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**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE HELD ON****TUESDAY 8 OCTOBER 2013 AT 6.00 P.M.****IN THE COUNCIL CHAMBER, COUNCIL OFFICES, WEELEY**

- Present:** Councillors Heaney (Chairman), Challinor (Vice-Chairman), Brown, Howard, Johnson, McLeod, G L Mitchell, Nicholls, Simons, Turner and White
- Also Present:** Councillors De-Vaux Balbirnie (items 40 - 48), Bucke, Cossens and Powell
- In Attendance:** Head of Planning (Catherine Bicknell), Planning Development Manager (Clare David), Senior Solicitor (Michael Gibson-Davies), Senior Planning Officer (Alison Taylor) (items 40 – 48) Communications Manager (Nigel Brown) and Democratic Services Officer (Michael Pingram)

**40. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Councillor Candy (with Councillor Nicholls substituting), Councillor Fawcett (with Councillor Turner substituting) and Councillor G V Guglielmi as Portfolio Holder for Planning and Corporate Services.

**41. MINUTES OF THE LAST MEETING**

Subject to noting, with respect to Minute 38, that Councillor Fawcett had been absent from the meeting during part of the item and consequently the Chairman had ruled that he could not vote on the determination of application 13/00209/FUL, the Minutes of the meeting of the Committee held on 17 September 2013 were approved as a correct record and signed by the Chairman.

**42. DECLARATIONS OF INTEREST**

Councillor Turner declared an interest as Town Councillor and Ward Member in Planning Application 11/00796/OUT, Land at Wittonwood Road, Frinton-on-Sea, and declared a personal interest in Planning Application 12/01084/FUL, Parkers Farm Land Adjacent Kirby Hall, Mumford Lane, Kirby Le Soken.

Councillor Johnson declared an interest as a Town Councillor in Planning Applications 11/00796/OUT, Land at Wittonwood Road, Frinton-on-Sea, and 12/01084/FUL, Parkers Farm Land Adjacent Kirby Hall, Mumford Lane, Kirby Le Soken.

Councillor Johnson also declared a personal interest in Planning Application 12/01084/FUL.

Councillor Cossens also declared an interest as Town Councillor and Ward Member in Planning Application 12/01084/FUL as well as declaring a personal interest by virtue of the fact of knowing the applicant, providing the applicant with soil fertility advice and that he had an involvement with the applicant's farm land.

**43. PLANNING APPEALS AND APPEALS DECISIONS**

The Committee noted the contents of a report (submitted for information only) which provided details of recent planning appeals and appeal decisions.

**44. PLANNING APPLICATION - 12/00428/CON - THORN QUAY WAREHOUSE, HIGH STREET, MISTLEY, MANNINGTREE, CO11 1HB**

The Committee had before it the published Officer report containing the key planning issues (including the status of the Conservation Area Management Plan, views into and out of the Area of Outstanding Natural Beauty, Environmental Impact and Appropriate Assessment screening opinions and the public benefit afforded by the proposal), relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval. At the meeting, aerial images of the site were also displayed.

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

**RESOLVED** that the Head of Planning be authorised to grant Conservation Area Consent for the development subject to:-

- (a) Approval of associated planning application 12/00427/FUL within 6 months of the date of the Committee's resolution to approve.
- (b) 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 (or the equivalent authorised officer) in their discretion considers appropriate).

**Conditions:**

- 1. Standard 3 year time limit for commencement.
  - 2. Details of demolition method statement (to include dust and noise control measures; demolition parking, wheelwash and underbody cleaning, loading and turning facilities; and removal and disposal of contaminated material).
  - 3. Demolition shall not commence unless and until a contract for the carrying out of the building works for the redevelopment of the site has been made, and planning permission has been granted for the redevelopment for which the contract provides, and a copy of that contract containing timescales for development has been supplied to the Local Planning Authority.
  - 4. No demolition or preliminary groundworks shall occur until a programme of archaeological work has been submitted and approved.
  - 5. No demolition work shall take place outside the hours of 09:00 to 18:00 Monday to Friday, and 09:00 to 13:00 Saturdays, and at no time on Sundays and public holidays.
- (c) The Head of Planning be authorised to refuse Conservation Area Consent in the event that planning application 12/00427/FUL is not approved within 6 months of the Committee's resolution to approve, as the requirements necessary to make the development acceptable in planning terms had not been secured.

**45. PLANNING APPLICATION - 12/00427/FUL - THORN QUAY WAREHOUSE, HIGH STREET, MISTLEY, MANNINGTREE, CO11 1HB**

The Committee had before it the published Officer report containing the key planning issues (including the status of the Conservation Area Management Plan, views into and out of the Area of Outstanding Natural Beauty, Environmental Impact and Appropriate Assessment screening opinions and the public benefit afforded by the proposal), relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval. At the meeting, aerial images of the site were also displayed.

