
**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE, HELD ON
TUESDAY 14 OCTOBER 2014 AT 6.00 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, WEELEY**

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

Also Present: Councillors G Guglielmi (Portfolio Holder for Planning and Corporate Services); L McWilliams (Portfolio Holder for Well-being and Partnerships); M Patten and N Turner (Portfolio Holder for Environment and Coast Protection)

In Attendance: Head of Planning (Catherine Bicknell), Planning Development Manager (Clare David), Lisa Hastings (Legal Services Manager), Democratic Services Manager (Colin Sweeney), Communications and Public Relations Manager (Nigel Brown) and Planning Officer (Richard Collins)

41. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

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

42. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on 16 September 2014, were approved as a correct record and signed by the Chairman.

43. DECLARATIONS OF INTEREST

The following declarations of interest were made at this time:

- (i) Councillor I Johnson declared a non-pecuniary interest in respect of Agenda Item No.A7 (Planning Application 14/01232/FUL – Frinton and Walton Swimming Pool, Princes Esplanade, Walton-on-the-Naze CO14 8PZ) by virtue of the fact she was a Member of Frinton and Walton Town Council.
- (ii) Councillor G Watling declared a non-pecuniary interest in respect of Agenda Item No.A7 (Planning Application 14/01232/FUL – Frinton and Walton Swimming Pool, Princes Esplanade, Walton-on-the-Naze CO14 8PZ) by virtue of the fact he was a Ward Councillor for that area.
- (iii) Councillor G Watling declared a non-pecuniary interest in respect of Agenda Item No.A4 (Planning Application 14/01051/FUL – 18 Second Avenue, Frinton-on-Sea CO13 9ER) by virtue of the fact he was a Ward Councillor for that area and a Member of Frinton and Walton Town Council.

During discussion of Agenda Item No.A7 (Planning Application 14/01232/FUL – Frinton and Walton Swimming Pool, Princes Esplanade, Walton-on-the-Naze CO14 8PZ):

- (iv) Councillor N Turner declared a non-pecuniary interest in respect of this matter by virtue of the fact he was a local Councillor for that area.

44. ORDER OF BUSINESS

The Chairman announced that consideration of Agenda Item No.A2 (Planning Application 14/00918/FUL – Land at Barn Farm, Wix Road, Bradfield CO11 2 SP) be deferred until the end of the Agenda to allow Councillor M Patten, Ward Member for that area, an opportunity to attend and speak on the matter.

45. CHAIRMAN STANDING DOWN

The Chairman announced that, during consideration of Agenda Item No.A3 (Planning Application 14/00476/FUL – The Orchard, Barrack Street, Bradfield CO11 2RB), she would vacate the chair since she had not been present at the site visit, nor the previous meeting of the Committee, at which the application had been initially considered and deferred.

Councillor S Challinor (Vice-Chairman) would preside during consideration of this matter.

46. PROVISIONAL TREE PRESERVATION ORDER – 14/00007/TPO – 20 BIRCH AVENUE, GREAT BENTLEY CO7 8LL

The Committee was requested to determine whether the provisional Tree Preservation Order, made in respect of one maple tree on land within the curtilage of 20 Birch Avenue, Great Bentley, should either be confirmed or allowed to lapse.

At the meeting, an oral presentation was made by the Council's Planning Development Manager, which included details of objections received and responses given.

It was moved by Councillor Johnson, seconded by Councillor McLeod and **RESOLVED** that Tree Preservation Order 14/07 be confirmed.

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

Councillor Challinor (Vice-Chairman) in the Chair for this Item Only

With reference to Minute No.39 (16 September 2014), the Committee recalled that this application had been considered at its meeting held on 16 September 2014 and had been deferred for the following two reasons:

1. To clarify the situation with the proposed footpath that ECC was installing at Steam Mill Road and the improvements to the junction with Barrack Street required by the ECC conditions in connection with the application. (Members noted that the list of Highways Conditions had changed compared to those reported previously); and
2. To establish whether the holly and cherry tree could be retained and whether they were worthy of protection, possibly by realigning the proposed private access to accommodate their retention. (In this regard Members noted that the Principle Tree and Landscape Officer's comments, whilst consistent with the officer's previous views, had been amended to reflect a further site visit subsequent to the Planning Committee meeting held on 16 September 2014).

An update sheet was circulated to the Committee prior to the meeting, with details of amendments to Paragraphs 4.22 and 5.4 to the report, together with details of 19 letters of objection, which related to those letters received in response to the consultation following the submission of amended plans.

