
MINUTES OF THE MEETING OF THE PLANNING COMMITTEE**HELD ON TUESDAY 31 MARCH 2015 AT 6.00pm
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, WEELEY**

- Present:** Councillors Heaney (Chairman), Challinor (Vice-Chairman), Brown, Johnson, McLeod, Nicholls, Scott and White
- Also Present:** Councillors G V Guglielmi (Portfolio Holder for Planning and Corporate Services), De-Vaux Balbirnie, J Henderson and Turner
- In Attendance:** Head of Planning (Catherine Bicknell), Planning Development Manager (Clare David), Planning Policy Manager (Gary Guiver), Legal Services Manager (Lisa Hastings), Communications and Public Relations Manager (Nigel Brown) and Senior Democratic Services Officer (Ian Ford)

99. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Mitchell and Simons.

100. MINUTES

The minutes of the last meeting of the Committee, held on 3 March 2015, were approved as a correct record and signed by the Chairman.

101. DECLARATIONS OF INTEREST

- (i) Councillor Scott declared a non-pecuniary interest in relation to Agenda Item No.4 (Planning Applications) and, in particular, to Item A.1 - Planning Application 14/01823/OUT – Land south of Cockaynes Lane, Alresford, CO7 8BZ.

Councillor Scott so declared by virtue of the fact that he was the local Ward Councillor.

- (ii) Councillor Johnson declared a non-pecuniary interest in relation to Agenda Item No.4 (Planning Applications) and, in particular, to Item A.7 Planning Application 15/00079/FUL – 22 Graces Walk, Frinton-on-Sea, CO13 9PQ.

Councillor Johnson so declared by virtue of the fact she was a Member of Frinton and Walton Town Council, which had previously considered the above application.

- (iii) The Chairman, Vice-Chairman and all Committee Members present at the meeting declared a non-pecuniary interest in relation to Agenda Item No.4 (Planning Applications) and, in particular, to Items:

A.1 - Planning Application 14/01823/OUT – Land south of Cockaynes Lane, Alresford, CO7 8BZ; and

A.2 - Planning Application 14/01431/OUT – Land east of Pond Hall Farm, Stour Close, Harwich, CO12 5EW

Members so declared by virtue of the fact that they had been lobbied by interested parties.

102. PLANNING APPLICATION – 15/00079/FUL – 22 GRACES WALK, FRINTON-ON-SEA, CO13 9PQ

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.

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

It was moved by Councillor Johnson, seconded by Councillor Brown and **RESOLVED** that determination of Planning Application 15/00079/FUL be **DEFERRED** to enable further negotiations to take place between the Officers and the Applicant with a view to a reduction in the ridge height of the main roof and the front extension in order to address the impact of the development on the neighbouring properties in Quendon Way.

103. PLANNING APPLICATION 14/01823/OUT – LAND SOUTH OF COCKAYNES LANE, ALRESFORD, CO7 8BZ

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 that outline planning permission be approved.

An update sheet was circulated to the Committee prior to the meeting, with details of:

- (1) Representation from Essex County Council Archaeologist;
- (2) Representation from Alresford Parish Council;
- (3) Response from the Applicant's Agent to Alresford Parish Council's representation;
- (4) Report submitted by a group of residents;
- (5) Representation by the Cockaynes Lane Action Group;
- (6) Letter from LSR Solicitors and Planning Consultants on behalf of residents of Cockaynes Lane;
- (7) Email from a local resident; and
- (8) Further letter of objection.

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

Mr David Crewe, a local resident, spoke against the application.

Parish Councillor George Martin, on behalf of Alresford Parish Council, spoke against the application.

Mr Steven Brown, on behalf of the applicant's agent, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Scott, seconded by Councillor Nicholls and unanimously **RESOLVED** that the Head of Planning be authorised to **REFUSE, CONTRARY TO THE OFFICERS' RECOMMENDATION OF APPROVAL**, outline planning permission for the development on the grounds that it would not be environmentally sustainable as it would be out of scale and character with the village and would have a damaging urbanising effect on that locality contrary to the National Planning Policy Framework; Policy QL1 of the Adopted Tendring District Local Plan and Policies SD2, SD3 and SD4 of the emerging Tendring District Local Plan.

