

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE HELD ON
TUESDAY 4 MARCH 2014 BEGINNING AT 6.00 P.M.**

IN THE COUNCIL CHAMBER, COUNCIL OFFICES, WEELEY

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

Also Present: Councillors G V Guglielmi (Planning and Corporate Services Portfolio Holder), McWilliams and Pugh.

In Attendance: Corporate Director (Public Experience) (June Clare), Planning Development Manager (Clare David), Inward Investment and Business Liaison Manager (Sally Looker), Senior Solicitor (Michael Gibson-Davies), Senior Planning Officer (Alison Taylor), Communications Manager (Nigel Brown) and Democratic Services Officer (Michael Pingram).

107. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Candy (with Councillor Turner substituting) and Councillor Howard.

108. MINUTES OF THE LAST MEETING

The minutes of the meetings of the Committee held on 21 January 2014 and 4 February 2014 were approved as correct records and signed by the Chairman.

109. DECLARATIONS OF INTEREST

Councillor Challinor declared a non-pecuniary interest in Planning Application 14/00023/FUL by virtue of the fact she was a local Ward Member.

Councillor McWilliams declared a non-pecuniary interest in Planning Application 13/01320/FUL by virtue of the fact she was a local Ward Member.

Councillor G V Guglielmi declared a non-pecuniary interest in Planning Applications 12/00428/CON and 12/00427/FUL by virtue of the fact he was a local Ward Member.

Councillor Turner declared a non-pecuniary interest in Item A1 (Local Development Order Report) by virtue of the fact he was the decision maker.

110. LOCAL DEVELOPMENT ORDER REPORT

The Committee was aware that Councillor Turner had previously declared a non-pecuniary interest in this item, as detailed in minute 109 above.

The Committee had before it the published officer report containing background information on the Sea Defence Scheme, an explanation of a Local Development Order and the benefits and risks attached to them.

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 Johnson, seconded by Councillor McLeod and **RESOLVED** that:

- (a) The Planning Committee endorses the principle of preparing a Local Development Order;
- (b) The Planning Committee authorises the Head of Planning to make the draft Local Development Order and accompanying documents available for public consultation for a period of eight weeks as soon as is practicable (including any minor drafting changes considered necessary); and
- (c) The results of the public consultation be reported to Planning Committee along with the final version of the Local Development Order which will incorporate consultation issues as appropriate.

111. PLANNING APPLICATION – 12/00428/CON – THORN QUAY WAREHOUSE, HIGH STREET, MISTLEY, MANNINGTREE, C011 1HB

The Committee was aware that Councillor G V Guglielmi had previously declared a non-pecuniary interest in this item, as detailed in minute 109 above.

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 additional text to be added to the conclusion section, a letter received by the proposed claimant for judicial review, a letter of response by the applicant and also a letter of response by the other landowner (Gladedale Estates Limited).

At the meeting an oral presentation was made by the Council's Senior Planning Officer.

Following discussion by the Committee, 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 three 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 three 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) That the Head of Planning be authorised to refuse Conservation Area Consent in the event that planning application 12/00427/FUL is not approved within three months of the Committee's resolution to approve, as the requirements necessary to make the development acceptable in planning terms will not have been secured.

112. PLANNING APPLICATION – 12/00427/FUL – THORN QUAY WAREHOUSE, HIGH STREET, MISTLEY, MANNINGTREE, C011 1HB

The Committee was aware that Councillor G V Guglielmi had previously declared a non-pecuniary interest in this item, as detailed in minute 109 above.

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 additional text to be added to the conclusion section, a letter received by the proposed claimant for judicial review, a letter of response by the applicant and also a letter of response by the other landowner (Gladedale Estates Limited).

At the meeting an oral presentation was made by the Council's Senior Planning Officer.

