
**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE, HELD ON
TUESDAY 16 SEPTEMBER 2014 AT 6.10 P.M.
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, WEELEY**

Present: Councillors Challinor (Vice-Chairman, in the Chair), Brown, Fawcett, Johnson, D R Mayzes, McLeod, Mitchell, Scott, Simons, Watling and White.

Also Present: Councillors G V Guglielmi (Portfolio Holder for Planning and Corporate Services), McWilliams (Portfolio Holder for Well-being and Partnerships), Miles, Page (Leader of the Council) and Patten.

In Attendance: Head of Planning (Catherine Bicknell), Legal Services Manager (Lisa Hastings), Planning Development Manager (Clare David), Communications and Public Relations Manager (Nigel Brown) and Senior Democratic Services Officer (Ian Ford).

33. CHAIR

In the absence of the Chairman of the Committee, the meeting was chaired by the Vice-Chairman (Councillor Challinor).

34. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was submitted on behalf of Councillor Heaney (with Councillor D R Mayzes substituting).

35. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on 19 August 2014, were approved as a correct record and signed by the Chairman.

36. DECLARATIONS OF INTEREST

Councillor Johnson declared a non-pecuniary interest in relation to Planning Application 14/01082/FUL by virtue of the fact she was a Frinton-on-Sea Town Councillor.

Councillor Fawcett declared a non-pecuniary interest in relation to Planning Applications 13/01385/FUL and 13/01386/LBC insofar as he personally knew the Applicant and had done work for him in the past.

37. PLANNING APPLICATION 14/00431/FUL – LAND AT STURRICKS FARM, STURRICK LANE, GREAT BENTLEY, CO7 8PT

The Committee recalled that this application had been considered at its meeting held on 22 July 2014 and had been deferred, in order to allow Officers to undertake discussions with the Applicant to attempt to reduce the number of dwellings proposed on the site, and for the provision of on-site affordable housing in the form of shared ownership.

It was reported that the Council had now received an appeal against non-determination (Reference APP/P1560/A/14/2223301), which meant that the jurisdiction to determine the application now rested with the Planning Inspectorate.

The Committee was informed that Officers would defend the appeal on the basis of the reasons for the deferral.

The Committee noted the foregoing.

38. PLANNING APPLICATIONS 13/01385/FUL AND 13/01386/LBC – LAND AT THORPE MALTINGS AND FORMER KING EDWARD VII PUBLIC HOUSE, STATION ROAD, THORPE-LE-SOKEN, CO16 0HY

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 correction to a typographical error in the Officers' recommendation.

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

Mr Peter Hollis, the Applicant, spoke in support of the application.

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

RESOLVED that, in respect of Planning Application 13/01385/FUL, the Head of Planning be authorised to grant planning permission for the development subject to:

- a) That, 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 her discretion considered appropriate) dealing with the following matter:
 - 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 6.60-6.62 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 in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning in her discretion considered appropriate);

Conditions:

1. Standard three-year time limit for commencement.
2. Development in accordance with submitted plans.
3. Removal of permitted development rights for extensions and outbuildings and gates, walls and fences.
4. Provision of replacement parking spaces for the railway station car park prior to any works that will result in the loss of any existing spaces.
5. No demolition or preliminary ground works shall occur until a programme of archaeological work has been submitted and approved.
6. Samples/details of facing, roofing and surfacing materials.
7. The hereby approved retail unit shall only be used for Use Class A1 and for no other purpose. Withdrawal of permitted development rights of the proposed retail unit – hours of opening and restriction of changes of use.
8. Detailed design of signage and shop front of retail unit to be submitted and agreed prior to commencement of development.

