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**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE HELD ON****TUESDAY 4 FEBRUARY 2014 BEGINNING AT 6.02 P.M.****IN THE COUNCIL CHAMBER, COUNCIL OFFICES, WEELEY**

**Present:** Councillors Challinor (Chairman), Broderick, Brown, Fawcett, V E Guglielmi, Johnson, McLeod, G L Mitchell, Turner and White.

**Also Present:** Councillors G V Guglielmi (Planning and Corporate Services Portfolio Holder), Casey, Calver, De-Vaux Balbirnie MBE, D R Mayzes, McWilliams, Nicholls and D Oxley.

**In Attendance:** Corporate Director (Public Experience) (June Clare), Head of Planning (Catherine Bicknell), Monitoring Officer (Lisa Hastings), Planning Development Manager (Clare David), Planning Policy Manager (Gary Guiver), Inward Investment and Business Liaison Manager (Sally Looker), Senior Solicitor (Michael Gibson-Davies), Communications Manager (Nigel Brown), Enterprise and Innovation Officer (Michelle Gordon) and Democratic Services Officer (Michael Pingram).

**99. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Councillor Heaney (with Councillor V E Guglielmi substituting), Councillor Howard (with Councillor Broderick substituting) and Councillor Simons (with Councillor Turner substituting).

**100. ADVICE FROM THE LEGAL SERVICES MANAGER**

The Legal Services Manager repeated the legal advice previously provided to Members about lobbying and concerning predisposition and predetermination. This advice included guidance concerning the debate about Horsley Cross at the Council meeting on 26 November 2013 and the role of Members of the Planning Committee to determine the applications at this evening's meeting and she explained to the Committee that these were two different functions. However, Members were only permitted to take part in determining the planning application if they possessed an open mind to fully evaluate the application after hearing all representations and taking into account all relevant material considerations. The Legal Services Manager then answered questions on these matters from the Committee.

**101. DECLARATIONS OF INTEREST**

Councillor Johnson declared a non-pecuniary interest in Planning Application 13/01035/FUL as a Frinton and Walton Town Councillor.

Councillor Turner declared that, as he was pre-determined in respect of Planning Application 13/01035/FUL, with the Chairman's permission, he would step down from the Committee for that item and would speak under public speaking as a Ward Member and then immediately leave the room for the remainder of that item.

Councillor Nicholls declared a non-pecuniary interest in Planning Application 13/01452/FUL as a local Ward Member.

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**102. PLANNING APPLICATION – 13/01275/FUL – TUDOR LODGE, CLACTON ROAD, WEELEY, CO16 9EF**

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 updated details of an additional letter of objection received.

At the meeting an oral presentation was made by the Council's Planning Development Manager.

Following discussion by the Committee, it was moved by Councillor McLeod, seconded by Councillor Johnson and:

**RESOLVED** that the Head of Planning be authorised to grant planning permission for the development subject to the following conditions:-

1. Development in accordance with submitted plans
2. Use of materials (as previously approved)
3. Boundary treatment (as previously approved)
4. Hard and Soft Landscaping (as previously approved)
5. Protective fencing for existing trees to be retained during construction works (as previously approved)
6. Driveways and parking areas to be made of porous materials, or direct run-off water to permeable area.
7. Any gates erected to be set back 6m from highway and open inwards.
8. First floor windows on north-west elevation (facing The Towers) marked as obscure glazed on the submitted drawing to be glazed as such prior to occupation of the dwelling, and thereafter retained.
9. Dummy projection to north-west elevation to be constructed prior to first occupation of the dwelling, and thereafter retained in its approved form.

**103. PLANNING APPLICATION – 13/00745/OUT – 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 updated details of one additional comment of objection and a consultee response from H & E Explosives Inspectorate which stated there were no licensed explosive sites in the vicinity of the application site. The Council's Planning Development Manager also stated to the Committee that since the update sheet had been published an additional letter of objection had been received.

At the meeting an oral presentation was made by the Council's Planning Development Manager.

Martin Rayner, Chairman of Mistley Parish Council, spoke in favour of the application.

John Mathews, Chairman of Wix Parish Council, spoke against the application.

Nicky Parsons, as agent on behalf of the applicant, spoke in favour of the application.

