
SERVICE DEVELOPMENT AND DELIVERY COMMITTEE

18 JULY 2016

Present:- Councillor C W Griffiths (Chairman), Councillor V E Guglielmi (Vice-Chairman), Councillor M Fowler, Councillor J H P Hones, Councillor M D Miles, Councillor A Pemberton and Councillor M Skeels (Jnr)

Also Present:- Councillors Ferguson (Portfolio Holder for Tourism and Culture), G V Guglielmi (Portfolio Holder for Enforcement and Community Safety) and McWilliams (Portfolio Holder for Leisure, Health and Wellbeing)

In Attendance:- Head of Customer & Commercial Services (Mark Westall), Head of Sport & Leisure (Mike Carran) and Committee Services Officer (Janey Nice)

(7.30 p.m. - 9.04 p.m.)

7. ELECTION OF A VICE-CHAIRMAN OF THE COMMITTEE

Following the replacement of Councillor Ferguson as a member of the Committee by Councillor V E Guglielmi the Chairman invited nominations for the position of Vice-Chairman of the Committee.

Councillor Miles nominated Councillor V E Guglielmi seconded by M J Skeels Jnr and Councillor Hones nominated Councillor Fowler seconded by Councillor Pemberton. On putting it to the vote Councillor V E Guglielmi was appointed to the position of Vice-Chairman on the Chairman's casting vote.

8. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology was received from Councillor Yallop.

9. MINUTES OF THE LAST MEETING

The minutes were approved and signed as a correct record by the Chairman.

10. DECLARATIONS OF INTEREST

There were none.

11. CLACTON AIR SHOW BUSINESS PLAN

The Portfolio Holder for Enforcement and Community Safety (Councillor G V Guglielmi) informed the Committee that all safety precautions had been the responsibility of the Police and he would be having further briefings from the Council's Community Safety Officer (Leanne Thornton) although no matters of concern had been flagged up to date. He commented that the Police would have their own plans and the Police had always worked on community safety for the Clacton Air Show.

The Portfolio Holder for Leisure, Health and Well-being (Councillor McWilliams) informed the Committee of a recent Emergency Planning exercise based around the Clacton Air Show with the Coastguards, Police and Lifeguards and other concerned agencies and said she was amazed at how well the Emergency Plan system worked. She said the team were fully trained up for any contingency that could be foreseen.

A Member commented that it was impossible to account for all occurrences and suggested that large barriers could be put in place to stop vehicles driving down the Promenade. Councillor G V Guglielmi said that all such provisions would be on Police advice and other agencies. A Member commented that unlike the Shoreham Air Show the planes at the Clacton Air Show flew over the sea and not over the town.

The Chairman said that he was confident that all aspects of safety had been covered by this Council and prior to any event that any precautions that could be taken, actually were.

The Council's Head of Sport & Leisure (Mike Carran) informed Members that the arranging of the Clacton Air Show was the most joined up process that anyone could possibly imagine which started in April to discuss all issues, which included the testing of the Emergency Plan, working with the Marine Police, Essex Police, discussing specific safety issues in the week of the event. He said that at 8.00 a.m. on the days of the Air Show the people concerned had briefings to go through all issues.

Mr Carran informed the Committee that last year another Emergency Planning team from Jersey visited Tendring to see how the Council handled the Air show and were fascinated by the way the whole event was put together. He added that when the new Civil Aviation Authority (CAA) regulations were published last year after the Shoreham disaster, one of the core issues was the joined up working approach and when the team had gone through the regulations they found that had already being doing at least 80% of the new regulations. He said there were a lot of additional regulations and they had completed the Council's Air Show plans which had been sent to the CAA for approval. He added that a lot of work had gone into the plans, the Flight Director had already been approved and after the Shoreham tragedy, pilots were further briefed about not flying over Clacton Pier.

Mr Carran then introduced the Air Show Business Plan 2016 to the Committee and said that it was a five year plan and said it had come from reactions to internal debriefing, with briefing with all external partners and it was the intention to improve the Air Show from year to year.

