
**MINUTES OF THE SPECIAL MEETING OF THE PLANNING COMMITTEE HELD ON
TUESDAY, 21 JANUARY 2014, BEGINNING AT 6.00 P.M.**

IN THE PRINCES THEATRE, TOWN HALL, STATION ROAD, CLACTON-ON-SEA

Present: Councillors Heaney (Chairman), Challinor (Vice-Chairman), Broderick, Brown, Candy, Johnson, McLeod, Nicholls, Simons, Turner and White.

Also Present: Councillors G V Guglielmi (Planning and Corporate Services Portfolio Holder), McWilliams, Scott and Talbot.

In Attendance: Head of Planning (Catherine Bicknell), Legal Services Manager (Lisa Hastings), Planning Development Manager (Clare David), Senior Solicitor (Michael Gibson-Davies), Planning Team Leader (Major) (Martyn Fulcher), Communications Manager (Nigel Brown), Democratic Services Officer (Michael Pingram) and Development Technician (Leanne Stopp).

Also In Attendance: John Neale (representing English Heritage).

81. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Fawcett (with Councillor Turner substituting), Councillor Howard (with Councillor Broderick substituting) and Councillor G L Mitchell (with Councillor Nicholls substituting).

82. PUBLIC SPEAKING, PROCEDURE AND LOBBYING ADVICE

The Council's Senior Solicitor read out a note giving advice about public speaking and the procedure that would be followed for dealing with and determining the planning applications at the meeting, which was slightly different from normal. For the applications in report A.1, matters would be dealt with in the following order, namely officer presentation, public speaking, Member debate (with the opportunity to ask questions and seek clarification from Officers and English Heritage through the Chairman) followed by a summary by Officers of the key points raised. After that, without any moving, seconding or voting, the same procedure would be followed for each of the other applications in turn.

When that procedure had been completed for all the reports and applications, questions might be put to public speakers, subject to the Legal Services Manager first being satisfied that certain specified criteria apply (see Minute ?? below). After that, the Head of Planning would review or remind members of the key points raised and members would then consider, debate and vote on each application separately in turn after having had the opportunity to ask Officers and English Heritage further questions.

The Council's Legal Services Manager then gave Members advice about lobbying and said that if a Member had been lobbied they must declare this to the meeting prior to consideration of the matter.

83. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee held on Tuesday 7 January 2014 were approved as a correct record and signed by the Chairman.

84. DECLARATIONS OF INTEREST

- (i) All Committee Members present declared that they had been lobbied by both the Applicant(s) and objectors on each of the applications to be considered at the meeting.
- (ii) Councillor White declared a non-pecuniary interest in Planning Applications 11/00328/FUL, 11/00329/FUL, 11/00330/FUL, 11/00331/FUL, 11/00336/CON, 11/00332/FUL, 11/00333/OUT, 11/00334/FUL and 11/00335/LBC as a Ward Member for St Osyth and Point Clear, a St Osyth Parish Councillor and as a resident of St Osyth for 74 years.
- (iii) Councillor Talbot declared a non-pecuniary interest in Planning Applications 11/00328/FUL, 11/00329/FUL, 11/00330/FUL, 11/00331/FUL, 11/00336/CON, 11/00332/FUL, 11/00333/OUT, 11/00334/FUL and 11/00335/LBC as a Ward Member for St Osyth and Point Clear.

85. A.1 PLANNING APPLICATIONS - THE PRIORY ESTATE, ST OSYTH, CLACTON-ON-SEA, C016 8NY**Condensed summary of the applications:**

11/00328/FUL - Erection of 23 dwellings, new access etc

11/00329/FUL - Erection of 23 dwellings, new access etc

11/00330/FUL - Erection of 23 dwellings, new access etc

11/00331/FUL - Erection of 21 flats with a new "Maltings" style building etc

11/00336/CON - Demolition of detached dwelling at 7 Mill Street

The Committee had before it the published Officer report for each of the above applications containing the key planning issues, relevant planning policies, planning history, any response from consultees and written representations received.

An update sheet was circulated to the Committee prior to the meeting with details of two additional objections received and additional supporting information from the Applicant.

An oral presentation was made by the Council's Planning Team Leader (Major) on each of the five above applications.

Public speaking regarding the above applications:

Mr Richard Winsborough (on behalf of Chris Miele, Senior Partner of Montagu Evans) spoke in favour;

Miss Phyl Hendy, a local resident representing Save our St Osyth, spoke against all the applications except for 11/00336/CON;

Mrs Sonia Grantham, Chairman of St Osyth Parish Council, spoke against the applications;

Councillor Talbot, as a Ward Member for St Osyth and Point Clear, spoke against all the applications except 11/00336/CON;

Mr Tim Sargeant, one of the Applicants, spoke in favour of the applications.

