningful negotiations to be held and to address, specifically:

- The number of proposed dwellings and their height;
- Highways and position of access to the development;
- Community facility use; and

2. In consultation with the Chairman and Vice-Chairman of the Planning Committee, local Ward Councillors and the Portfolio for Planning and Corporate Services, the Head of Planning be authorised to instigate such negotiations.

96. PLANNING APPLICATION - 14/01663/FUL - LAND AT OLD HALL LANE, WALTON-ON-THE-NAZE, CO14 8LF

With reference to Minute No.90 (iv) (Declarations of Interest), Councillor Turner advised the Committee that as he wished to speak on the application in accordance with the provisions of the Council's Public Speaking Scheme, he would speak on the application and take no part in the subsequent discussion or voting thereon.

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 in respect of the application.

Councillor Turner, a local Ward Member, spoke in support of the application.

It was moved by Councillor Johnson, seconded by Councillor Scott and RESOLVED that the Head of Planning be authorised to REFUSE planning permission for the development, subject to the reasons for refusal as listed below and no new issues being raised as a result of the advertisement for development affecting the setting of a listed building, which

was due to expire on 6 March 2015.

Reasons for Refusal:

The National Planning Policy Framework required development to be sustainable and improve the character and quality of an area and the way it functioned. Where the Council could not demonstrate an adequate supply of housing, Paragraph 49 of the Framework advised that relevant development policies for the supply of housing should not be considered as up-to-date, and that the presumption in favour of sustainable development should apply to housing proposals. The Framework (at Paragraph 14) identified three dimensions to sustainable development: economic, social and environmental.

Whilst it can be argued that the proposal satisfied, to some degree, the economic and social limbs of sustainable development, the proposal conflicted with the environmental limb of sustainable development and the following policies in both the saved and emerging Local Plans for the following reasons.

1. Both the saved and emerging Local Plans stated that new dwellings would not be permitted outside the defined Settlement Development Boundary, and Policy SD5 in the emerging Local Plan goes further to state that with regard to outside settlement development boundaries, the Council would seek to protect and enhance the character and openness of the countryside by refusing planning permission for development on unallocated sites.
2. The site fell within the defined Coastal Protection Belt and contributed particularly to the open, coastal landscape character of the area. Policy EN3 of the saved plan and Policy PLA2 of the emerging plan state that within Coastal Protection Belts, the Council would seek to protect the open character of the undeveloped coastline and avoid development in vulnerable coastal areas by refusing planning permission for developments that did not have a compelling functional or critical operational requirement to be located there. Even where a compelling functional need was demonstrated, the development should not significantly harm the landscape character and quality of the undeveloped coastline. In this case, there was no overriding justification for the development within the Coastal Protection Belt.
3. Furthermore, Policy EN1 in the saved Local Plan and Policy PLA5 in the emerging Local Plan state that the quality of the District's landscape and its distinctive local character would be protected and, where possible, enhanced and any development, which would significantly harm landscape character or quality, would not be permitted. Development on this site would be contrary to the guidance contained in the Council's Landscape Character Assessment (November 2001), which advised that the overall strategy for the landscape area within which the site fell should be to maintain this area as a rural landscape forming the setting to Hamford Water. Additionally, the highly visible slope crests and skylines were particularly sensitive to further built development. The development of this site would also result in further incremental linear ribbon development, which would detrimentally alter the landscape and visual character of the area and was therefore contrary to the abovementioned policies.
4. There was potential for development to adversely affect the setting and therefore the significance of the adjacent Grade II Listed Navigation Tower at Walton Hall but there had been little information or evidence submitted with the application to enable this to be properly assessed. On this basis, and in accordance with the precautionary approach contained within the NPPF and Policy EN23 in the saved Local Plan and Policies PLA6 and PLA8 in the emerging Local Plan, development should be refused where there was potential to adversely affect the setting of a designated heritage asset.

5. Whilst the Council had less than a five-year supply of housing, it was not accepted that sites such as that subject of this application should be granted planning permission over other, potentially more suitable sites elsewhere, particularly where other policies indicated that development was not suitable. Furthermore, within the context of the housing needs of the District, the provision of five additional units was unlikely to amount to a substantial contribution.

It was therefore considered that the proposal did not meet the National Planning Policy Framework definition of sustainable development and conflicted with Local Plan policies by virtue of the overriding harm the proposal would cause to the coastal landscape character and open, undeveloped appearance of the site.

97. PLANNING APPLICATION – 14/01772/FUL – LEE WICK FARM, LEE WICK LANE, ST OSYTH CO16 8ES

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 three additional representations of objection received; and one letter from the applicant in support.

At the meeting, an oral presentation was made by the Council's Planning Development Manager in respect of the application.

Ms Emma Jezard spoke in support of the application.

Mr Raymond Stemp, spoke against the application.

Councillor White, a local Ward Member, spoke against the application.

With reference to Minute No.90 (v) (Declarations of Interest), Councillor White advised the Committee that as he wished to speak on the application in accordance with the provisions of the Council's Public Speaking Scheme, he would speak on the application and take no part in the subsequent discussion or voting thereon.

Mr Robert Clarke, the Applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Johnson, seconded by Councillor Turner and RESOLVED that planning permission be REFUSED, CONTRARY TO RECOMMENDATION BY OFFICERS, subject to the following reasons for refusal as listed below:

- Adverse impact on countryside, character and appearance; and
- Contrary to:
 - o NPPF Paragraphs 109 and 114
 - o Policies EN1, QL7, QL9 and QL11
 - o Draft Policies SD9 and PLA5

98. PLANNING APPLICATION – 14/01783/OUT – FAIRFIELDS, COLCHESTER ROAD, ARDLEIGH CO7 7PB

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.

Mr Nick Davey, the Agent on behalf of the Applicant, spoke in support of the application.

It was moved by Councillor Scott, seconded by Councillor Johnson and RESOLVED that the Head of Planning be authorised to GRANT outline planning permission for the development, subject to the following conditions, additional conditions 14 and 15, and informatives:

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
4. Details of boundary treatments
5. Vehicular access width to be 3.7m
6. No unbound materials to be used within 6m of highway boundary
7. Details of bridging/piping of ditch/watercourse required prior to development
8. Gradient of access not to be steeper than 4% (1 in 25) for first 6m from highway boundary and 8% (1 in 12.5) thereafter.
9. Details of a vehicular turning facility
10. All off street parking to be in accordance with current parking standards
11. Any garage with its door facing the highway to be at least 6m from the highway boundary
12. Details of bicycle storage
13. Provision of and adherence to a Construction Method Statement
14. Single storey
15. Details of visibility splay

Informatives:

1. Any fencing required, as part of the development should be chain-link or similar metal fencing with adjacent soft landscaping to screen the fence and to screen and enhance the appearance of the development. Close board or panel fencing would not be acceptable in this location; and
2. Standard highways informative

That reserved matters are reported back to the Planning Committee.

99. 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 unduly 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.

100. 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.

101. 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.

102. 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.

103. 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

104. 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.

105. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

106. 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.

107. 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.

108. URGENT MATTERS FOR DEBATE

There were none on this occasion.

109. URGENT MATTERS FOR DEBATE

There were none on this occasion.

