

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,  
HELD ON WEDNESDAY 28 MARCH, 2018 AT 6.00 PM  
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

<b>Present:</b>	Councillors White (Chairman), Heaney (Vice-Chairman), Alexander, Baker, Bennison, M Brown, Cawthron, Everett (except minute 107), Fowler, Hones and McWilliams
<b>Also Present:</b>	Councillors B E Brown (except minutes 105 (part) and 106 - 108), Callender (except minutes 105 (part) and 106 - 108), Davis (except minute 108) and Nicholls (except minutes 107 – 108)
<b>In Attendance:</b>	Ewan Green (Corporate Director (Planning and Regeneration)), Charlotte Parker (Solicitor (Property, Planning and Governance)), Alison Newland (Planning Team Leader), Robin Forrester (Agency Planner) (except minutes 106 - 108) and Katie Sullivan (Committee Services Officer)

**102. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were none.

**103. MINUTES OF THE LAST MEETING**

It was moved by Councillor Hones, seconded by Councillor Alexander and **RESOLVED** that the minutes of the last meeting of the Committee, held on 6 March 2018, be approved as a correct record and signed by the Chairman, subject to planning condition number two in the resolution to minute 95 being amended to read as follows:-

“No development shall commence until the footpath and highways works as shown on Drawing No. S161/216 Rev. C have been provided (entirely at the developer’s expense).”

**104. DECLARATIONS OF INTEREST**

Councillor Everett declared an other interest in Planning Application 18/00175/FUL, insofar as he knew the details of the application and informed the meeting that therefore he would withdraw from the meeting whilst the Committee deliberated on the application and reached its decision.

**105. A.1 - PLANNING APPLICATION - 17/02168/OUT - LAND WEST OF LOW ROAD, DOVERCOURT, CO12 3TR**

It was reported that this application had been referred to the Planning Committee at the request of Councillor Callender, a local Ward Member.

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 Agency Planner (RF) in respect of the application which included a verbal update that an additional email of

objection had been received shortly before the meeting and outlined the contents of the same.

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

- (1) Three typographical errors in the report;
- (2) Consultation responses received from TDC Housing Department, Anglian Water, ECC SuDS and Natural England;
- (3) One additional letter of objection received;
- (4) Two further letters of objection received;
- (5) Comments received from Essex Wildlife Trust;
- (6) Comments received from the Local Highway Authority; and
- (7) A revised recommendation provided by Officers.

Gordon Smith, a local resident, spoke against the application.

Councillor Pam Morrison, representing Harwich Town Council, spoke against the application.

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

Following discussion by the Committee and advice provided by Officers, it was moved by Councillor Everett, seconded by Councillor Alexander and unanimously **RESOLVED:-**

(a) that consideration of this application be deferred for the following reasons:

- To enable Officers to chase up on all outstanding consultation responses from Consultees.
- To enable Officers to discuss with Highways the possibility of moving the southern access point opposite existing access and also the possible addition of a roundabout.
- To enable Officers to discuss with Essex County Council Archaeology the possibility of war graves on the application site.

(b) that this application be not resubmitted to the Committee until the final comments from Statutory Consultees, particularly ECC Highways, have been received.

**106. A.2 - PLANNING APPLICATION - 17/02136/FUL & 17/02119/ADV - THE COTTAGE SITE, IPSWICH ROAD, COLCHESTER, CO4 9HB**

It was reported that this application had been referred to the Planning Committee at the request of Councillor Stock OBE, the local Ward Member.

Members were informed that the planning application proposal related to the erection of a fast food restaurant and drive-through including associated parking, delivery bay, footpaths and landscaping.

Members were further informed that the advertisement consent concerned illuminated signage to the proposed building, an illuminated totem sign to the front of the site and various information/direction signs within the site.

It was reported that the site was previously the subject of an approved planning application in 2009 for a car showroom with associated offices and servicing areas (08/00046/FUL). Works to the site access and the discharge of related planning conditions had ensured that this permission had now been implemented and remained live.

It was further reported that, in December 2012, planning application 12/01411/FUL and associated advertisement consent application 12/01412/ADV were submitted proposing the erection of a fast-food restaurant and 'drive-thru' with associated access road, parking for cars, cycles and motor-cycles, delivery bay, footpaths and associated landscaping, whilst the advertisement consent application proposed both elevational and freestanding internally illuminated signage.

Members were informed that, following the Council's failure to determine either planning application 12/01411/FUL or the associated advertisement consent application 12/01412/ADV, within the statutory timescales, non-determination appeals had been submitted to the Planning Inspectorate. In May 2014, both the planning appeal and the associated express advertisement consent appeal had been determined by the Planning Inspectorate. Whilst the advertisement consent appeal had been allowed, the planning appeal had been dismissed. The sole reason for the dismissal of the planning appeal was that the proposal was considered to significantly harm the living conditions of the occupants of Lion and Lamb Cottage, due to the noise and disturbance associated with the day-to-day operations of the proposed development.