The Committee discussed and debated the above applications and Officers and Mr John Neale of English Heritage answered Members' questions. The Head of Planning then summarised the key points raised during the discussion and debate.

86. A.2 PLANNING APPLICATION – 11/00332/FUL – THE PRIORY ESTATE, ST OSYTH, CLACTON-ON-SEA, C016 8NY
Erection of 19 dwellings for use as residential and holiday accommodation (C3 use).

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.

An update sheet was circulated to the Committee prior to the meeting with details of two additional objections received and additional supporting information from the applicant.

An oral presentation was made by the Council's Planning Team Leader (Major).

Mr Richard Winsborough (on behalf of Chris Miele, Senior Partner of Montagu Evans) spoke in favour of the applications.

Miss Phyl Hendy, a local resident on behalf of Save our St Osyth, spoke against the application.

Mrs Sonia Grantham, Chairman of St Osyth Parish Council, spoke against the application.

Councillor Talbot, as a Ward Member for St Osyth and Point Clear, spoke against the application.

Helen Moore spoke in favour of the application on behalf of the Applicant.

The Committee discussed and debated the application and Officers and Mr John Neale of English Heritage answered Members' questions. The Head of Planning summarised the key points raised during the discussion and debate. During the discussion of this application, the representative of English Heritage stated that English Heritage had made a mistake in not objecting to the wind farm development at Earls Hall Farm, Clacton-on-Sea. The Chairman then adjourned the meeting at 8.15 pm, which resumed at 8.30 pm.

87. A.3 PLANNING APPLICATION – 11/00333/OUT – THE PRIORY ESTATE, ST OSYTH, CLACTON-ON-SEA, C016 8NY
Erection of 190 dwellings on 16.3 hectares of land.

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 two additional objections received and additional supporting information from the Applicant.

An oral presentation was made by the Council's Planning Team Leader (Major).

Mr Richard Winsborough (on behalf of Chris Miele, Senior Partner of Montagu Evans) spoke in favour of the applications.

Miss Phyl Hendy, a local resident on behalf of Save our St Osyth, spoke against the application.

Mrs Sonia Grantham, Chairman of St Osyth Parish Council, spoke against the application.

Councillor Talbot, as a Ward Member for St Osyth and Point Clear, spoke against the application.

Helen Moore spoke in favour of the application on behalf of the Applicant.

After the Committee had debated and discussed the application and Members' questions had been answered by Officers and Mr John Neale of English Heritage, the Head of Planning summarised the key points raised.

88. A.4 PLANNING APPLICATION – 11/00334/FUL – THE PRIORY ESTATE, ST OSYTH, CLACTON-ON-SEA, C016 8NY

Construction of a visitor centre/function room suite.

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.

An update sheet was circulated to the Committee prior to the meeting with details of two additional objections received and additional supporting information from the applicant.

An oral presentation was made by the Council's Planning Team Leader (Major).

Mr Richard Winsborough (on behalf of Chris Miele, Senior Partner of Montagu Evans) spoke in favour of the applications.

Miss Phyl Hendy, a local resident on behalf of Save our St Osyth, spoke against the application.

Mrs Sonia Grantham, Chairman of St Osyth Parish Council, spoke against the application.

Councillor Talbot, as a Ward Member for St Osyth and Point Clear, spoke against the application.

Helen Moore spoke in favour of the application on behalf of the Applicant.

After the Committee had debated and discussed the application and Members' questions had been answered by Officers and Mr John Neale of English Heritage, the Head of Planning summarised the key points raised.

89. A.5 PLANNING APPLICATION – 11/00335/LBC – THE PRIORY ESTATE, ST OSYTH, CLACTON-ON-SEA, C016 8NY

Works for construction of a visitor centre/function room suite.

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.

An update sheet was circulated to the Committee prior to the meeting with details of two additional objections received and additional supporting information from the applicant.

An oral presentation was made by the Council's Planning Team Leader (Major).

Mr Richard Winsborough (on behalf of Chris Miele, Senior Partner of Montagu Evans) spoke in favour of the applications.

Miss Phyl Hendy, a local resident on behalf of Save our St Osyth, spoke against the application.

Mrs Sonia Grantham, Chairman of St Osyth Parish Council, spoke against the application.

Councillor Talbot, as a Ward Member for St Osyth and Point Clear, spoke against the application.

Helen Moore spoke in favour of the application on behalf of the Applicant.

After the Committee had debated and discussed the application and Members' questions had been answered by Officers and Mr John Neale of English Heritage, the Head of Planning summarised the key points raised.