The update sheet also stated that a further 25 letters of objection had been received in response to the original proposals, which had been superseded by amendments and that 12 of these respondents had also commented on the amended plans. A further two letters

were received on 13 October 2014, from which no new matters had been raised, which had not been considered within reports presented to Committee.

It was moved by Councillor White, seconded by Councillor Mayzes and **RESOLVED** that, in respect of Planning Application 14/00476/FUL, the application be **APPROVED** and the Head of Planning be authorised to grant planning permission for the development, subject to the following conditions and informative:

Conditions

1. Standard year time limit.
2. Development to be in accordance with submitted plans.
3. Existing hedges and trees and details of protective fencing.
4. Disposal of surface water drainage.
5. Ecological management scheme.
6. External facing and roofing materials.
7. Driveway and parking area materials.
8. Works to be carried out outside bird breeding season.
9. Off-street parking, in accordance with current Parking Standards.
10. Gates at vehicular access, inward opening, and recessed min. 6m.
11. Screen walls and fences.
12. Full method statement for approval by Pollution and Environmental Control.
13. Hard and soft landscaping.
14. Landscape planting period.
15. Existing and proposed site levels.
16. Private drive construction.
17. Proposed vehicular accesses (Plots 1 and 2).
18. Pedestrian visibility splays.
19. Vehicular visibility splays.
20. No unbound materials within 6m of highway boundary.
21. Estate roads and footways.
22. Construction of carriageway of estate roads.
23. New boundary hedges.
24. Bin and refuse collection point.

25. Construction method statement.
26. 2m wide kerbed walkable grass verge.
27. Extend carriageway width to Barrack Street.

Informative

Landscaping details to include replacement native hedgerow planting at the front of the site, interspersed with trees to compensate for the loss of trees and hedgerows.

48. PLANNING APPLICATION 14/01051/FUL – 18 SECOND AVENUE, FRINTON-ON-SEA, ESSEX CO13 9ER

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 seven additional letters of objection received and details of new comments raised within these.

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

Those persons, detailed below, spoke on the application:

- a) Mr Martin Tinsley, neighbour and spokesperson for local residents, spoke against the application.
- b) Frinton Town Councillor Vanda Watling spoke against the application.
- c) Tendring District Councillor Nick Turner, as the local Ward Member, also spoke against the application.

It was moved by Councillor Watling, seconded by Councillor Johnson and **RESOLVED** that, in respect of Planning Application 14/01051/FUL, the application be **REFUSED** and the Head of Planning be authorised to refuse planning permission for the development, contrary to the Officers' recommendation of approval, for the following reasons:

1. The proposals were contrary to adopted policies FW5 and EN17 and emerging policies FWK5 and PLA7 in that it eroded the spacious character of the area by virtue of the loss of the undeveloped side garden that was an important open space and which added to the established pattern of development in the locality, which currently made a positive contribution and which would not be preserved, or enhanced, by the proposed over development of the site; and
2. It would also result in the loss of a building from the Conservation Area that was of a style and design that was representative of the special character of the Avenues and this would further erode the special character of the Avenues.

The Committee stood adjourned between 7.25pm and 7.30pm

49. PLANNING APPLICATION 14/01068/FUL – LAND ADJACENT MCDONALDS, COLCHESTER ROAD, WEELEY CO16 9JJ

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.

Those persons, detailed below, spoke on the application:

- a) Weeley Parish Council Vice-Chairman, Councillor Carol Bannister, spoke against the application.
- b) Mr Peter Legrys, the Applicant's Agent, spoke in support of the application.

It was moved by Councillor Mayzes, seconded by Councillor Johnson and **RESOLVED** that, in respect of Planning Application 14/01068/FUL, the application be **APPROVED** and the Head of Planning be authorised to grant permission for the development, subject to the following conditions:

1. Standard three-year time limit for commencement.
2. Development to be in accordance with submitted plans.
3. Further details of the proposed screen planting to be submitted to and agreed, in writing, by the Local Planning Authority.
4. The proposed agreed screen planting to be carried out in the first planting season following commencement of development.
5. Prior to the commencement of development, details of the external appearance, materials and colour of the office building to be submitted to and agreed, in writing, by the Local Planning Authority.
6. No development shall take place until details of surface water and foul water drainage have been submitted to and agreed, in writing, by the Local Planning Authority.

