
MINUTES OF THE MEETING OF THE PLANNING COMMITTEE HELD ON**TUESDAY 7 JANUARY 2014 AT 6.06 P.M.****IN THE COUNCIL CHAMBER, COUNCIL OFFICES, WEELEY**

Present: Councillors Heaney (Chairman), Challinor (Vice-Chairman), Brown, Candy, Fawcett, Johnson, McLeod, G L Mitchell, Simons and White.

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

In Attendance: Chief Executive (Ian Davidson), Corporate Director (Public Experience) (June Clare), Head of Planning (Catherine Bicknell), Communications Manager (Nigel Brown), Democratic Services Officer (Michael Pingram), Engineering Services Manager (Mike Badger), Planning Development Manager (Clare David) and Senior Solicitor (Michael Gibson-Davies).

72. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Howard.

73. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee held on 3 December 2013 were approved as a correct record and signed by the Chairman.

74. DECLARATIONS OF INTEREST

Councillor Johnson declared a non-pecuniary interest in Planning Application 11/00796/OUT as a Frinton and Walton Town Councillor.

Councillor Turner declared a personal interest in respect of Planning Application 11/00796/OUT as the Local Ward Member and a Frinton and Walton Town Councillor.

Councillor De-Vaux Balbirnie declared a non-pecuniary interest in respect of Planning Application 13/01275/FUL as a Local Ward Member.

Councillor Turner declared a non-pecuniary interest in Planning Application 13/01195/FUL as the Council's Portfolio Holder with responsibility for the scheme.

75. 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.

76. PLANNING APPLICATION – 11/00796/OUT – LAND AT WITTONWOOD ROAD, FRINTON-ON-SEA, ESSEX, C013 9LB

The Committee had before it the published officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

An update sheet was circulated to the Committee prior to the meeting with details of an additional condition, Town Council objection comments and an additional objection letter received.

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

After questions had been answered by the Planning Development Manager and debate and discussion by the Committee, it was moved by Councillor Johnson, seconded by Councillor White and:

RESOLVED that the application be refused.

Officers advised the Committee that it was necessary for the Committee to give reasons for refusing an application contrary to the Officer recommendation. The Senior Solicitor advised that it was not appropriate for the Committee to refuse the application without also at least passing a resolution identifying the reasons for its decision. A discussion by the Committee ensued and some proposed reasons were put forward by a Member or Members of the Committee, at least some of which officers advised were not pertinent to the consideration of the outline application and could not be sustained on appeal.

The Committee was advised that it was open to them, if so minded, to reconsider the resolution, provided that a formal resolution to set aside the resolution to refuse the application was first passed.

After further discussion by the Committee, it was moved by Councillor Heaney, seconded by Councillor White and:

RESOLVED that the above resolution to refuse the application be set aside.

It was then moved by Councillor Candy, seconded by Councillor Johnson and:

RESOLVED that: (a) 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

- Affordable Housing Provision; and
- On-site Play Space Provision.

(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 considers appropriate).

(i) **Conditions:**

1. Details of the appearance, landscaping, layout, access and scale, (hereinafter called "the reserved matters")
2. Application for approval of the reserved matters
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. Existing and proposed site and finished floor levels
5. Samples of the materials
6. Hard and soft landscaping
7. All hard and soft landscaping implementation
8. Landscaping - Five year clause
9. Tree protective measures
10. As per requirements of the Arboricultural report shown on the Tree Protection Plan
11. As requested by the Highway Authority
12. Boundary treatments

13. Details of Refuse storage/collection areas
14. Permeable surfacing
15. Scheme to provide renewable energy and energy and water efficiency technologies to be used
16. Construction Method Statement
17. Detail of any attenuation facility to collect storm water
18. Details of foul water strategy
19. Detail of surface water management strategy
20. Erection of 1.8m close-boarded fence on northern boundary of site
21. Double glazing with Weighted Sound Reduction Index (Rw) of at least 33dB to all habitable rooms
22. Further submission of ecology/reptile/bat survey
23. Limit maximum building heights at 10.5 metres above ground level for three-storey buildings, and 9.5 metres above ground level for two-storey buildings
24. Maximum up to 37 dwellings within the site
25. Type-3 asbestos survey of the buildings on site
26. Post demolition ground assessment of the site for contamination
27. Broadband provision
28. Play-space size to be a minimum of 100 square metres

- (c) 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 COM6 and HG4 of the Tendring District Local Plan (2007), Policies PEO22 and PEO10 of the Tendring District Local Plan Proposed Submission Draft (2012), and the aims and objectives of the National Planning Policy Framework.
- (d) Members requested that Section 106 discussions included a preference for the affordable units to be transferred to the Council
- (e) An informative to invite pre-application discussions to include Member involvement before the submission of any reserved matter application which will provide advice on the access; layout; design; scale and external appearance of the development.

It was agreed that any reserved matters application should be referred to Planning Committee.

77. PLANNING APPLICATION – 13/01206/FUL – 15 THE CHASE, HOLLAND-ON-SEA, CLACTON-ON-SEA, ESSEX, CO15 5PU

This item was withdrawn from the Committee agenda before the meeting to enable officer(s) to issue a decision notice to approve planning permission under delegated powers.

78. PLANNING APPLICATION – 13/01275/FUL – TUDOR LODGE CLACTON ROAD, WEELEY, ESSEX, CO16 9EF

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 updated details of the alterations from the approved plans and a letter of objection received.

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

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

RESOLVED that the application be deferred and be brought back to a future Planning Committee meeting to enable officers to negotiate with the applicant with a view to making changes to the first floor bedroom window in the side (north east) elevation in order to prevent the unacceptable overlooking of the residential property and garden area of the next door property.

79. PLANNING APPLICATION – 13/01195/FUL – SEA DEFENCES, MARINE PARADE EAST, CLACTON-ON-SEA, ESSEX, CO15 5AG

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 two consultation responses received.

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

Councillor Turner, as Portfolio Holder, spoke in favour of the application.

Following discussion by the Committee, it was moved by Councillor McLeod, seconded by Councillor Candy and:

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

1. Standard time limit of three years
2. In accordance with the submitted drawings
3. Highways conditions requiring a construction management plan and retention of footway clear of obstruction
4. Construction Environmental Management Plan/Traffic Management Plan to be agreed: including details of compound areas; lighting; waste management; emission control; noise and vibration; and construction traffic routing (where relevant).

80. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

The meeting was declared closed at 7.50 p.m.

Chairman