Mr Carran said the Air Show was a wonderful event which was of a great economic benefit to the Tendring District and an economic impact study had shown that it was worth £7.5 million to the District in 2015, it was also estimated to sustain 105 full time equivalent jobs and also of increased media publicity to the District. He added that the Air Show had been very well attended with the Vulcan bomber being a major attraction and the cancellation of other Air Shows had also increased attendance in 2015.

Mr Carran said that the managing of costs was a huge deal as insurance costs were rocketing and had increased by £15,000 over the last few years, the Council worked on how to make money and save money. He said that some Air Shows elsewhere have had excessive costs while the Clacton Air Show had only cost Tendring £1,500 over the two days of the event.

Mr Carran informed the Committee that managing car park transport was an issue that needed to be made more efficient, over the last two years Tendring had Park and Ride from the Clacton Shopping Village, with an official Air Show car park and an additional Park and Ride from Holland-on-Sea. He added that an additional playing field with a vast area was available if required, also the Clacton Golf Club opened up for car parking in 2015 with 200 – 300 spaces. He said that a lot of Council staff were used as official Stewards over the two days and could be moved around to assist where most needed.

He added that tides will be perfect this year which would mean plenty of beach would be available for spectators. This year, he said there were air/sea regulations in place with the main issue in the new CAA guidance for a wider exclusion zone for flights, however while

the Council could manage the shore side the maritime exclusion zone had to be extended for spectators in boats. He informed the Committee a lot of other Air Shows over the last six months had been cancelled as they were held over land and would be almost impossible to hold an Air Show and under the new regulations.

Mr Carran said that sponsorship was another big issue for the Air Show team with them working to attract sponsors for the event. It was important he said that the Air Show was well promoted and the Council had produced a high quality programme and added that the income from programme sales had escalated year on year, over the last three years the income had increased from £12,000 to £40,000 for last year.

He said there would be a lot more Stewards in the town to attract more potential income, with the bucket collection working in conjunction with the programme sales, often buyers of the official programmes would put spare loose change into the buckets after purchasing their programme. He added that he had received comments last year that some people had been unable to donate as they had not seen a bucket Steward so this year an online donation line had been added to the Air Show website so people could still donate that way. He commented that Air Shows were the second most popular spectator event after football which showed how popular Air Shows were. A few years ago, he said, the Council had promoted a video for the Air Show on You Tube, the first year the video got 30,000 'hits' and he believed that this year the number of visits to You Tube would increase as time gets closer to the Air Show. The promotional video could be seen at: <https://www.youtube.com/watch?v=E4XoW-tZjmo>.

Mr Carran said that trade stands were the biggest source of funds with at least £50,000 in income and in the last 10 years all trade stand spaces had been sold out giving a positive message to traders. A Councillor asked what the cost of a trade stand was and Mr Carran informed her that the charges varied from £220 to £5,000 depending the style of the stand and whether large or small. He said that the cost had been driven upwards over the last five years and the team regularly checked to see what the market could stand on charges. He added that the more people who attended the Air Show, the more potential income would be raised.

Mr Carran informed the Committee that for the very first time in the history of the Air Show, there would be evening flights to celebrate 25 years of the event and said that this would enable a gap in the programme for spectators to enjoy the attractions of Clacton and visit the shops and restaurants before the evening event. He said the Air Show would finish with a spectacular firework display over Clacton Pier on the first day only.

With the outsourcing of the sponsorship area, it made a saving of around £1,600 per annum. The outside caterers made money as well as the Council. He added that it is hugely important that Council staff were freed up to help manage the event.

A Councillor commented the Air Show looked as if it would be bigger and better this year and congratulated Mr Carran and his team.

The Chairman thanked Mr Carran for his excellent presentation.

It was asked that the Cabinet NOTED: that

The Service and Development Committee were satisfied that safety and security arrangements were in place for the Clacton Air Show 2016.