90. QUESTIONS PUT TO PUBLIC SPEAKERS

The Head of Legal Services was satisfied that four questions raised by Members which could not be answered by Officers satisfied the following qualifying criteria, namely that they were relevant to the determination of the applications, necessary to prevent a deferral of the determination to a later date, proportionate to be put and answered by the public speaker and that it was in the interests of openness and transparency that they should be answered. With the permission of the Chairman, the Head of Legal Services then put those four questions to Tim Sergeant, who was one of the Applicants who had also participated in public speaking. Mr Sergeant was duly asked each of the four questions, one at a time, to which he then responded.

91. OFFICER REVIEW OF KEY POINTS RAISED

The Head of Planning then reminded Members of the key points raised during discussion and debate, by summarising in 3 key areas the points which she had identified previously in relation to all the applications. The first key area concerned issues where there had been a fair degree of agreement, the second the potentially harmful impacts of the proposals, where a wide variety of views had been expressed and the third was the potential benefits of the proposals. In relation to the third key area, there had been some debate about the extent of the benefits and whether and when they would be achieved.

92. CONSIDERATION AND DETERMINATION OF EACH PLANNING APPLICATION

The Committee then considered each planning application listed below, determining each in turn before considering and determining the next.

93. APPLICATIONS REFERRED TO IN REPORT A.1

Planning Application 11/00328/FUL

Erection of 23 dwellings; new access road; driveways; parking; landscaping and all ancillary works (following demolition of 1 dwelling to form access).

It was moved by Councillor White, seconded by Councillor Johnson and:

RESOLVED that the Head of Planning be authorised to **REFUSE** the application on such detailed terms as she sees fit for the reasons summarised below:

- The proposed development would harm the character, setting and significance of the St Osyth Priory being a designated heritage asset;
- The proposed development would result in material harm to the St Osyth Conservation Area; and
- The benefits of the enabling development, and public access improvements, did not outweigh the disbenefits of departing from Policy EN27 and The National Planning Policy Framework.

Planning Application 11/00329/FUL

Erection of 46 dwellings; new access road; driveways; parking; landscaping and all ancillary works (following demolition of 1 dwelling to form access).

It was moved by Councillor Johnson, seconded by Councillor Broderick and:

RESOLVED that the Head of Planning be authorised to **REFUSE** the application on such detailed terms as she sees fit for the reasons summarised below:

- The proposed development would harm the character, setting and significance of the St Osyth Priory being a designated heritage asset;
- The proposed development would result in material harm to the St Osyth Conservation Area; and
- The benefits of the enabling development, and public access improvements, did not outweigh the disbenefits of departing from policy EN27 and The National Planning Policy Framework.

Planning Application 11/00330/FUL

Erection of 33 dwellings; new access road; driveways; parking; landscaping and all ancillary works (following demolition of 1 dwelling to form access).

It was moved by Councillor Johnson, seconded by Councillor McLeod and **RESOLVED** that the Head of Planning be authorised to **REFUSE** the application on such detailed terms as she sees fit for the reasons summarised below:

- The proposed development would harm the character, setting and significance of the St Osyth Priory being a designated heritage asset;
- The proposed development would result in material harm to the St Osyth Conservation Area; and
- The benefits of the enabling development, and public access improvements, did not outweigh the disbenefits of departing from Policy EN27 and The National Planning Policy Framework.

Planning Application 11/00331/FUL

Erection of 21 flats within a new "Maltings" style building

It was moved by Councillor Nicholls, seconded by Councillor Johnson and **RESOLVED** that the Head of Planning be authorised to **REFUSE** the application on such detailed terms as she sees fit for the reasons summarised below:

- The proposed development would harm the character, setting and significance of the St Osyth Priory being a designated heritage asset;
- The proposed development would result in material harm to the St Osyth Conservation Area; and
- The benefits of the enabling development, and public access improvements, did not outweigh the disbenefits which would be caused by departing from Policy EN27 and The National Planning Policy Framework.

Planning Application 11/00336/CON

Demolition of detached dwelling at 7 Mill Street

After some comments from Members, advice from Officers and clarification of the mover and seconder's reasons, it was moved by Councillor White, seconded by Councillor Broderick and **RESOLVED** that the Head of Planning be authorised to **REFUSE** contrary to the Officers' recommendation the application on such detailed terms as she sees fit on the

grounds that demolition of the dwelling would be detrimental to the character and appearance of the St Osyth Conservation Area.

94. APPLICATION REFERRED TO IN REPORT A.2

Planning Application – 11/00332/FUL

Erection of 19 dwellings for use as residential and holiday accommodation (C3 use).