An update sheet was circulated to the Committee prior to the meeting with details of an additional policy.

Mr David Thompson, the applicant, spoke in favour of the application.

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

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

- (a) Within 6 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:
- Clawback clause to ensure that any future increase in the predicted sale value of the development can be recouped and used for the contributions which should apply to the development as detailed at paragraphs 6.39-6.41 of the Officers report. If development has not commenced within 18 months the viability will have to be reassessed, and again at 3 years if the development has not been completed.
- (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 their discretion considers appropriate).

**Conditions:**

1. Standard 3 year time limit for commencement.
2. Development in accordance with submitted plans.
3. No demolition or preliminary groundworks shall occur until a programme of archaeological work has been submitted and approved.
4. Samples of facing, roofing and surfacing materials.
5. Ecological Assessment mitigation to include provision of swift nests and bat roosts.
6. Operating hours of warehouse and office restricted to 8.30am to 6pm Monday to Friday, 9am to 1pm Saturdays and no working on Sundays or public holidays.
7. The hereby approved warehouse shall only be used for B8 (storage and distribution) and for no other purpose including any other purpose in Class B8 or B1.
8. No goods, materials or containers shall be stored, stacked or deposited on the site outside the buildings, nor shall any commercial activities or processes (except for the loading and unloading of vehicles) be carried on outside the buildings.
9. Details of a Flood Evacuation Plan for both businesses and dwellings.
10. Details of water, energy and resource efficiency measures during construction and occupation.
11. No demolition work shall take place outside the hours of 09:00 to 18:00 Monday to Friday, and 09:00 to 13:00 Saturdays, and at no time on Sundays and public holidays.
12. No construction work shall take place outside the hours of 07:00 to 19:00 Monday to Friday, and 08:00 to 13:00 Saturdays, and at no time on Sundays and public holidays.
13. Details of permeable surfacing/surface water drainage.
14. Car, motorcycle and cycle parking as shown on submitted plans to be provided prior to occupation and retained thereafter.
15. Details of on site parking for demolition and construction workers, vehicles, loading and unloading and turning facilities.
16. Details of wheel and underbody cleaning facility.
17. Demolition and Construction Management Plan.

18. Vehicular access alterations and improved pedestrian facilities to be provided prior to occupation.
19. Details of Transport Information and Marketing Scheme for sustainable transport (green travel pack).
20. Prior to commencement of development two bus stops and shelters, level entry kerbing, posts and flags and any accommodation works to the highway shall be provided between the junction of New Road and the High Street and the High Street and School Lane.
21. Monitoring of methane and other hazardous gases.
22. Removal and disposal of contaminated material.
23. Obscure glazing facing No 1 Maltings and third floor privacy screens to balconies to be erected prior to occupation and retained thereafter.
24. Glazing, air brick, trickle vent, and balcony screens and soffits specification as per noise survey.
25. Landscaping details for communal gardens and hard surfacing.
26. Details of existing and proposed site levels and finished floor, eaves and ridge heights in relation to neighbouring property.
27. Details of any external lighting.
28. Remove permitted development rights for solar panels on visible roof slopes.
29. The storage of refuse and/or waste shall be provided within the bin stores shown on the submitted plans and shall be provided before the first occupation of the building and shall thereafter be retained as such at all times.

(c) The Head of Planning be authorised to refuse planning permission in the event that such legal agreement has 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 COM6, HG4 and QL12 of the Tendring District Local Plan (2007) and draft policies SD7, PEO10 and PEO22 of the Tendring District Local Plan Proposed Submission Draft (2012).

**46. PLANNING APPLICATION - 13/00897/OUT - LAND ADJACENT TO ROSEDENE ROXBURGH ROAD, WEELEY, CO16 9DU**

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, together with aerial images of the site.

An update sheet was circulated to the Committee prior to the meeting with details of an additional Parish Council objection, two additional neighbour letters of support, one additional letter of objection and an additional neighbour comment received.

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

Mr John Roberts, the applicant, spoke in favour of the application.

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

**RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development subject to:-

(a) Within 3 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 matter:

- Public Open Space Provision

(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 (or equivalent authorised officer) considers appropriate).

**Conditions:**

1. Standard time limit for commencement and submission of reserved matters condition (access, appearance, landscaping, layout and scale).
2. Construction Method Statement (providing details of parking, loading, turning, wheel and under body washing and storage of plant and materials during construction period).
3. Tree protection measures as detailed in submitted Arboricultural Impact Assessment.

(c) The Head of Planning (or the equivalent authorised officer) be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of three months, as the requirements necessary to make the development acceptable in planning terms had not been secured through S106 planning obligation, contrary to saved Local Plan policy COM6 and draft Local Plan policy PEO22.