Following discussion by the Committee, it was moved by Councillor White, seconded by Councillor Johnson and:

**RESOLVED** that the Head of Planning be authorised to grant planning permission for the development subject to the following conditions:-

A) The completion of a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) within six months of the date of the Committee's resolution to approve on such detailed terms as the Head of Planning in her discretion considers appropriate, dealing with the following matters:

1. Phasing of development and design code – including delivery of broadband mast
2. The future management of the communal areas of the site
3. The future management and maintenance of the strategic landscaping areas and surface water attenuation pond and sustainable urban drainage measures
4. Travel plan and public transport service and provision of additional and improved bus stops
5. The division of floor space accommodated by B2 and B8 uses
6. The retention of the bus depot for a specified period of time
7. Air Quality Monitoring
8. Retention of land for potential future A120 improvements
9. Employment and Skills Plan (for the construction phases of development) and a Local Labour Agreement (for all jobs created on the business park)

B) Planning conditions in accordance with those set out below, with such amendments and additions, if any, to as the Head of Planning in her discretion considers appropriate.

1. Submission of reserved matters within three years
2. Commencement of development within two years of approval of last reserved matter
3. Existing and proposed site levels and finished floor levels – identifying areas of cut and fill and the import or export of materials
4. Samples of all external roof and wall materials
5. No building on northern boundary to exceed 10 metres in height
6. No other building to exceed 12 metres in height
7. Details of screen walls and fences and security gates
8. Details of street lighting; floodlighting or other means of illumination
9. Highways conditions as reproduced within the report including provision of new roundabout junction
10. No building to be used as an independent office (Class B1)
11. Details of hard and soft landscaping
12. Implementation of landscaping
13. No outside storage or commercial or manufacturing activities
14. Details for the storage of refuse
15. Dust management plan during construction
16. No retail sales unless ancillary
17. Details of on-site surface water attenuation and discharge to Holland Brook and implementation of recommendations of flood risk assessment
18. Foul water strategy
19. A scheme to minimise impact on wildlife
20. Programme of archaeological work
21. Broadband provision

During the course of the debate Members referred to Reserved Matters being brought to the Committee at a later date.

**The Committee was adjourned from 7.02 p.m. until 7.06 p.m.**

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**104. PLANNING APPLICATION – 13/01452/FUL – LAND EAST OF HALL ROAD, GREAT BROMLEY, C07 7TR**

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 updated details of an additional letter of support and that the unilateral undertaking was progressing but not yet complete.

At the meeting an oral presentation was made by the Council's Planning Development Manager.

Richard Perry, on behalf of Great Bromley Parish Council, spoke against the application.

Councillor Nicholls, as Ward Member, spoke against the application.

Steve Norman, as agent for the applicant, spoke in favour of the application.

Following discussion by the Committee, it was moved by Councillor Johnson, seconded by Councillor McLeod and:

**RESOLVED** that the Head of Planning be authorised to grant planning permission for the development subject to:-

(a) Prior to the application determination date of 10<sup>th</sup> February 2014, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 on such detailed terms as the Head of Planning in her discretion considers appropriate, dealing with the following matters:

- Public open space
- (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

Conditions:

1. Standard three year time limit for commencement.
  2. Development in accordance with submitted plans.
  3. Occupancy restricted to agricultural manager at the poultry unit.
  4. Samples of construction materials.
  5. Construction Method Statement
  6. Onsite vehicular turning facility.
  7. Details of boundary treatments.
  8. Use of permeable surfacing.
  9. The temporary mobile home shall be removed as soon as the dwelling is occupied.
- (c) The Head of Planning be authorised to refuse planning permission in the event that such legal agreement has not been completed prior to the application determination date of 10<sup>th</sup> February 2014, as the requirements necessary to make the development acceptable in planning terms had not been secured through S106 planning obligation, contrary to saved policy COM6 of the Tendring District Local Plan (2007) and draft policy PEO22 of the Tendring District Local Plan Proposed Submission Draft (2012).

**105. PLANNING APPLICATION – 13/01035/FUL – ST JOSEPHS CONVENT, 14-16 RAGLAN ROAD, FRINTON-ON-SEA, CO13 9HH**

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.

Councillor Turner, who had declared that he was predetermined and would therefore step down from the Committee for the item (see Minute 101 above), spoke against the application as a Ward Member and then immediately left the room for the whole of the remainder of the item.

Jane Andrews, a local resident, spoke against the application.

David Williams, on behalf of the applicant, spoke in favour of the application.

Following discussion by the Committee, it was moved by Councillor Johnson, seconded by Councillor White and:

**RESOLVED** that the Head of Planning be authorised to refuse the application contrary to the officer's recommendation on the grounds that the scale, height, massing and bulk of the building would result in an imposing and dominant building out of character with the context of the site and contrary to Policies QL9, QL11 and SD9 of the adopted and emerging local plans.

**106. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT**

There were none.

The meeting was declared closed at 8.36 p.m.

**Chairman**