It was moved by Councillor Johnson, seconded by Councillor McLeod and:

RESOLVED that the Head of Planning be authorised to **REFUSE** the application on such detailed terms as she sees fit for the reasons summarised below:

- The proposed development would harm the character, setting and significance of St Osyth Priory, which is a designated heritage asset;
- The proposed development would result in material harm to the St Osyth Conservation Area; and
- The benefits of the enabling development, and public access improvements, did not outweigh the disbenefits of departing from policy EN27 and The National Planning Policy Framework

95 APPLICATION REFERRED TO IN REPORT A.3

Planning Application – 11/00333/OUT

Erection of 190 dwellings on 16.3 hectares of land.

After some debate, it was moved by Councillor McLeod, seconded by Councillor Simons and:

RESOLVED that the Head of Planning be authorised to approve the application subject to the conditions summarised below and subject to a Section 106 Legal Agreement first being entered into, in each case on such detailed terms as she considers appropriate and on the basis that the Agreement contains planning obligations relating to:

- The implementation of restoration and repair works to the Priory Estate, in a manner to be agreed with English Heritage; and
- Phasing; and
- Mitigation and monitoring work, as requested by Natural England.

Conditions:

- Standard time limit for commencement - either before the expiration of five years from the date of this outline permission or from the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later.
- Reserved matters applications to be submitted
- Development to be carried out in accordance with approved drawings relating to access
- Details of infrastructure works including utility services, earthworks, drainage/attenuation and roadworks
- Phasing of works
- Materials/detailing
- Hard and soft landscaping
- Landscaping implementation
- Landscape Management Plan (to include RSPB requirements)

- Existing trees to be protected in accordance with measures meeting British Standards
- Car Parking Standards compliance
- Cycle Parking details to be submitted and approved
- Wheel cleaning facility to be provided
- Highway works to be carried out in accordance with approved drawings to include:
 - a priority junction off the B1027 to include 1no. Three metre wide footway/cycleway and 120x4.5x120 metre visibility splay;
 - a right turn priority junction to include 1 no. non-pedestrian central island and 1 no. cycle/pedestrian central island, and
 - Three metre footway/cycleway along the western side of the B1027
- Provision of two new bus stops on the B1027 adjacent to the proposal site and/or upgrade of two nearest bus stops in Colchester Road
- Residential Travel Information Packs
- Pond survey to be undertaken to assess the presence or otherwise of protected species
- New Bowmans Archery Range site to be used for archery purposes only and associated car parking to be laid out and maintained for such use at all times
- A surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development to be submitted and approved
- Construction and Environmental Management Plan to be submitted and Water, energy and resource efficiency measures during the construction and operational phases to be submitted and approved
- Wastewater strategy to be submitted and approved
- Foul water strategy to be submitted and approved
- Surface water/flood risk assessment to be submitted and approved
- Pre-works bat surveys to be undertaken
- External lighting details to be submitted and approved to ensure lighting is sensitively designed, minimises light spillage and avoids illuminating bat commuting and foraging routes and to ensure the use of low level, directional lighting to minimise light pollution
- Reptile habitat provision in accordance with Protected Species Survey findings
- Bespoke landscaping strategy (to introduce a strong Invertebrate foraging element)
- Post construction monitoring and control programme to ensure pond is not affected by the potential spread of Australian stonecrop
- Scheme for the provision and implementation of rainwater harvesting to be submitted and approved
- Secure by Design compliance
- Submission of cross-sections drawings to illustrate finished floor and roof levels
- Ground contamination and remediation details (as appropriate) to be submitted and approved
- High speed broadband connection
- Employment and Recruitment Strategy

The Committee requested that the reserved matters application(s) be referred to the Planning Committee for determination in due course.

The Council's Planning Team Leader (Major) explained that the application would now be referred to Secretary of State in order that he could determine whether or not to call it in and that therefore the application had not been approved at this stage.

96. APPLICATION REFERRED TO IN REPORT A.4

Planning Application – 11/00334/FUL
Construction of a visitor centre/function room suite.

It was moved by Councillor Johnson, seconded by Councillor McLeod and **RESOLVED** that the Head of Planning be authorised to **REFUSE** the application on such detailed terms as she sees fit for the reasons summarised below:

- The proposed development would harm the character, setting and significance of the St Osyth Priory being a designated heritage asset;
- The proposed development would result in material harm to the St Osyth Conservation Area; and
- The benefits of the enabling development, and public access improvements, did not outweigh the disbenefits of departing from policy EN27 and The National Planning Policy Framework

97. APPLICATION REFERRED TO IN REPORT A.5

Planning Application for Listed Building Consent – 11/00335/LBC

Works for construction of a visitor centre/function room suite.

It was moved by Councillor Simons, seconded by Councillor McLeod and:

RESOLVED that the Head of Planning be authorised to grant listed building consent for the works subject to the following condition on such detailed terms as she sees fit:-

- Standard Time Limit – Three Years.

98. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

The Chairman closed the meeting at 11.15 p.m.

Chairman