
**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE, HELD ON
TUESDAY 11 NOVEMBER 2014, AT 6.00 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, WEELEY**

Present: Councillors Challinor (Vice-Chairman, in the Chair), Brown, McLeod, D Oxley, Scott, Simons, Turner, Watling and White

Also Present: Councillors G V Guglielmi (Portfolio Holder for Planning and Corporate Services), Broderick, Coley, De-Vaux Balbirnie, V E Guglielmi, Pugh and Winfield

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

53. CHAIR

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

54. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Heaney (with Councillor Turner substituting), Councillor Johnson (with Councillor D Oxley substituting), Councillor Fawcett and Councillor Mitchell.

55. MINUTES

It was **RESOLVED** that

(a) a factual error in line two of the resolution to Minute 40 of the meeting of the Committee held on 16 September 2014 be corrected by the deletion of the word "approval" and substituting therefor the word "refusal"; and

(b) The minutes of the last meeting of the Committee, held on 14 October 2014, be approved as a correct record and be signed by the Chairman.

56. DECLARATIONS OF INTEREST

The following declarations of interest were made at this time:

(i) Councillor N Turner declared an interest in respect of Agenda Item No. A.1 (Clacton Pier to Holland Haven Local Development Order) by virtue of the fact he was one of the decision makers on the Order in his role as the Environment and Coast Protection Portfolio Holder.

(ii) Councillor P De-Vaux Balbirnie, who was present in the public gallery, declared a non-pecuniary interest in respect of Agenda Item Nos. A.4 and A.5 (Planning Applications 14/01280/OUT and 14/01281/FUL – Little Clacton Tennis Club, 52 Holland Road, Little Clacton, CO16 9RS) by virtue of the fact he was a Ward Councillor for that area and a Member of Little Clacton Parish Council.

57. CLACTON PIER TO HOLLAND HAVEN LOCAL DEVELOPMENT PLAN ORDER

The Committee had before it a report of the Head of Planning, which set out the responses to the consultation exercise on the proposed introduction of the Clacton Pier to Holland Haven Local Development Order (LDO); sought Members' endorsement of the proposed amendments put forward by Officers to the draft LDO which looked to overcome the concerns of local residents and other interested parties; and sought formal approval of the amended LDO.

An update sheet was circulated to the Committee prior to the meeting, with details of one additional letter of representation received and details of new comments raised within that letter.

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

It was moved by Councillor D Oxley, seconded by Councillor Watling and **RESOLVED** that:

- (a) The proposed amendments to the draft Local Development Order be endorsed;
- (b) The amended Local Development Order be formally adopted, referring to paragraph 9.1 of the report which is amended to read:

"It is recommended that amending the draft LDO as set out above in line with option 3 (that the 'Greensward' and 'Holland Haven' are excluded from the amended draft LDO) provides an appropriate balance between increasing the level of permitted development to maximise the benefits described in section 3.4 and limiting the permitted development to a level that gives the public confidence in the Council's intentions and avoids the possibility of unacceptable development being permitted along the 'Greensward' and at 'Holland Haven'. The amended LDO and amended Statement of Reasons are attached as Appendices 2 & 3. "

and

- (c) The Head of Planning be authorised to make any necessary minor amendments to the draft Local Development Order and to notify the Secretary of State, via the National Planning Casework Unit, as soon as practicable after adoption.

NOTE: In accordance with the provisions of Council Procedure Rule 18.5, Councillor Turner required that he be recorded in the minutes as having abstained from voting on the motion.

58. PLANNING APPLICATION 14/00537/FUL – COLCHESTER & EAST ESSEX CO-OPERATIVE AND ADJOINING LAND AT BULL HILL ROAD, CLACTON-ON-SEA, CO15 3TH

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 25 additional letters of support, three additional letters of support that also raised concerns that should be addressed through the planning decision, two further letters of objection received and a letter to Councillors from Martin Robeson Planning Practice acting on behalf of the applicant of the Clacton Gateway Scheme, a letter sent to Councillors from ASDA, a letter from Thomas Eggar LLP, acting on behalf of ASDA Stores Ltd and details of new comments raised within these letters.

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 Robeson, from Martin Robeson Planning Practice acting on behalf of the applicant of the Clacton Gateway Scheme, spoke against the application.
- b) Mr Phil Bartram, Property Communications Manager (ASDA Stores Ltd), spoke in support of the application.

The Legal Services Manager (Lisa Hastings) responded to comments made by Mr Robeson in his statement and stated that she had provided the Head of Planning with legal advice regarding Mr Robeson's request for the application to be deferred from the meeting in order that this application and his client's application were considered at the same meeting of the Planning Committee.