12. REVIEW OF REFURBISHMENT OF SPORTS FACILITIES

The Portfolio Holder for Leisure, Health and Well-being) Councillor McWilliams handed over to Mr Carran to inform the Committee of the refurbishment of the Council's sports

facilities.

Mr Carran informed the Committee of two significant refurbishment schemes over recent months which were the Dovercourt swimming pool and Lifestyles suite and also Walton-on-the-Naze pool with a Lifestyles facility added.

He said that the Dovercourt pool had a very modern village changing area with the Lifestyles suite being moved down to the ground floor from the first floor.

He said it was a big part of the Council's Corporate Plan 2016 -2020 to deliver:

- high quality affordable services;
- promote healthier lifestyles and well-being;
- first rate leisure facilities; and
- promote tourism, culture and sport.

Mr Carran said it had been very difficult during the construction phase to keep the facilities running as it was intended that there would be no interruption to the service to the public. He said that at both Dovercourt and Walton pools had to have different changing facilities with Walton facing a bigger challenge with their changing rooms being outside in temporary accommodation. He added it had worked quite well during the work with only a few customers being lost, with Walton having a very little drop.

He said that before the refurbishment Dovercourt had been in a very poor shape and showed the Committee before and after pictures. He said that the Dovercourt swimming pool was in a lovely part of the town with the new gym looking across the bay and a new improved and welcoming reception on the way in.

.Mr Carran said that at the Walton pool the Council used the same architects to keep the buildings and style looking similar and again showed the Committee before and after pictures of the facilities of Walton pool. He said that both pools had village style changing rooms which were unisex with a changing area specifically for families which had proved a huge success. He added that the Lifestyles gym at the Walton pool was slightly smaller than the Dovercourt facility due to the available space. Until the refurbishment he said, there had never been a Lifestyle facility at Walton while the Lifestyles had been at Dovercourt for 12 years.

Mr Carran said it was important to move forward by developing facilities, by allowing more customers to use them and also controlling costs. He said that the staff structure had improved with the way it was managed and this free up more strategic management time, while this had been a difficult process everyone was now settled in and happy. Unfortunately he said that the business rates had increased as the Non Domestic Rate (NDR) was based on value which had increased significantly, now £42,000 and another additional cost had been the living wage which had added an extra £40,000 to running costs.

Mr Carran said diversification was looking at different ways of increasing income, for example the new coffee bar at Clacton Leisure Centre and the new gym at Walton which was proving really successful. He added that at Dovercourt the Council was using modern technology by customers using a pre-paid card to enter with no need to queue and other software was to go live allowing customers to join as members online. He also added that swimming lessons would be able to be booked online which would be an improvement on queueing in the hope of getting a space; the new software would not allow beginners to join an advanced class. In addition he said, the customers would be able to communicate with their teachers through an online portal which would also allow the teachers to communicate.

He said that membership income had accounted for around £800,000 per annum with customers using their membership fully, fees and charges prior to this year had been frozen and increased for the first time this year with some being in line with market forces.

Mr Carran said that data on the impact on income from Dovercourt Pool was available for the first 12 months with Walton only having information over the last three months. He said that at Dovercourt the income was up by 26% and at Walton by 23%. He informed the Committee that this was actually 26,000 more visitors to Dovercourt and on the same basis, Walton would have 36,000 more visitors, this meant a significant number of people were using the facilities at both sites.

Mr Carran said that the membership income was by far and away the biggest source of income and basing the forecast of last year's figure of £778,101, he estimated that the current year would bring an increase of around £100,000 extra. He said that a key part of the strategy was increasing the revenue stream without increasing staffing costs. Customers, he said, paid up front each month.

A Member asked about the Brightlingsea outside pool and Mr Carran said his chart was only about income on the indoor pools.

Mr Carran said he said that comments from customers had included that they had only taken up membership as the facilities had been upgraded and another said he went swimming 5 days a week which had completely changed his life around.

Mr Carran said that there was an accountability on Officers to reduce costs by driving business forward, there was a clear strategy in place. He said that when the Dovercourt pool was refurbished and the grass park was used for changing facilities customers had to take wellingtons with them.

