

# Public Document Pack

Planning Committee

30 July 2019

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**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,  
HELD ON TUESDAY, 30TH JULY, 2019 AT 6.00 PM  
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,  
CO16 9AJ**

<b>Present:</b>	Councillors Bray (Vice-Chairman), Alexander, Cawthron, Codling, Fowler, Harris, McWilliams and Placey
<b>Also Present:</b>	Councillor Joy Broderick, Councillor Carlo Guglielmi, Councillor Kanagasundaram King, Councillor Ann Wiggins and Councillor Colin Winfield
<b>In Attendance:</b>	Catherine Bicknell (Head of Planning), Graham Nourse (Planning Manager), Alison Newland (Planning Team Leader), Lisa Hastings (Head of Governance and Legal Services), Charlotte Cooper ?(Committee Services Officer)

**20. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillor White, with no substitutions.

**21. MINUTES OF THE LAST MEETING**

The minutes of the last meeting of the Committee, held on 02 July 2019, were approved as a correct record and signed by the Chairman.

**22. DECLARATIONS OF INTEREST**

Councillor Bray later declared that, with regards to Planning Application 18/01728/DETAIL – 171 Thorpe Road and Land to the Rear of 121-183 Thorpe Road and 4-20 Chapel Lane, Kirby Cross, Frinton on Sea, Essex, CO13 0NH, he is a member of Frinton and Walton Town Council, however he was not present when this application was discussed by them and is not predetermined.

**23. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

There were none on this occasion.

**24. A.1 - PLANNING APPLICATION - 19/00524/OUT - LAND TO THE SOUTH OF THORPE ROAD WEELEY, CO16 9AJ**

With the approval of the Vice-Chairman of the Committee (Councillor Bray) Planning Application 19/00524/OUT – Land to the South of Thorpe Road, Weeley, CO16 9AJ, had been deferred prior to this meeting and will be considered at a special meeting of the Planning Committee on 12 August 2019 at the Princes Theatre, Clacton Town Hall, Station Road, CO15 1SE.

25. **A.2 - PLANNING APPLICATION - 18/01728/DETAIL - 171 THORPE ROAD AND LAND TO THE REAR OF 121-183 THORPE ROAD AND 4-20 CHAPEL LANE KIRBY CROSS, FRINTON-ON-SEA, CO13 0NH**

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.

Councillor Bray then declared, as a point of interest, that he is a member of Frinton and Walton Town Council, however he was not present when this application was discussed by them and is not predetermined.

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

- (1) The masterplan had been amended at the Case Officer's request. Resulting in a change to the approved plans condition 1 and a change to condition 6.

Peter Hart, a local resident, spoke against the application.

Following discussion by the Committee, it was moved by Councillor Harris, seconded by Councillor Placey and **RESOLVED** that the application is deferred for the following reasons;

- To allow time for Planning officers to gather further detail with regards to the positioning of the power lines.

26. **A.3 - PLANNING APPLICATION- 18-01434-FUL - MAPLIN COURT, KINGS AVENUE, HOLLAND ON SEA, CO15 5EY**

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 Manager (GN) in respect of the application.

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

- (1) Paragraph 6.9 to be disregarded.
- (2) 2 further letters of objection have been received.
- (3) consultee comments received from Essex County Council Highway authority in response to the latest amended plans. The comments are the same as previously submitted and therefore covered in the report as written.

Councillor Bray, with reference to Section 7 of the Planning Committee Meetings Public Speaking Scheme whereby it states "All Committee meetings of Tendring District

Council are chaired by the Chairman or Vice-Chairman (in their absence) whose responsibility is to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and in the interests of the Community. The Chairman of the Planning Committee therefore, has authority to use their discretion when applying the Public Speaking Scheme to comply with this duty” used his discretion to change the usual order of the speaking scheme and allow the local Ward Member to speak last on the application.

Patrick Blackman, a local resident, spoke against the application.

Marcus Bennett, the agent on behalf of the applicant, spoke in support of the application.

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

Following discussion by the Committee, it was moved by Councillor Harris, seconded by Councillor Alexander and **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:-

1. Over development

**27. A.4 -PLANNING APPLICATION- 19-00004-OUT - LAND TO THE REAR OF MILL HOUSE, HIGH STREET, GREAT OAKLEY, CO12 5AQ**

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.

