
MINUTES OF THE MEETING OF THE PLANNING COMMITTEE HELD ON**TUESDAY 24 JUNE 2014 AT 6.02 P.M.****IN THE COUNCIL CHAMBER, COUNCIL OFFICES, WEELEY**

Present: Councillors Heaney (Chairman), Challinor (Vice-Chairman), Brown, Fawcett, Johnson, D R Mayzes, McLeod, Mitchell, Watling and White.

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

In Attendance: Head of Planning (Catherine Bicknell), Planning Development Manager (Clare David), Senior Solicitor (Michael Gibson-Davies) and Democratic Services Officer (Michael Pingram).

9. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

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

10. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on 27 May 2014, were approved as a correct record and signed by the Chairman, subject to the deletion of the following sentence under Minute 4, paragraph 10: "Councillor G V Guglielmi strongly objected to Councillor De-Vaux Balbirnie's comments and asked that this be recorded in the minutes" and the insertion therefore of the following sentence: "Councillor G V Guglielmi indicated that he considered the comments made by the Chairman of the Little Clacton Parish Council when public speaking were equivalent to an allegation that the Committee was not able to determine the application before it in an unbiased manner. Councillor Guglielmi indicated that he had grave concerns about that particular allegation and that he would like this recorded in the Minutes".

11. DECLARATIONS OF INTEREST

Councillor Challinor declared a non-pecuniary interest in relation to Planning Application 14/00107/FUL, by virtue of the fact that she was a local Ward Member.

Councillor McLeod declared a non-pecuniary interest in relation to Planning Application 14/00421/FUL, by virtue of the fact he was a local Ward Member.

Councillor Fawcett declared a non-pecuniary interest in relation to Planning Application 14/00107/FUL, by virtue of the fact he was a local Ward Member.

Councillor De-Vaux Balbirnie, present in the public gallery, declared a non-pecuniary interest in relation to Planning Applications 14/00001/TPO and 14/00608/OUT by virtue of the fact he was a local Ward Member. He also declared a disclosable pecuniary interest in relation to Planning Application 14/00107/FUL by virtue of the fact his wife was employed by the Applicant and advised the Committee that he would leave the room when that item was being discussed.

Councillor Steady, present in the public gallery, declared a non-pecuniary interest in relation to Planning Application 14/00488/FUL, by virtue of the fact he was a local Ward Member.

12. PLANNING APPLICATION 14/00001/TPO – LAND AT JUNCTION OF LONDON ROAD AND CENTENARY WAY, LITTLE CLACTON, CO16 9RB

The Committee was aware that Councillor De-Vaux Balbirnie had previously declared a non-pecuniary interest in this item, as detailed in Minute 11 above.

The Committee was requested to determine whether the provisional Tree Preservation Order, made in respect of two oak trees and two lime trees on land at the junction of London Road and Centenary Way, Little Clacton, should either be confirmed, confirmed in a modified form, or allowed to lapse.

An update sheet was circulated to the Committee prior to the meeting with further details of a letter from Mr Gaze, the land owner, and the Officers' response to that letter.

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

Mr Gaze, the owner of the land, spoke against the confirmation of the Tree Preservation Order.

Following discussion by the Committee, it was moved by Councillor Johnson, seconded by Councillor White and **RESOLVED** that the Tree Preservation Order be confirmed without modification.

13. PLANNING APPLICATION 14/00421/FUL – 158 HIGH STREET, HARWICH, CO12 3AT

The Committee was aware that Councillor McLeod had previously declared a non-pecuniary interest in this item, as detailed in Minute 11 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 details of the decision, in relation to an application under the Licensing Act 2003, of the Premises/Personal Sub-Committee 'B', made on 20 June 2014, and details of a petition that supported the application.

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

Ron Cross, agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Watling, seconded by Councillor D R Mayzes and **RESOLVED** that the Head of Planning be authorised to grant planning permission for the development subject to:-

Conditions:

1. Standard three year time limit for commencement.
2. Development in accordance with submitted plans.
3. Opening hours 10:00-00:00 Sunday to Thursdays and Friday and Saturdays 10:00-01:00 and on New Years Eve 10:00-02:00.
4. The courtyard area to the rear of the site shall not be used by customers of the wine bar as a seating or drinking area.

5. The tables and seating to be sited upon the forecourt area shall be removed from the forecourt and stored within the building outside opening hours.

14. CONSERVATION AREA CONSENT 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, 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.

It was moved by Councillor Heaney, seconded by Councillor Johnson and **RESOLVED** that the Head of Planning be authorised to grant Conservation Area Consent, subject to completion by Tendring District Council of the legal agreement under Section 106 of the Town and Country Planning Act 1990 and subject to the conditions detailed in Appendix B to Item A.3 of the Report of the Head of Planning.

15. 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, 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.

It was moved by Councillor Heaney, seconded by Councillor Johnson and **RESOLVED** that the Head of Planning be authorised to grant planning permission, subject to completion by Tendring District Council of the legal agreement under Section 106 of the Town and Country Planning Act 1990 and subject to the conditions detailed at Appendix A to Item A.4 of the Report of the Head of Planning.