Councillors asked various questions and made comments which included:

1. A Member asked what was the way forward? Mr Carran said he was looking for a bedding-in period with the new technology and developing new ideas;
2. Another Member said that she was getting great feedback from customers and thinks that the development at the pools was outstanding which encouraged the public into the facilities;
3. A few members had grumbled about the village style changing facilities and had complained but were now getting used to them; Mr Carran said that a particularly good job had been done at Walton and Councillor Miles said that she had been given a personal tour and that the staff were really enthusiastic, she said that everything was excellent and of a great credit to the Head of Sport and Leisure; and
4. A question was asked about promotion for parties which were apparently ad hoc at Walton;
5. Clacton needed improved air conditioning and Mr Carran said that funds had already been put aside for that work;

The Chairman said that the improvement at the facilities was major and that he often took his daughter and found the changing room facilities much better. He also liked the one card scheme and commented on the 0-10 children swimming card. Mr Carran said there was a membership card available for all of the activities; the more people who came in together meant more income. The Chairman asked how the activities were promoted and Mr Carran there was some promotion though obviously not enough

The Chairman thanked Mr Carran for two excellent and different presentations and wanted it put on record.

13. WORK PROGRAMME 2016/17

The Head of Customer and Commercial Services (Mark Westall) said that the issue of the Spendells and Honeycroft sheltered accommodation schemes would be back on the agenda for November. He added that the need for a site visit would need to be looked at along with a buildings report. He also suggested that all Ward Members and County Councillors should be also invited.

Councillor V E Guglielmi commented that she could be biased on this particular issue as she lived in part of the Honeycroft area. The Chairman said that he wanted as many people visiting the sites as possible as he wanted the Members to have their say as it was a way the Council would be looking at what could be done to improve the complexes. He added that it was not about making a profit but about what was going wrong and how to address that issue.

Councillor Miles said that she visited both Spendalls and Mead House on a frequent basis. The Chairman said that he wanted a report before a site visit so that they could all be aware of the issues before they made their visits.

It was asked if the Members could have an input to the work being done and the Chairman said that this was why he wanted all of the Committee to attend the site visits. Mr Westall said that the feasibility report was being done externally and there would be no input from in-house.

The Chairman commented he thought it would be fair for Ward Members to make some sort of representation although he knew it was an external commissioning report, he said perhaps there may be a part available in the report for ward representation before it came to Committee.

Mr Westall said that he would be happy for the Head of Housing (Tim Clarke) to talk to Ward Members and the Chairman said he would be happy for Ward Members of the relevant Parish or Town Council Councillors to come to the Committee meeting.

14. FORWARD PLAN

The Committee reviewed, and noted, the new items relevant to the terms of reference of the Committee, contained in the Forward Plan 176, in accordance with Overview and Scrutiny Procedure Rule 13.

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The Committee reviewed, and noted, the new items relevant to the terms of reference of the Committee, contained in the Forward Plan 174, in accordance with Overview and Scrutiny Procedure Rule 13.

16. ANY NEW ITEMS TO BE ADDED TO THE WORK PROGRAMME

There were none other than discussed in the item Review of the Year 2015/16 and Work Programme for the year 2016/17.

17. FORWARD WORK PROGRAMME

The Committee noted the items on the forward work programme and discussed the items which were due to be considered at the meeting of the Committee, scheduled for 28 January 2013. It was reported that the full Tourism and Regeneration Strategy was unlikely to be available for the meeting and the Chairman expressed his concern at the delay in bringing this matter before the Committee.

18. ANY OTHER ITEMS THE CHAIRMAN DECIDES ARE URGENT

There were none.

The meeting was declared closed at 10.03 p.m.

19. (A) PLANNING APPLICATION 11/00042/FUL AND (B) LISTED BUILDING CONSENT 11/00043/LBC

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 Anthony Edwards, local resident, spoke against the application.