9. Details of water, energy and resource efficiency measures during construction and occupation.
10. Demolition and Construction Management Plan (to include dust and noise control measures, demolition and construction workers parking, wheelwash and underbody cleaning, loading and unloading and turning facilities, and removal and disposal of contaminated material).
11. Hidden historic features to be documented/architectural details salvaged during demolition.
12. Protection of features of architectural and historic interest on the former public house.
13. No demolition or construction work shall take place outside the hours of 07:00 to 19:00 Monday to Friday, and 09:00 to 13:00 Saturdays, and at no time on Sundays and public holidays.
14. Details of permeable surfacing/surface water drainage measures.
15. Car, motorcycle and cycle parking as shown on submitted plans to be provided prior to occupation and retained thereafter.
16. Vehicular access alterations and improved pedestrian facilities to be provided prior to occupation.
17. Details of Transport Information and Marketing Scheme for sustainable transport (green travel pack) and residential travel plan.
18. Prior to occupation of development bollards along the Station Road western side footway and vegetation removed to protect the visibility splay of the main access and lower Station Road access, the relocation of the north and south bound bus stops in Station Road with a hardstand and raised kerbing, yellow bus box and lettering and no waiting plate, bus stop flag, timetable case, wooden shelter and real time passenger information, dropped kerb crossings with tactile paving between the Station Road western side footway and the south bound bus stop also at the lower station access road/Station Road junction.
19. Removal and disposal of contaminated material and further studies/works as requested relating to contamination and gas (in accordance with the recommendations of the Environmental and Gas Monitoring reports)
20. Obscure glazing of bathrooms within the public-facing elevations of the Maltings building to be in place prior to occupation and retained thereafter.
21. Acoustic insulating materials (in accordance with the recommendations of the Acoustic Report) and details of noise barriers around the amenity areas close to Station Road.
22. Planting of eight specimen trees and details of the measures to be taken to meet the requirements of the Tree Survey and Report.
23. Soft and hard landscaping details and landscape management plan (including for the area of proposed public open space).
24. Details of any external lighting.
25. Removal of permitted development rights for any minor changes or minor alterations to the publicly visible roofs and elevations of the Maltings building and for solar panels on visible roof slopes.
26. 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.
27. Detailed assessments and surveys in accordance with the Ecological Assessment and any subsequent mitigation or compensation, if required.

It was then moved by Councillor McLeod, seconded by Councillor Scott and **RESOLVED**

- c) That the Head of Planning be authorised to refuse planning permission in the event that such legal agreement had 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).

It was then moved by Councillor McLeod, seconded by Councillor Scott and **RESOLVED**

- d) That, in respect of Planning Application 13/01386/LBC the Head of Planning be authorised to grant listed building consent for the development, subject to the following conditions:-
1. Standard 3 year time limit for commencement.
 2. Hidden historic features to be documented/architectural details salvaged during demolition.
 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 ground works shall occur until a programme of archaeological work has been submitted and approved.
 5. No demolition or construction work shall take place outside the hours of 07:00 to 19:00 Monday to Friday, and 09:00 to 13:00 Saturdays, and at no time on Sundays and public holidays.

39. PLANNING APPLICATION 14/00476/FUL – THE ORCHARD, BARRACK STREET, BRADFIELD, CO11 2RB

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 in respect of the application.

Mr Melvyn Orrin, a local resident, spoke against the application.

Mr Richard Scott, on behalf of Bradfield Parish Council, spoke against the application.

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

Mr Sam Metson, Agent for the Applicant, spoke in support of the application.

Councillor Watling arrived at the meeting and joined the Committee whilst this application was being considered but did not take part in the discussion thereof or the voting thereon.

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

RESOLVED that consideration of this application be deferred in order that the Officers, in consultation with the Chairman and Vice Chairman of the Committee, the Planning and Corporate Services Portfolio Holder and the local Ward Member, can discuss further with all relevant parties the potential impact of the proposed new footpath in Steam Mill Road and also the possible retention of the cherry tree, the yew tree and the holly tree on the development site and that these be the only material issues reported for further consideration in respect of the application when it is placed before the Committee at its next meeting.

The Chairman adjourned the meeting from 7.44 p.m. to 7.54 p.m. in order to allow those members of the public who wished to leave to do so and to enable Members to obtain refreshment.

40. PLANNING APPLICATION – 14/01082/FUL – 4 SECOND AVENUE, WALTON-ON-THE-NAZE, CO14 8JS

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 an additional comment of support for the proposal from Councillor Bucke and of a further letter of objection received.

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

Councillor Johnson raised concerns of 'lobbying' at the site visit for this application insofar as a local Ward Member, Councillor Miles, had handed out a letter to the Members of the Committee. The Legal Services Manager confirmed that this was a form of 'lobbying' and advised that all Members of the Committee who had been present at the site visit should declare this. Councillor Miles apologised to the Chairman and the Committee if she had inadvertently acted in an inappropriate matter.

Councillor Miles, as a local Ward Member, spoke in support of the application.

It was moved by Councillor Watling, seconded by Councillor Scott and:

RESOLVED that the Head of Planning be authorised to grant planning permission for the development, contrary to the Officers' recommendation of approval, subject to the dark, horizontal cladding of the extension being removed and replaced with something more in keeping with the locality; the details and materials of such replacement to be delegated to the Head of Planning and agreed and implemented within reasonable time periods to be determined, in their discretion, by the Head of Planning.

The meeting was declared closed at 8.49 p.m.

Chairman