It was moved by Councillor Scott, seconded by Councillor McLeod and **RESOLVED** that, in respect of Planning Application 14/00537/FUL, the application be **APPROVED** and 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 dealing with the following matters :

CCTV contribution; and
Travel Plan Monitoring Fee

(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 considers appropriate):

(i) Conditions:

1. Standard 3 year time limit for commencement.
2. Development in accordance with submitted plans.
3. Details of a topographical survey and approval of site levels eaves and ridge heights.
4. Details and samples of facing and roofing materials.
5. Details of click and collect; trolley and cycle shelters.
6. Details of water, energy and resource efficiency measures.
7. Remediation scheme.
8. Archaeological trial trenching and fieldwork.
9. Control floor space and restriction to Class A1 retail use.
10. Control of amount of convenience goods and non-convenience good sales – no subdivision and no mezzanine floors.
11. No extensions or enlargements without express consent.
12. Local recruitment strategy.
13. Hard and soft landscaping.
14. Landscape management plan.
15. Protection of trees during construction.
16. Management and maintenance scheme for car park areas.
17. CCTV and external/security lighting.
18. Measures to minimise light pollution in accordance with submitted lighting scheme.
19. Surface water management strategy; measures to prevent water pollution; and in accordance with the flood risk assessment.
20. Acoustic screens.

21. Details of all external plant and machinery.
22. Details of all boundary treatments including retaining walls.
23. Details of recycling collection point.
24. Proposed vehicular accesses and mini roundabout in accordance with submitted drawings and existing accesses stopped up.
25. Provision and implementation of travel plan.
26. Construction method statement including details of cut and fill and the exportation and importation of materials.
27. Additional bus stops on Oxford Road.
28. Car parking area (hard surfaced, sealed and marked out in parking bays).
29. Provision of service yard
30. Powered two wheeler and bicycle parking facilities.
31. Highway improvements to Valley Road.
32. Closure and stopping up of existing access and traffic orders.
33. Hours of delivery in accordance with a Service Delivery Management Plan

(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 Section 106 planning obligation, contrary to the NPPF; NPPG and saved policies ER31 and ER32 of the Tendring District Local Plan (2007) and draft Policy PRO6 of the Tendring District Local Plan Proposed Submission Draft (2012), as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014).

(d) That an informative be included in the decision notice to the applicant relating to the energy and resource efficiency measures the Committee wished to see delivered.

59. PLANNING APPLICATION 14/01050/DETAIL – LAND AT DALE HALL, COXS HILL, LAWFORD, CO11 2LA

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 of representation received, a letter of concern with regard to visibility splays received from the Highways Authority, an Officer update on issues surrounding the access from Cox's Hill together with a suggested extra condition 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) The Chairman of the Lawford Parish Council, Councillor Alan Coley, spoke in favour of the application.
- b) Mr Steven Rose, the applicant, also spoke in favour of the application.

It was moved by Councillor McLeod, seconded by Councillor Watling and **RESOLVED** that, in respect of Planning Application 14/01050/FUL, the application be **APPROVED** and the Head of Planning be authorised to grant planning permission for the development, subject to the following conditions:

1. Approved Plans
2. Archaeology - Open Area Excavation

3. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy
4. Flow rate to manhole 8753 at Cornfold Way in accordance with the surface water strategy
5. Engineering Solution to secure safety of Cox's Hill access as well as National Grid infrastructure

60. PLANNING APPLICATION 14/01280/OUT – LITTLE CLACTON TENNIS CLUB, 52 HOLLAND ROAD, LITTLE CLACTON, CO16 9RS

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) Mr John Russel, representing Little Clacton Tennis Club, spoke in favour of the application.
- b) Mr Andy Hanmore spoke against the application.
- c) Little Clacton Parish Councillor John Cutting spoke against the application.
- d) Ward Councillor Peter De-Vaux Balbirnie spoke against the application.
- e) Mr Peter Le Grys, the Applicant's Agent, spoke in support of the application.

The Legal Services Manager (Lisa Hastings), in response to Councillor De-Vaux Balbirnie's statement, reminded the Committee that restrictive covenants were not a material planning consideration but were instead a private matter between the landowner/applicant and whoever benefited from the restrictive covenant.

It was moved by Councillor Simons, seconded by Councillor McLeod and **RESOLVED** (a) on the Chairman's casting vote that, in respect of Planning Application 14/01280/OUT, the application be **APPROVED** and the Head of Planning be authorised to grant permission for the development, subject to:

(a) The completion of a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 to secure the delivery of the hard surfaced tennis courts proposed by LPA re 14/01281/FUL.

(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):

1. Time limit for commencement – within 2 years of approval of last reserved matter
2. Time limit for submission of reserved matters – within 2 years of this approval
3. Submission of reserved matters
4. Details of external facing and roofing materials
5. Submission of a landscaping scheme
6. Delivery of landscaping scheme
7. Private drive width of 5.5m for at least the first 6m
8. Provision of pedestrian visibility splays
9. No unbound materials
10. All off-street car parking spaces shall accord with current parking standards

11. Any garage door facing the highway shall be sited at least 6m from highway boundary
12. Details of bicycle storage
13. Provision and implementation of Construction Method Statement
14. Provision of a vehicular turning facility
15. Details of boundary treatments to be agreed
16. No more than 4 (four) dwellings.

(b) That the reserved matters application be submitted to the Committee for approval.