Councillor J Mathews, on behalf of Wix Parish Council, spoke against the application,

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

Mr Russell Forde, the applicant's agent, spoke in support of the application.

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

RESOLVED – (a) That application 11/00042/FUL be approved subject to an informative being attached to the permission regarding retention of the Cockpit and subject to conditions providing:-

Conditions

- Standard three year time limit
- List of approved plans
- Parking to be provided prior to occupation
- Details of boundary treatments
- Landscaping
- New and replacement window and door details
- Method of reinstatement of rear wall following demolition of rear extension
- Samples of construction materials

Reason for approval

The change of use to a single dwelling, including internal and external alterations, is considered to be in accordance with the development plan policies listed. The public house has been adequately marketed and there is another public house within 800 metres of the site. The proposed alterations blend with the scale, form and design of the listed building, and respect its setting. Furthermore, owing to siting, scale and fenestration layouts, the proposed alterations would not reduce the amenities enjoyed by occupants of neighbouring properties, would not result in the loss of any significant trees and are acceptable in terms of highway safety and convenience.

RESOLVED – (b) That application 11/00043/LBC be approved subject to conditions

providing:-

Conditions

- Standard three year time limit
- List of approved plans
- Details of boundary treatments
- Landscaping
- New and replacement window and door details
- Method of reinstatement of rear wall following demolition of rear extension
- Samples of construction materials

Reason for approval

The change of use to a single dwelling, including internal and external alterations, is considered to be in accordance with the development plan policies listed. The proposed alterations blend with and compliment the scale, form and design of the listed building, and respect its setting.

20. PLANNING APPLICATION 11/00984/FUL

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 refusal with reasons.

Councillors Candy and G V Guglielmi declared a personal interest in the application as Ward Members and remained in the meeting.

Councillor G V Guglielmi, as Ward Member, spoke in support of the application.

The applicant, Mr Neil Ellis, spoke in support of the application.

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

RESOLVED – That application 11/00984/FUL be approved contrary to the officers' recommendation subject to such conditions as the Temporary Head of Planning considers appropriate in consultation with the Chair or Vice-Chairman and the Planning Portfolio Holder.

Conditions: (decided subsequent to the meeting in accordance with the above resolution)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted drawings numbered NE/002/02 Revised, NE/002/04 Revised and NE/003/05 Revised.

Reason - For the avoidance of doubt and in the interests of proper planning.

3. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not

commence until conditions (1) to (4) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

(1) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(2) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(3) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(4) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition (1), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (2), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition (3).

(5) Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 2 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy COM10 of the adopted Tendring District Local Plan (2007).

4. Notwithstanding the submitted details, no development shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction of the dwellings and garages have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

Reason - The site is publicly visible and therefore quality materials are an essential requirement. Insufficient information has been submitted within the application for full consideration of these details.

5. No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2005 - Trees in Relation to Construction."

Reason - To ensure that the development compensates visually for the loss of open area and soft landscaping and to ensure that the site has a satisfactory appearance in the interest of visual amenity, in accordance with Policies QL9 and QL11 of the Tendring District Local Plan.

6. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure that the development compensates visually for the loss of open area and soft landscaping and to ensure that the site has a satisfactory appearance in the interest of visual amenity, in accordance with Policies QL9 and QL11 of the Tendring District Local Plan.

7. No development shall take place until precise details of the provision, siting, design and materials of screen walls and fences have been submitted to and approved in writing by the Local Planning Authority. The approved screen walls and fences shall be erected prior to the hereby approved dwelling being occupied and thereafter be retained in the approved form.

Reason - The site is publicly visible and therefore quality materials are an essential requirement. Insufficient information has been submitted within the application for full consideration of these details.

8. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A and B of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of the amenities of the occupants of neighbouring properties.

9. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no provision of buildings, enclosures, swimming or other pool shall be erected except in accordance with drawings showing the design and siting of such building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of the amenities of the occupants of neighbouring properties.