Members were further informed that it was important to note that whilst the description of the 2012 proposals was similar to what was now being proposed, both the site area and layout, as well as the positioning of the proposed building, were now significantly different to the earlier applications. In the Officer's view the re-location of the restaurant unit, the re-configuration of the parking layout and the provision of a robust landscaping buffer were considered to overcome the Planning Inspector's previous concerns.

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 Team Leader (AN) in respect of the application.

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

- (1) a revised set of recommended conditions from Officers;
- (2) an additional representation received from Colchester Borough Councillor Gerard Oxford; and
- (3) an additional representation received from Ardleigh Parish Council.

Stephanie Dass, a local resident, spoke against the application.

Rodney Dass, on behalf of Ardleigh Parish Council as authorised by the Chairman of the Parish Council Mr Tim M. Barrott, spoke against the application.

Adam Beamish, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee and advice provided by Officers, it was moved by Councillor McWilliams, seconded by Councillor Everett and unanimously **RESOLVED** that, contrary to the Officer's recommendation of approval, the Head of Planning (or equivalent authorised officer) be authorised to refuse planning permission for the development due to the following reasons:-

- The proposed development is considered contrary to the National Planning Policy Framework (2012), saved Policies QL11 and COM22 of the Tendring District Local Plan (2007) and emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- The National Planning Policy Framework states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings and that planning decisions should protect areas of tranquillity which have remained relatively undisturbed by noise. Saved Policies QL11 and COM22 and emerging Policy SPL3 state all new development should be compatible with surrounding land uses and minimise any adverse environmental impacts; development will only be permitted if it will not have a materially damaging impact on the privacy or other amenities of occupiers of nearby properties. Furthermore, the policies states that noisy development should be located away from sensitive developments unless adequate provision has been made to mitigate the adverse effects of noise likely to be generated or experienced by others.
- The application site runs along the side and rear boundaries of a property known as 'Lion and Lamb Cottage'. The site is also situated directly to the front of a Premier Inn Hotel and numerous ground floor and first floor windows which serve guest rooms.
- In this instance it is considered that the proximity of the proposed parking areas to the rear garden of the cottage and noise associated with users of those parking spaces along with vehicles using access routes within the site, combined with the hours of operation (6am-11pm) would have a significant adverse effect on the quality of life that the occupants of Lion and Lamb Cottage currently enjoy.
- In addition, the proximity of the drive-through lane to the south-eastern facing flank of the adjacent hotel, which contains numerous openable windows which serve guest rooms at both ground floor and first floor level, along with the proposed early morning/late evening opening hours, would cause significant harm to the amenity of hotel guests in respect of noise from traffic utilising the lanes and ordering systems.
- Consequently the proposed development would be significantly detrimental to the amenity of the neighbouring residents at the Lion and Lamb Cottage and users of the hotel contrary to the aims and aspirations of the aforementioned national and local planning policies.

Following discussion by the Committee, it was further moved by Councillor Baker, seconded by Councillor Heaney and unanimously **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant advertisement consent for the development, subject to the following:

1. Advertisement Conditions (5 Standard)

- No advertisement is to be displayed without the permission of the owner of the site.
- No advertisement shall be sited or displayed so as to
  - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

2. Development to be carried out strictly in accordance with submitted plans.

3. Maximum Luminance of any signage shall not exceed 300 Candelas per square metre (300 cd/m<sup>2</sup>).

4. Illuminated signs to be switched off when restaurant/drive-thru is closed to the public.

**107. A.3 - PLANNING APPLICATION - 18/00175/FUL - 18 POPLAR WAY, KIRBY CROSS, FRINTON-ON-SEA, CO13 0QX**

Councillor Everett had earlier declared an other interest in Planning Application 18/00175/FUL, insofar as he knew details of the application. Councillor Everett thereupon withdrew from the meeting whilst the Committee deliberated on the application and reached its decision.

It was reported that this application had been referred to the Planning Committee at the request of Councillor Davis, a local Ward Member.

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 Team Leader (AN) in respect of the application.

Jackie Gilbody, a local resident, spoke against the application.

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

Following discussion by the Committee and advice provided by Officers, it was moved by Councillor Hones, seconded by Councillor McWilliams and unanimously **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. Three Year Time Limit.
2. Approved Plans.

**108. A.4 - PLANNING APPLICATION - 18/00071/FUL - FORMER PUBLIC CONVENIENCES, MARINE PARADE, DOVERCOURT, CO12 2RA**

It was reported that this application had been referred to the Planning Committee as the land was owned by Tendring District Council.

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 Team Leader (AN) in respect of the application.

Following discussion by the Committee, it was moved by Councillor Alexander, seconded by Councillor Everett and unanimously **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. Commence within 3 years.
2. Development in Accordance with Approved Plans.
3. Materials.
4. Extraction and ventilation details.
5. Opening times: 07.30am till 20.00pm Monday - Sundays including Bank Holidays.
6. No sound amplification in external areas.

The meeting was declared closed at 8.50 pm

**Chairman**