NOTE: In accordance with the provisions of Council Procedure Rule 18.5, Councillor Scott required that he be recorded in the minutes as having abstained from voting on the motion.

61. PLANNING APPLICATION 14/01281/FUL – LITTLE CLACTON TENNIS CLUB, 52 HOLLAND ROAD, LITTLE CLACTON, CO16 9RS

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 consultation response from the Council's Environmental Health section.

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) Little Clacton Parish Councillor John Cutting spoke against the application.
- b) Ward Councillor Peter De-Vaux Balbirnie spoke against the application.
- c) Mr Peter Le Grys, the Applicant's Agent, spoke in support of the application.

It was moved by Councillor McLeod, seconded by Councillor Simons and **RESOLVED** that, in respect of Planning Application 14/01281/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 - three years
2. Development in accordance with the plans
3. Floodlights shall only be used between 8am – 10pm (Mon – Sat), 8am – 6pm (Sun)
4. Site shall only be used between 8am – 10pm (Mon – Sat), 8am – 8pm (Sun)
5. Floodlighting shall only be directed towards the tennis courts
6. Parking spaces shall be at least 5.5m by 2.9m in size

62. PLANNING APPLICATION 13/01481/FUL – LAND NORTH OF ABBEY STREET, THORPE-LE-SOKEN, CO16 0JE

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 additional Officer comments in respect of paragraph 6.132 of the Officer no longer being relevant as the issue of landscape management was being addressed by a proposed condition and an update on the Section 106 negotiations.

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

Mr Sam Metsom, the Applicant's Agent, spoke in support of the application.

It was moved by Councillor McLeod, seconded by Councillor Scott and **RESOLVED** that, in respect of Planning Application 13/01481/FUL, the application be **APPROVED** and the Head of Planning (or equivalent authorised officer) 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 (where required):
- Affordable Housing Provision;
 - Education Provision;
 - Public Open Space Contribution Provision; and
 - Transfer of Allotments to Parish Council
- (b) Planning conditions in accordance with those set out below 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. The development hereby permitted shall begin no later than three years from the date of the permission.
 2. Development in accordance with approved Plans.
 3. Details of materials.
 4. Hard and soft landscaping details including tree protection measures.
 5. All hard and soft landscaping implementation.
 6. Landscaping - Five year clause.
 7. As requested by the Highway Authority.
 8. Details of boundary treatment including details of enclosing allotments, newt run, informal open space, and wildlife habitat.
 9. Details of Refuse storage/collection areas.
 10. Scheme to provide renewable energy and energy and water efficiency technologies to be used.
 11. Archaeology investigative and report works.
 12. Ecological management plan and mitigation scheme.
 13. Site lighting strategy.
 14. Surface water drainage scheme as requested by the Environment Agency.
 15. Sub-station details.
 16. Construction Method Statement, including hours of operation during construction.
 17. Details of access path construction to land to the east (policy KEY3).
 18. Details of windows and doors, including door casings and window surrounds, eaves and verges to be used in Plots 1, 2, 3 and 40.
 19. All brickwork with a public face to the conservation area to be used in Plots 1, 2, 3 and 40 and any associated brick walls, to be constructed using a Flemish bond brickwork finish.
 20. Roof-light to Plot 19 to be inserted with a cill height at a minimum of 1.7m from finished floor level.
 21. Landscape Management Plan.
- (c) That the Head of Planning (or the equivalent authorised officer) be authorised to refuse 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 Section 106 planning obligation, contrary to saved policies COM6, HG4, COM26 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), as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014).

63. PLANNING APPLICATION 14/01296/DETAIL – LAND SOUTH WEST OF HORSLEY CROSS ROUNDABOUT, CLACTON ROAD, HORSLEY CROSS, CO11 2NZ

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 consultation responses received from Tendring Parish Council and Little Bentley Parish Council and one additional letter 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.

It was moved by Councillor Scott, seconded by Councillor White and **RESOLVED** that, in respect of Planning Application 14/01296/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 time limit for commencement
2. Development to be undertaken in accordance with the approved plans
3. Materials in accordance with the approved plans
4. Highway conditions to provide safe access until the access is provided for the wider comprehensive development of the site

64. PLANNING APPLICATION 14/01443/FUL – WISTERIA COTTAGE, SHOP ROAD, LITTLE BROMLEY, CO11 2PX

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.

The Committee was aware that the applicant was a Member of the Council and a Member of the Conservative political group. In response to a question raised by Councillor Turner in respect of whether the Conservative Councillors on the Committee needed to declare an interest, the Legal Services Manager (Lisa Hastings) informed the Committee that they all technically had an interest in that the applicant was a Member of the Council and she reminded them that interests could be of both a "positive" and a "negative" nature. As this would leave no one to determine the application and that, in any case, she in her role as the Council's Monitoring Officer would simply grant them a dispensation there was, in effect, no need for Members to declare an interest.

It was moved by Councillor White, seconded by Councillor Scott and **RESOLVED** that, in respect of Planning Application 14/01443/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 3 year time limit for commencement.
2. Development in accordance with submitted plans.

The meeting was declared closed at 9.50 pm.

Chairman