50. PLANNING APPLICATION 14/00918/FUL – LAND AT BARN FARM, WIX ROAD, BRADFIELD CO11 2SP

With reference to Minute No.44 to these minutes, 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, which drew to the attention of Members a correction to the published Officer report, in that Paragraph 6.12 therein should have read:

"The panels would be fixed to the ground using piles or "ground screws" that are driven into the ground at a depth of 1.5 metres. There would be no concrete foundations. The panels would be connected to the grid and would likely generate five MWp (enough power to supply around 1,498 typical households annually.)"

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

Those persons, detailed below, spoke on the application:

- a) Tendring District Councillor Matthew Patten, as the local Ward Member, spoke against the application.
- b) Ms Jessica Gittoes, the Applicant's Agent, spoke in support of the application.

Councillor Watling moved that the matter be deferred until the result of the outstanding appeal at Burnt Ash Farm (13/01340/FUL) was known. This motion failed to find a seconder and was subsequently lost.

It was moved by Councillor McLeod, seconded by Councillor White and **RESOLVED** that, in respect of Planning Application 14/00918/FUL:

1. the application be **APPROVED** and the Head of Planning be authorised to grant permission for the development, subject to the following conditions:
 - (i) Standard time limit for commencement
 - (ii) Development to be carried out strictly in accordance with submitted plans
 - (iii) Details of height, design and separation of panels to be submitted and approved
 - (iv) Details of security fencing and security measures to be submitted and approved.
 - (v) No other fencing to be erected
 - (vi) As requested by the Highway Authority
 - (vii) Landscaping scheme (including implementation) to be submitted and approved
 - (viii) Details of an ecological management scheme and mitigation plan, to include a scheme of biodiversity enhancement, to be submitted and approved
 - (ix) Landscape Management Scheme to be submitted and approved
 - (x) No external lighting (other than as may approved in accordance with security measures)
 - (xi) Flood Risk management and surface water drainage proposals to be carried out in accordance with submitted details
 - (xii) No construction or decommissioning works outside the hours of 0730-1800 Monday to Friday and 0800-1300 Saturdays without prior written approval
 - (xiii) Fixed permission for 25 years when the use will cease and all solar panels and ancillary equipment shall be removed from the site in accordance with the Decommissioning Statement
 - (xiv) Colours of all ancillary equipment, including perimeter fencing, sub-stations, inverters, and control room to be submitted and approved
 - (xv) Construction Method Statement (as requested by Public Experience)
 - (xvi) Solar park to be removed if ceases to export electricity to the grid for a continuous period of 12 months; and
2. Officers liaise with Essex County Council, as Highways Authority, to try and secure its approval for the Applicant to provide additional hedgerow planting along Harwich Road.

51. **PLANNING APPLICATION 14/00972/OUT – LAND AT INGRAM’S PIECE, ARDLEIGH, CO7 7PZ**

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 David Hutchinson, the Applicant’s Agent, spoke in support of the application.

It was moved by Councillor McLeod, seconded by Councillor Watling and **RESOLVED** that, in respect of Planning Application 14/00972/OUT, the application be **APPROVED** and the Head of Planning be authorised to grant permission for the development, subject to:

- (a) Within six 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 On-Site Provision;
 - Education Provision; and
 - Public Open Space Contribution 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 the equivalent authorised officer) in their discretion considers appropriate).

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. Samples of the materials
5. Hard and soft landscaping
6. All hard and soft landscaping implementation
7. Landscaping – Five-year clause
8. As requested by the Highway Authority
9. Boundary treatments
10. Details of refuse storage and collection areas
11. Surface Water Management Strategy
12. Scheme to provide renewable energy and energy and water efficiency technologies to be used

13. Archaeology investigative and report works
14. Biodiversity enhancement provision; and
 - (c) That the Head of Planning (or the equivalent authorised officer) be authorised to refuse outline 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 HG4, EN26 and COM6 of the Tendring District Local Plan (2007) and draft policies PEO10, SD7 and PEO22 of the Tendring District Local Plan Proposed Submission Draft (2012), as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014).

52. PLANNING APPLICATION 14/01232/FUL – FRINTON AND WALTON SWIMMING POOL, PRINCES ESPLANADE, WALTON-ON-THE-NAZE, CO14 8PZ

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.

It was moved by Councillor Watling, seconded by Councillor Johnson and **RESOLVED** that, in respect of Planning Application 14/01232/FUL, the application be **APPROVED** and the Head of Planning be authorised to grant permission for the development, subject to the following conditions:

1. Time limit for commencement is three years
2. Development to be in accordance with the plans
3. Site contamination details of (a) site characterisation, (b) submission of remediation scheme, (c) implementation of approved remediation scheme, and (d) reporting of unexpected contamination.

The meeting was declared closed at 9.17pm.

Chairman