The Committee stood adjourned between 7.45 p.m. and 7.51 p.m.

104. PLANNING APPLICATION 14/01431/OUT – LAND EAST OF POND HALL FARM, STOUR CLOSE, HARWICH, CO12 5EW

Councillor McLeod declared a non-pecuniary interest in this application insofar as he was the Ward Member for the Harwich East Central Ward.

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 four additional letters of support and a petition of 105 signatures submitted in support of the application.

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

Mr Anthony Howard spoke in support of the application.

Parish Councillor George Elmer, Chairman of Ramsey and Parkeston Parish Council, spoke in support of the application.

Mr Carl Minter, on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Scott, seconded by Councillor McLeod and unanimously **RESOLVED** that

- (a) The Committee being minded to approve the application, the Head of Planning be authorised to refer the planning application to the Secretary of State in accordance with the requirements of the Town and Country Planning (Consultation) (England) Direction 2009. Following referral to the Secretary of State and if the application is not "called in" the Head of Planning be authorised to grant planning permission subject to (b) and (c) below.
- (b) 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 (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning in her discretion considers appropriate):
- Harwich Linear Park; green infrastructure; public open space/play provision
 - Affordable/Council housing
 - Education contribution
 - Healthcare contribution
 - Travel Plan monitoring fee
 - Control of retail floorspace
 - Town centre contribution
- (c) 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 her discretion considers appropriate):

Conditions:

1. Standard 3 year time limit for commencement.
2. Development in accordance with submitted plans.
3. Hard and soft landscaping/habitat and biodiversity enhancement mitigation measures.
4. Landscaping management plan.

5. Submission of a phasing plan.
 6. Control floor space and use classes and number of dwellings
 7. Details and samples of facing and roofing materials.
 8. Details of trolley; cycle shelters; and ancillary street furniture.
 9. Details of water, energy and resource efficiency measures.
 10. Archaeological trial trenching and fieldwork.
 11. Archaeological recording of the World War II Pill Box.
 12. Control of amount of convenience goods and non-convenience good sales – no subdivision and no mezzanine floors.
 13. No extensions or enlargements to the retail floor space without express consent.
 14. Local recruitment strategy.
 15. Protection of retained trees/hedgerows 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. Details of all external plant and machinery.
 21. Details of all boundary treatments including retaining walls.
 22. Highways conditions as detailed in the report.
 23. Hours of delivery in accordance with a Service Delivery Management Plan
- (d) 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 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 the NPPF; NPPG and saved policy QL12 of the Tendring District Local Plan (2007) and draft Policy SD7 of the Tendring District Local Plan Proposed Submission Draft (2012), as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014).

The Committee stood adjourned between 8.35 p.m. and 8.38 p.m.

105. PLANNING APPLICATION - 14/01445/OUT – CLACTON FACTORY SHOPPING VILLAGE, STEPHENSON ROAD WEST, CLACTON-ON-SEA, CO15 4TL

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 three further letters of objection.

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

In view of the complexity and hybrid nature of the application it was moved by Councillor White, seconded by Councillor Scott and **RESOLVED** that up to six minutes be allowed for Mr Evans' speech.

Mr Alun Evans, the Agent on behalf of the Applicant, then spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor White, seconded by Councillor Scott and unanimously **RESOLVED** that the Head of Planning be authorised to **GRANT** planning 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 (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning in her discretion considers appropriate):
- Apart from the new retail unit in the north site, restrict all of the remaining factory outlet floor space to the existing discount sales restrictions, a maximum net/gross area and the existing range of goods restrictions
 - Restrict the new retail unit in the north site to a single unit with maximum net sales area and limit the amount of food sales from that unit
 - No further subdivisions or amalgamation of units on the north site
 - Restrict the new retail floor space on the south site to units of a minimum 2000 sq. m. gross and restrict the range of goods that can be sold
 - Retention of bus service to both the retail and leisure uses (subject to agreed review mechanism)
 - Retention of visitor centre
 - Provision of Cycleway/Footway if necessary to make the development acceptable
 - Travel Plan monitoring fee
- (b) Planning conditions in accordance with those set out (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning in her discretion considers appropriate):

