
MINUTES OF THE MEETING OF THE PLANNING COMMITTEE

**HELD ON TUESDAY 28 APRIL 2015 AT 6.00pm
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, WEELEY**

Present: Councillors Heaney (Chairman), Challinor (Vice-Chairman), Brown, Johnson, McLeod, Mitchell, Nicholls, Simons and White

Also Present: Councillors G V Guglielmi (Portfolio Holder for Planning and Corporate Services) McWilliams (Portfolio Holder for Well-being and Partnerships), De-Vaux Balbirnie, Casey and Patten

In Attendance: Head of Planning (Catherine Bicknell), Legal Services Manager (Lisa Hastings), Communications and Public Relations Manager (Nigel Brown), Planning Development Manager (Clare David), Senior Development Control Manager (Morne Van Rooyen), Democratic Services Officer (Janey Nice), Planning Officer (Richard Collins) and Planning Officer (Will Fuller)

109. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was submitted on behalf of Councillor Johnson.

110. MINUTES

The minutes of the last meeting of the Committee, held on 31 March 2015, were approved as a correct record and signed by the Chairman.

111. DECLARATIONS OF INTEREST

(i) Councillor White declared a non-pecuniary interest in relation to Agenda Item No.5 (Planning Applications) and, in particular, to items:

A.3 - Planning Application 14/01720/OUT – Land adjacent Kirkmead, Clacton Road, Weeley, CO16 9DN; and

A.6 – Planning Application 14/01904/FUL – Land at West Road, Clacton-on-Sea, CO16 1AG.

Councillor White so declared by virtue of the fact he personally knew the applicants to each planning application.

(ii) Councillor McLeod declared a non-pecuniary interest in relation to Agenda Item No.5 (Planning Applications) and, in particular, to item A.2 Planning Application 14/01782/FUL – 407 Main Road, Harwich, CO12 4EU.

Councillor McLeod so declared by virtue of the fact he was the Ward Councillor for the adjacent Ward.

112. PLANNING APPEALS AND DECISIONS: YEARLY REPORT

The Committee had before it the yearly report of the Head of Planning which detailed the planning, tree preservation order and enforcement appeals received/determined in the period April 2014 to March 2015.

Having considered the report it was duly **RESOLVED** that the contents of the report be noted.

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

It was noted by the Chairman that Councillors Mitchell and Simons were unable to take part in either the debate or voting on this item as it had been deferred from the previous meeting of the Committee, at which neither had attended.

Further to Minute 108 (31.3.15), 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.

The Committee recalled that this application had been deferred from its meeting held on 31 March 2015 in order to allow Officers the opportunity to negotiate an alternative site layout with the applicants in order to try and address the concerns with regard to potential overlooking issues from the east elevation of block A and the north elevation of block B to the neighbouring single storey property. Those issues were discussed under paragraph 7 of item A.2 of the Report of the Head of Planning.

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

Following discussion by the Committee, it was moved by Councillor White, seconded by Councillor Brown 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 (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning in her discretion considers appropriate):

Affordable Housing Provision (where required).

- (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. Standard time limit
2. Development in accordance with plans
3. Landscaping condition Existing and proposed site and finished floor levels
4. Details of materials
5. Hard and soft landscaping
6. All hard and soft landscaping implementation
7. Landscaping – Five year clause
8. Details of boundary treatments
9. Details of refuse storage/collection points
10. Site lighting strategy
11. Construction Method Statement
12. Parking in line with adopted Parking Standards
13. Details of a surface water management strategy
14. No dwellings/premises to be occupied until the surface water drainage strategy is carried out

15. Details of new driveways and parking areas
 16. Scheme for provision and implementation of water, energy and resource efficiency measures, during the construction
 17. Details for the disposal of surface water
 18. Bicycle storage facilities provided prior to occupation
 19. Vehicular access in accordance with the details shown in Drawing Numbered 14/07/05 A
 20. Existing and proposed site and finished floor levels
 21. Retention of existing hedges and trees
 22. Details quantifying any shading caused by trees to any main living rooms which face to the west
- (c) That the Head of Planning (or the equivalent authorised officer) be authorised to refuse outline planning permission in the event that such legal agreement (where required) has not been completed within the period of 6 months, as the requirements necessary to make the development acceptable in planning terms had not been secured through Section 106 planning obligation, contrary to saved policy HG4 of the Tendring District Local Plan (2007) and draft policies PEO10 of the Tendring District Local Plan Proposed Submission Draft (2012), as amended by the Tendring District Local Plan Pre-Submission Focussed Changes (2014).

114. PLANNING APPLICATION 14/01720/OUT – LAND ADJACENT KIRKMEAD, CLACTON ROAD, WEELEY CO16 9DN

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 two additional proposed conditions in respect of the maximum number of dwellings and site levels.

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

Mr Peter Dumsday, on behalf of Weeley Parish Council, spoke on the application.

Mr De-Vaux Balbirnie, a local Ward Member, spoke in support of the application.