At the request of Councillor Challinor it was agreed that any reserved matters application should be referred to Planning Committee.

**47. PLANNING APPLICATION - 13/00927/FUL – EASTERLY, THORPE ROAD, WEELEY, CLACTON ON SEA, CO16 9JL**

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, together with aerial images of the site.

An update sheet was circulated to the Committee prior to the meeting with details of highways comments on the amended parking plan and one additional neighbour letter of objection.

Mr Tony Cosby, a local resident, spoke against the application.

Mr Steve Norman, the agent, spoke in favour of the application.

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

**RESOLVED** that the application be refused contrary to the Officer recommendation for the following reason:

Contrary to Policies PEO16 and SD1 due to the inappropriate backland location of the proposal in close proximity to neighbouring and nearby residential properties which would result in an adverse environmental impact by way of unacceptable levels of disturbance on the residential amenities of those properties by virtue of an intensified use of the access and parking areas arising from more vehicle movements; changes to the vehicle types and hours of use.

**48. ADJOURNMENT**

The Chairman adjourned the meeting at 7.26 p.m. and it resumed at 7.33 p.m.

**49. PLANNING APPLICATION - 12/01086/FUL - R M C ROSE FARM QUARRY THORPE PARK LANE, THORPE LE SOKEN, CO16 0HN**

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, together with aerial images of the site.

An update sheet was circulated to the Committee prior to the meeting with details of report updates, additional conditions, consultations and two additional neighbour letters.

The following people spoke against the application: Mr Doug Roberts, a local resident, Mr James Ewart, a Parish Councillor for Thorpe-Le-Soken, and Councillor Powell, as Ward Member. Mr Tim Snow, the applicant's agent, spoke in favour of the application.

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

**RESOLVED** that the application be deferred to allow the submission of the following additional information:

1. Surface and foul water drainage – incorporating SUDs;
2. Landscaping - including retention of hedgerow and enhancements plus details of the quality of the top soil to be imported;
3. Existing and proposed site levels – including the amount of top soil importation;
4. Contamination and remediation reports and;
5. Phasing plan – to control the built development and engineering operations.

**50. SECOND ADJOURNMENT**

The Chairman adjourned the meeting at 8.25 p.m. and it resumed at 8.30 p.m.

**51. PLANNING APPLICATION - 11/00796/OUT - LAND AT WITTONWOOD ROAD, FRINTON-ON-SEA, CO13 9LB**

Further to Minute 42, Councillor Turner had declared an interest in this application as Town Councillor and Ward Member and Councillor Johnson had declared an interest as a Town Councillor.

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, together with aerial images of the site.

An update sheet was circulated to the Committee prior to the meeting with details of amendments to proposed conditions and an updated informative.

Mr Richard Bray, the applicant, spoke in favour of the application.

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

**RESOLVED** that the application be deferred for no more than three months to enable Officers to negotiate the following issues with the applicant:

1. The proposed point of access – investigate the possibility of utilising the existing access onto Wittonwood Road or an in – out arrangement;
2. The provision of built affordable housing units on the site;

3. The provision of an area of land within the site for a children's playground;
4. Drainage – to include SUD's and ;
5. Landscaping to include secured by design measures.

At the request of Councillor Challinor it was agreed that any reserved matters application should be referred to the Planning Committee.

**52. PLANNING APPLICATION - 12/01084/FUL - PARKERS FARM LAND, ADJACENT KIRBY HALL, MUMFORD LANE, KIRBY-LE-SOKEN, CO13 0EF**

Further to Minute 42, Councillor Johnson had declared a personal interest in this application and also declared an interest as a Town Councillor. Councillor Turner had also declared a personal interest in this application.

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, together with aerial images of the site.

Councillor Cossens spoke as a Ward Member and indicated that he also spoke as a Frinton and Walton Town Council Member for the Kirby-Le-Soken Ward and also declared his interest by explaining that he had known the applicant and his family for many years, provided the applicant with soil fertility advice and had an involvement with the applicant's farm land.

Mr Peter LeGrys, the applicant's agent, spoke in favour of the application.

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

**RESOLVED** that the application be approved contrary to the Officer recommendation subject to a condition to restrict the occupation of the dwelling to farm manager's accommodation and other conditions delegated to the Head of Planning (or equivalent authorised Officer) at their discretion.

**53. PLANNING APPLICATION - 12/01126/FUL - LANDMARK HOUSE, FRATING ROAD, GREAT BROMLEY, CO7 7JN**

It was moved by Councillor Heaney, seconded by Councillor Turner and:

**RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development subject to:-

**Conditions:**

1. Standard 3 year time limit for commencement.
2. Development in accordance with submitted plans.

**54. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT**

There were none.

The meeting was declared closed at 9.39 p.m.

**Chairman**