Conditions:

1. Standard 3 year time limit for commencement of the full element and standard time limit for the submission of reserved matters and commencement of development for the outline element.
 2. Development in accordance with submitted plans
 3. Details and samples of facing and roofing materials
 4. Details of cycle shelters
 5. Details of water, energy and resource efficiency measures
 6. No extensions or enlargements (including mezzanine floors) without express consent
 7. Local recruitment strategy
 8. Hard and soft landscaping
 9. Landscape management plan
 10. Management and maintenance scheme for car park areas
 11. CCTV and external/security lighting
 12. Measures to minimise light pollution in accordance with submitted lighting scheme.
 13. Surface water management strategy; measures to prevent water pollution
 14. Details of all external plant and machinery
 15. Details of all boundary treatments
 16. Highway conditions as recommended by the Highway Authority as detailed elsewhere in the report (including a Travel Plan)
 17. Demolition and construction method statement
 18. Car parking area (hard surfaced, sealed and marked out in parking bays)
 19. Provision of service yard
 20. Powered two wheeler and bicycle parking facilities
 21. Closure and stopping up of existing pedestrian underpasses
 22. Hours of delivery in accordance with a Service Delivery Management Plan
- (c) That, in the event that such legal agreement has not been completed within the period of six months, the application be reported back to the Committee for further determination.

106. PLANNING APPLICATION – 13/01470/FUL – LAND SOUTH WEST OF ROBINSON ROAD, BRIGHTLINGSEA CO7 0ST

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 Officer comment in respect of Essex County Council Highways Authority's suggested condition number 2.

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

Mr Robert Eburne, on behalf of the Applicant, spoke in support of the application.

It was moved by Councillor McLeod, seconded by Councillor Johnson and **RESOLVED** that the Head of Planning (or equivalent authorised Officer) be authorised to **GRANT** planning 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; 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. The development hereby permitted shall begin no later than three years from the date of the permission;
2. Samples of the materials;
3. Hard and Soft landscaping details including tree protection measures;
4. Landscaping - Five year clause;
5. As requested by the Highway Authority;
6. Removal of Permitted Development Rights;
7. Details of Refuse storage/collection areas;
8. Archaeology investigative and report works;
9. Biodiversity enhancement provision and mitigation measures;
10. Site lighting strategy;
11. As requested by the Environment Agency; and
12. Provision of Broadband services;
13. Hard surfacing of the public footpath.

107. PLANNING APPLICATION – 14/01841/DETAIL – LAND SOUTH OF THORPE ROAD, WEELEY, CO16 9AJ

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.

Mrs Susan Jiggins, a local resident, spoke against the application.

Parish Councillor Carol Bannister, Vice-Chairman of Weeley Parish Council, spoke against the application.

Councillor De-Vaux Balbirnie, a local Ward Member, spoke on the application.

Mr Steven Rose, the Applicant, spoke in support of the application.

Following discussion, it was moved by Councillor White, seconded by Councillor Johnson and **RESOLVED** that the Head of Planning (or equivalent authorised Officer) be authorised to **GRANT** planning permission for the development, subject to the following conditions:

1. Approved Plans;
2. Highway conditions; and
3. Material samples

108. PLANNING APPLICATION – 14/01782/FUL – 407 MAIN ROAD, HARWICH, CO12 4EU

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.

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

Mrs Margarite Kramer spoke against the application.

Councillor J Henderson, a local Ward Member, spoke against the application.

Mr Russell Forde, the Applicant's Agent, spoke in support of the application.

After discussion, it was moved by Councillor White, seconded by Councillor Scott and **RESOLVED** that determination of Planning Application 14/01782/FUL be **DEFERRED** to enable further discussions to take place between the Officers and the Applicant as to revisions to the scheme that would address potential overlooking issues from the east elevation of Block A and the north elevation of Block B to the neighbouring single storey property.

The meeting was declared closed at 11.06 p.m.

Chairman