Mr Peter Le Grys, the applicant's agent spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor McLeod, seconded by Councillor Mitchell and **RESOLVED** (a) that the Head of Planning (or equivalent authorised officer) be authorised to **GRANT** outline planning permission for the development subject to planning conditions in accordance with those set out in (i) 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. Details of the appearance, landscaping, layout, access and scale, (hereinafter called "the reserved matters")
2. Application for approval of the reserved matters
3. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters.
4. Samples of the materials
5. Hard and soft landscaping

6. All hard and soft landscaping implementation
7. Landscaping – Five year clause
8. Tree protective measures
9. As requested by the Highway Authority
10. Boundary treatments
11. Details of Refuse storage/collection areas
12. Permeable surfacing
13. Scheme to provide renewable energy and energy and water efficiency technologies to be used
14. Archaeology investigative and report works
15. Biodiversity mitigation and enhancement provision
16. Removal of PD rights for fencing, walls and means of enclosure on the northern boundary of the site
17. Lighting details
18. Maximum of up to 8 dwellings
19. Site levels
20. To agree a constructive management plan; and

(b) that the Reserved Matters Applications be submitted to the Committee for its determination; and

(c) that an Informative be sent to the applicant informing him that:

21. The landscaping scheme should retain the existing poplar trees and hedgerow along the site frontage as far as possible.

115. PLANNING APPLICATION 15/00440/FUL – LAND ADJACENT 101 HOLLAND ROAD, LITTLE CLACTON CO16 9RU

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 :

- (1) A letter of objection received from Little Clacton Parish Council; and
- (2) An additional six letters of objection from neighbours.

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

Mr Norman Edwards spoke against the application.

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

Mr Peter Le Grys, the applicant's agent spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Simons, seconded by Councillor Mitchell and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to **GRANT** planning permission for the development subject to 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. Standard time limit

2. In accordance with approved plans
3. Landscaping scheme
4. Landscaping scheme implementation and retention
5. Details of a vehicular turning facility
6. No unbound materials
7. Vehicular access width of 3.7m
8. Vehicular visibility splays to be maintained free of obstruction
9. Parking space dimensions of 5.5m x 2.9m
10. Construction method statement
11. Details of bridging/piping drainage ditch/watercourse
12. Site Levels
13. Porous hard surfacing materials
14. Surface water drainage details.

116. PLANNING APPLICATION – 15/00147/FUL – GREEN FARM, OAKLEY ROAD, WIX CO11 2SE

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 a further comment received.

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

Parish Councillor Ray Murray, on behalf of Wix Parish Council spoke in support of the application

Councillor Matthew Patten, a local Ward Member, spoke against the application.

Ms Amanda Stobbs, the Agent on behalf of the Applicant, then spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor McLeod, seconded by Councillor White and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to **GRANT** planning permission, subject to conditions. This motion was **LOST** on the Chairman's casting vote.

After further discussion, it was moved by Councillor Brown and Councillor White and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to **GRANT** planning permission for the development subject to planning conditions in accordance with those set out below but with such amendments and additions, if any, to the detailed wording thereof the Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate) and subject to an informative being sent to the applicant stating that the landscaping scheme should include tree planting including native, evergreen species of a sufficient depth in order to screen the development from the A.120.

Conditions:

1. Standard time limit for commencement
2. Development to be carried out in accordance with submitted plans
3. Details of colour of fencing to be submitted
4. No other fencing on site
5. As requested by the Highways Authority (except PRoW condition)
6. Landscaping to be submitted and approved
7. Colour of CCTV cameras and posts.

8. Colour and material of ancillary equipment
9. No External lighting
10. Flood Risk management and surface water drainage proposals to be carried out in accordance with submitted details.
11. No construction or decommissioning works outside the hours of 0730-1800 Monday to Friday and 0800-1300 Saturdays without prior written approval.
12. Fixed permission for 25 years when the use will cease and all solar panels and ancillary equipment shall be removed from the site in accordance with the Decommissioning Statement.
13. Solar park to be removed if ceases to export electricity to the grid for a continuous period of 12 months.
14. Recommended condition of ECC Archaeology
15. Details of an ecological management scheme and mitigation plan to include a scheme of biodiversity enhancement to be submitted and approved.
16. Landscape Management Scheme to be submitted and approved.

117. PLANNING APPLICATION – 14/01904/FUL – LAND AT WEST ROAD, CLACTON-ON-SEA CO16 1AG

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.

Mr John McLarty, on behalf of the Applicant, spoke in support of the application.

Following discussion by the Committee it was moved by Councillor White, seconded by Councillor Simons 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 application, subject to submission of an acceptable Flood Risk Assessment;
- (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. Limit the use to an Adventure Park;
3. No motorised activities;
4. Samples of the materials;
5. Hard and Soft landscaping details including tree protection measures;
6. Landscaping - Five year clause;
7. As requested by the Highway Authority;
8. Details of Refuse storage/collection areas;
9. Biodiversity enhancement provision and mitigation measures;
10. As requested by the Environment Agency;
11. SuDS Conditions;
12. Opening times.;
13. Two new bus stops near to the site entrance, the details to be agreed; and
14. Details of security fencing around the lakes.

The meeting was declared closed at 8.26 p.m.

Chairman