Following discussion by the Committee, it was moved by Councillor Simons, 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 their discretion considers appropriate) dealing with the following matters:
- Clawback clause to ensure that a fair share of the profit from 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 6.52-6.54 of this report. If development has not commenced within 18 months the viability will have to be reassessed, and again at three 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 three year time limit for commencement.
2. Development in accordance with submitted plans.
3. No demolition or preliminary groundwork's 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.
 30. Details of broadband connection
- (c) That 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 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 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).

113. PROVISIONAL TREE PRESERVATION ORDER 13/00016/TPO - 12 PERTWEE CLOSE, BRIGHTLINGSEA, CO7 0RT

The Committee was requested to determine whether the provisional Tree Preservation Order, made in respect of two oak trees on land within the curtilage of 11 Blake Drive, Clacton-on-Sea, should either be confirmed, confirmed in a modified form, or allowed to lapse.

At the meeting an oral presentation was made by the Council's Senior Planning Officer.

It was moved by Councillor Turner, seconded by Councillor McLeod and **RESOLVED** that the Tree Preservation Order be confirmed without modification.

114. PLANNING APPLICATION - 13/01320/FUL - THE CORNER COTTAGE, THE GREEN, GREAT BENTLEY, CO7 8PH

The Committee was aware that Councillor McWilliams had previously declared a non-pecuniary interest in this item, as detailed in minute 109 above.

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.

Councillor McWilliams spoke as the local Ward Member.

Tim Snow, as the agent on behalf of the applicant, spoke in support of the application.

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

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

- (a) The completion of a Section 106 obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 to secure contributions towards public open space.
- (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. Time Limit for commencement – three years from the date of the decision
2. Development in accordance with the plans
3. Details of materials and permeable surfacing to hard surfaced areas to be agreed
4. External Materials to be agreed
5. Hard and Soft Landscaping – including details of the protection of hedgerow and trees during and after construction
6. Boundary treatments
7. Site Levels
8. Demolition and Construction Management Plan
9. Surface and foul water drainage scheme to be agreed
10. As per Highway Authority recommendations
11. As per recommendations in phase 1 habitat survey

115. PLANNING APPLICATION - 14/00023/FUL - PHASE 1 OPEN SPACE LEGERTON DRIVE, CLACTON-ON-SEA, CO16 8AR

The Committee was aware that Councillor Challinor had previously declared a non-pecuniary interest in this item, as detailed in minute 109 above.

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 Senior Planning Officer.

Following discussion by the Committee, it was moved by Councillor Johnson, seconded by Councillor White and:

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

Conditions:

1. Time limit for commencement
2. Development in accordance with the plans
3. Temporary planning permission for three years
4. Restrict number of portacabins located on site to no more than two
5. Restrict use of portacabins to community and office use only

It was also requested that any future application to extend the temporary consent be referred to the Planning committee.

116. PLANNING APPLICATION - 14/00066/FUL - 11 BERKELEY ROAD, CLACTON-ON-SEA, CO15 3PE

Councillor Fawcett declared a non-pecuniary interest by virtue of the fact he was a local Ward Member.

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 Senior Planning Officer.

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

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

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

117. PLANNING APPLICATION - 14/00101/FUL - BELMANS COURT, DEANES CLOSE, DOVERCOURT, CO12 4JH

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 Senior Planning Officer.

Following discussion by the Committee, it was moved by Councillor Turner, seconded by Councillor Mitchell 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 for commencement – three years
2. Development in accordance with the submitted plans
3. Anti-vibration mounts to be used for all roof mounted units prior to operation
4. The ground floor side units be either screened or colour coated in a darker colour

It was also requested that the details be delegated to the Head of Planning and referred back to the Planning Committee for information only.

118. PLANNING APPLICATION - 14/00121/FUL – 1 - 8 NICHOLS CLOSE, LAWFORD, MANNINGTREE, CO11 2DZ

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 Lawford Parish Council having no objection.

Following discussion by the Committee, it was moved by Councillor Turner, seconded by Councillor Mitchell and:

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

1. Standard time limit for commencement – three years

119. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

The meeting was declared closed at 7.27 p.m.

Chairman