10. Prior to the occupation of the proposed development, the access to the existing and proposed dwelling shall be provided in strict accordance with the details shown in drawing number NE/002/02/REVISED and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

Reason: To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

11. Prior to the proposed access being brought into use, vehicular visibility splays of site maximum by 2.4m by site maximum, as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access

and shall be maintained in perpetuity free from obstruction clear to ground.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

12. The development shall not be occupied until such time as the car parking area, indicated on the approved plans has been hard surfaced. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

13. No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m. of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

14. Prior to commencement of the proposed development, a vehicular turning facility, of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose.

Reason: To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

15. All new driveways and parking areas shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling.

Reason - In the interests of sustainable development and to ensure that run-off water is avoided to minimise the risk of surface water flooding.

Reason for approval:

This site lies outside of any defined settlement limits in the Tendring District Local Plan (2007) where planning permission for new residential development would not normally be permitted being contrary to the guidance in PPS1 (Delivering sustainable Development), PPS3 (Housing), PPS4 (Planning for sustainable economic growth), PPS7 (Sustainable Development in Rural Areas) and Local Plan policies that seek to secure sustainable development and protect the amenities and character of the countryside. Policy QL9 requires that all new development relates satisfactorily to its surroundings in terms of siting, appearance in the locality and relationship with neighbouring properties.

However, the site lies within a line of loosely spaced residential development along the Clacton Road that forms the hamlet of Horsley Cross Street. The proposed development, would, therefore, not be isolated from existing residential development. The application site comprises the car park of the adjacent public house that has planning permission for conversion to residential use. The proposals would, therefore, bring about material improvements to the street scene and to the environment within the local area. Having regard to this pattern of existing development and the improvements the development would bring about the local planning authority considers that, on balance and subject to

compliance with the conditions attached to this permission the development is acceptable. Furthermore, the proposal would not reduce the amenities enjoyed by occupants of neighbouring properties and would not have a materially adverse impact upon the character of the surrounding area or be detrimental to highway safety.

21. PLANNING APPLICATION 11/00628/FUL

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.

Councillor Nicholls declared a personal interest in the application as one of the Ward Members and remained in the meeting.

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

RESOLVED – That application 11/00628/FUL be approved subject to conditions regarding:-

- Time Limit
- Materials
- Soft Landscaping Scheme Implementation
- Hard Landscaping Submission
- Porous Driveway
- Access Layout
- Pedestrian Visibility Splays
- Unbound Materials
- Siting of Gates
- Front Hedgerow Siting
- Contaminated Land Survey
- Trees Protection Measures
- Protected Species Mitigation Measures
- Approved Plans

Reason for Approval

In approving this application the local planning authority has taken account of the development plan policies and/or proposals listed above. The quality of the design, the enhancement to the setting to the adjacent listed building and the significantly reduced intensive use of the site outweighs the fact the site is located outside of the defined development boundary. Residential development on this plot would not seriously undermine the council's housing settlement policies and would not set a harmful precedent for the surrounding area. Furthermore, neighbouring amenity is not adversely affected and the impact on highway safety is acceptable.

22. PLANNING APPLICATION 11/00823/FUL

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 refusal with reasons.

Councillors Candy and G V Guglielmi declared a personal interest in the application as Ward Members and remained in the meeting.

Mr Tim Snow, the applicant's agent, spoke in support of the application.

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

RESOLVED – That application 11/00823/FUL be approved contrary to the officers' recommendation subject to such conditions as the Temporary Head of Planning considers appropriate in consultation with the Chair or Vice-Chairman and the Planning Portfolio Holder.

Conditions: (decided subsequent to the meeting in accordance with the above resolution)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on drawing no. 652/04A and 652/03A.

Reason - For the avoidance of doubt and in the interests of proper planning.

3. The site shall only be open for deliveries or for the movement of goods into and out of storage between the hours of 8:00am and 17:30pm Monday to Saturday and no working on Sundays or Public Holidays. The hereby permitted sales use shall only operate between the hours of 09:00am and 17:30pm Monday to Saturday and 11:00am to 16:00pm on Sundays and Public Holidays.