16. PLANNING APPLICATION 14/00488/FUL – 32 CHURCH ROAD, BRIGHTLINGSEA, CO7 0JF

The Committee was aware that Councillor Steady had previously declared a non-pecuniary interest in this item, as detailed in Minute 11 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 details of an additional letter received from Councillor Jayne Chapman, a local Ward Member.

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

Georgina Credland, a local resident, spoke against the application.

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

Nicola Thornton, 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:-

Conditions:

1. Standard three year time limit for commencement.
2. Development in accordance with submitted plans.
3. Escape door on South elevation to be unglazed and retained as such thereafter.
4. Parking to be maintained free from obstruction at all times for that sole purpose.
5. Agree the position and screening of a bin store before commencement of development.
6. Obscure glazing/film to the lower panels of the first floor living area window before occupation.

NOTE:

The meeting then stood adjourned between 7.20 p.m. and 7.35 p.m. Shortly after the Chairman adjourned the meeting, the powerpoint display and projector equipment in the Council Chamber failed to operate, which resulted in the need for it to be re-started. As a result, when the meeting was resumed, Planning Application 14/00608/OUT was presented and determined in the Council Chamber without powerpoint. The meeting was then moved to Room 34 for the consideration of Planning Application 14/00107/FUL, where the initial part of the Officer presentation took place with the benefit of powerpoint. After that, as the equipment had been restored to working order, the meeting moved back to the Council Chamber for the remainder of the Officer presentation, public speaking and the consideration of the application.

17. PLANNING APPLICATION 14/00608/OUT – LAND TO THE EAST OF FREELANDS, THORPE ROAD, WEELEY, CO16 9JH

The Committee was aware that Councillor De-Vaux Balbirnie had previously declared a non-pecuniary interest in this item, as detailed in Minute 11 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 details of a further letter of objection.

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

(a) the Head of Planning be authorised to grant planning permission for the development subject to the completion of a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 dealing with Open Space Provision and further subject to the following conditions:

1. Details of reserved matters
2. Application for approval of the reserved matters
3. Time scales for commencement
4. Construction Method Statement to include:
 - i) the parking of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development

- iv) wheel and under-body washing facilities
- 5. Location and design of the proposed private drive
- 6. Minimum vehicular visibility splays
- 7. No unbound materials
- 8. Off street parking details
- 9. Details of gates
- 10. Vehicular turning facility
- 11. Details of materials

(b) the reserved matters application be referred to the Committee for its consideration in due course.

(c) additional informatives for the reserved matters submission to retain as much of the frontage hedgerow as possible and to obtain all the necessary consents to culvert the ditch when forming the access be sent to the applicant.

18. PLANNING APPLICATION 14/00107/FUL – CLACTON GATEWAY, LAND SOUTH WEST OF ROUNDABOUT AT BROOK RETAIL PARK AND NORTH OF BROOK COUNTRY PARK, CLACTON-ON-SEA, CO16 8YN

The Committee was aware that Councillor De-Vaux Balbirnie had previously declared a disclosable pecuniary interest in this item, as detailed in Minute 11 above and he duly left the room during the discussion of this item.

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.

An update sheet was circulated to the Committee prior to the meeting with details of comments made by the Council's Regeneration Services Team, a summary of three letters written by the applicant, a summary of the Council's advice to the applicant accompanied by a letter, a summary of a letter received from Asda, an e-mail received from the Executive Officer of Property (Co-op) and a revised recommendation.

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

The Committee was informed that, because the applicant had appealed to the Planning Inspectorate on the grounds of non-determination, it was no longer able to make a decision on this application. However, they would be required to give an expression of view as to how they would have dealt with the application in order that that view could be put forward on behalf of the Council at the forthcoming Public Inquiry.

Martin Robeson, on behalf of the applicant, spoke in support of the application.

Following discussions by the Committee, it was moved by Councillor Johnson, seconded by Councillor Mitchell and **RESOLVED** that:

- (a) the Planning Committee endorses the view that the application would have been **REFUSED** for the reason set out below and instructs and authorises Officers to defend the Council's case at appeal accordingly and/or on such basis as the Head of Planning considers appropriate in the light of any new or further evidence, advice, or material planning considerations.
- (b) the Head of Planning is authorised to take any other steps which she considers appropriate to give effect to resolution (a) above.

Reason:

The proposal is contrary to the National Planning Policy Framework (NPPF); National Planning Policy Guidance – Ensuring the Vitality of Town Centres and Tendring District Adopted Local Plan (2007) policies ER31; ER32 and Tendring District Local Plan Proposed Submission Draft (November 2012), as amended by the Tendring District Local Plan Pre-Submission Focussed Changes (January 2014) policies SD5 and PRO6. The proposal fails to satisfy the criteria of sustainable development as set out in the NPPF and fails to meet the impact test for town centre uses. The application and its supporting material has failed to demonstrate that the proposed development would not result in a significant adverse impact on the vitality and viability of Clacton town centre and this significant adverse impact would not be outweighed by the benefits.

19. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

The meeting was declared closed at 8.47 p.m.

Chairman