Councillor Bray, with reference to Section 7 of the Planning Committee Meetings Public Speaking Scheme whereby it states “All Committee meetings of Tendring District Council are chaired by the Chairman or Vice-Chairman (in their absence) whose responsibility is to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and in the interests of the Community. The Chairman of the Planning Committee therefore, has authority to use their discretion when applying the Public Speaking Scheme to comply with this duty” used his discretion to change the usual order of the speaking scheme and allow the local Ward Member to speak last on the application.

Anthony O’Riordan, a local resident, spoke against the application.

Peter Le Grys, the agent on behalf of the applicant, spoke in support of the application.

Councillor Guglielmi, on behalf of the local Ward Member, spoke against the application.

Following discussion by the Committee, it was moved by Councillor Fowler, seconded by Councillor McWilliams and **RESOLVED** that the Head of Planning (or equivalent

authorised officer) be authorised to grant planning permission for the development, subject to:

- a) **Within 6 (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:**
- **Financial Contribution of £122.30 per new dwelling towards RAMS**
  - **Financial Contribution for Open Space towards improving and upgrading the current play equipment at Orchard Close, Great Oakley.**
- b) Subject to the conditions stated below
- 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 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

#### Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the access, appearance, landscaping, layout and scale have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - The application as submitted does not provide sufficient particulars for consideration of these details.

4. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Drawing Ref:001 and Ecological Impact Assessment Report – Ref 1512 - Dated 3rd July 2019.

Reason - For the avoidance of doubt and in the interests of proper planning.

5. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. wheel and underbody washing facilities

Reason - To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety

6. All vegetation clearance shall be undertaken outside of the bird nesting season (March to September inclusive). If this is not possible, immediately prior to commencement of works a check for nesting birds should be undertaken by a suitably experienced ecologist. Any active nests will need to be left in situ until the young have left the nest.

Reason - To preserve and enhance the biodiversity of the site in accordance with the Ecological Impact Assessment Report dated 3rd July 2019 Ref: 1512

7. Development shall be carried out in full accordance with the mitigation and enhancement measures and/or works detailed in the Ecological Impact Assessment Report (Liz Lord Ecology, July 2019) including Appendix 3. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason - To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

8. Prior to commencement of any above ground works, A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Impact Assessment (EclA) report (Liz Lord Ecology, July 2019), shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason - To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species)

#### Informatives

#### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

#### Legal Agreement Informative - Open Space/Play Space Contribution

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: Public Open Space financial contribution in accordance with Policy COM6 of the adopted Tendring District Local Plan (2007) and Policy HP5 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

#### Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

#### Highways

Under Building Regulations B5, access for fire tenders is required to a point not further than 45 metres from the entrance to the dwelling. Any road or private drive forming part of such a fire access must be no less than 3.7 metres wide between kerbs (this may be reduced to 3.1 metres for a gateway or similar short narrowing) and should have a minimum centre line bend radius of 6.55 metres. The access way should be capable of carrying a 12.5 tonne vehicle. A cul-de-sac which is more than 20 metres long must have a turning head of a least Size 3.

Informative 2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at: [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 ' Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester.

CO4 9YQ.

**28. A.5 - PLANNING APPLICATION- 19-00398-COUNOT - 14A WADDES DON ROAD, HARWICH, CO12 3BA**

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 Manager (GN) in respect of the application.

Following discussion by the Committee, it was moved by Councillor Alexander, seconded by Councillor Bray and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to:

Conditions and Reasons

1. Development under Class M must begin within a period of 3 years starting with the prior approval date.
2. A building which has changed use under Class M is to be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as such a dwellinghouse.
3. Notwithstanding the details shown on the submitted plans, prior to any above ground works, details of the siting, design and materials of the screen walls and fences shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall be erected prior to the occupation of the dwelling and thereafter be retained in the approved form unless otherwise agreed in writing by the Local Planning Authority.

Reason – In the interests of visual amenity and residential amenities.

Informatives

Building Control Informative

Escape windows should be provided to the bedrooms. The door to the bathroom should open outwards.

The meeting was declared closed at 20 :25

**Chairman**