Reason - In the interests of neighbouring residential amenity.

4. This permission shall only authorise the use of the premises in the manner described in the application and no sub-division of the premises to form additional units shall be carried out without the express consent of the Local Planning Authority first having been obtained on an application made in that behalf.

Reason - To ensure the development is satisfactory in relation to the premises and its surroundings and neighbouring residential amenity.

5. No floodlighting or external illumination shall be installed unless details of the illumination scheme have been submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details.

Reason - In the interests of amenity to reduce the impact of night-time illumination on the character of the area and upon residents living close to the site.

6. No development shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

Reason - The application site is publicly visible and therefore suitable materials are required in order to maintain the character and appearance of the countryside location of the site.

7. Notwithstanding the submitted details, no development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of

hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2005 - Trees in Relation to Construction."

Reason - The site lies in the countryside and it is considered an essential part of the development to retain and reinforce landscaping of the site to safeguard the countryside character.

8. All changes in hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure that the approved landscaping scheme is provided and maintained for an appropriate period in the interests of the visual amenity and character and appearance of the countryside.

9. Prior to the commencement of the proposed development, details of an on site parking facility for construction workers and vehicles, a loading and unloading area for demolition and construction materials and a turning facility suitable for the largest vehicle attracted to or generated by the sites activities during the demolition and construction phases being provided entirely clear of the limits of the highway, shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety.

10. Prior to the commencement of the proposed development, details of a wheel and underbody cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority and that facility shall be maintained during the periods of demolition / construction.

Reason - To ensure that loose materials and spoil are not brought out onto the highway, in the interests of highway safety.

11. Prior to commencement of the proposed development, loading, off-loading and manoeuvring facilities for service and delivery vehicles, the details of which shall be approved in writing by the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose.

Reason - To ensure that the adjoining highway is not obstructed by servicing activity, in the interests of highway safety.

12. Prior to commencement of the proposed development, car parking facilities for employees and visitors, in accordance with a scheme to be approved in writing by the Local Planning Authority, shall be provided and maintained for that sole purpose.

Reason - To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

13. Unless otherwise agreed by the Local Planning Authority, development other than

that required to be carried out as part of an approved scheme of remediation must not commence until conditions (1) to (4) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (4) has been complied with in relation to that contamination.

(1) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(2) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(3) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the

remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(4) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition (1), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (2), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition (3).

(5) Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 2 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy COM10 of the adopted Tendring District Local Plan (2007).

Reason for approval:

This proposal is for a new building to replace existing buildings that have lawful use for business purposes, including retail sales. The main policy considerations are QL9, QL11, ER7 and EN1 of the Tendring District Local Plan (2007) and the guidance in PPS4. The proposed building would have some impact on the locality, but having taken into account the poor condition and appearance of the existing buildings and the lawful use of the site for car breaking and repairs, and the quality and design of the proposed building the Local Planning Authority considers, on balance, that the proposal is acceptable subject to compliance with the conditions attached to this permission. The proposal will protect existing employment and create further employment opportunities in this rural location and would accord with the principles for economic development set out in PPS4. The development would also extinguish an un-neighbourly use that has significantly greater adverse impact on the countryside and is not subject to planning controls over its operation.

23. URGENT ITEM

PLANNING APPLICATION 11/00037/FUL – LAND ADJ. 142 HARWICH ROAD, MISTLEY – CONSTRUCTION OF 15 AFFORDABLE RURAL DWELLINGS WITH ASSOCIATED PARKING, CARPORTS, CYCLE STORES AND NEW VEHICULAR ACCESS

The Committee was informed that a further extension of time for completion of a legal agreement was required until 18 November 2011 (minute 22, 28/6/11 and minute 51, 23/8/11 referred).

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

RESOLVED – That the time be extended accordingly.

24. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

25. 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.

26. 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.

27. URGENT MATTERS FOR DEBATE

There were none on this occasion.

28. URGENT MATTERS FOR DEBATE

There were none on this occasion.

Chairman