
**MINUTES OF THE RESUMED MEETING OF THE PLANNING COMMITTEE
HELD ON THURSDAY 19 NOVEMBER 2015 AT 6.00 P.M.
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, WEELEY**

Present: Councillors White (Chairman), Bennison, Everett, Fairley, Fowler, Hones, Massey, McWilliams, and Stephenson

Also Present: Councillors Broderick, Bucke, Cossens, Newton and Scott

In Attendance: Head of Planning (Catherine Bicknell), Acting Planning Development Manager (Gary Guiver), Senior Development Control Planner (Morne Van Rooyen), Senior Planning Officer (Susanne Ennos), Communications and Public Relations Manager (Nigel Brown), Solicitor (Charlotte Parker-Smith) and Senior Democratic Services Officer (Ian Ford)

59. RESUMPTION OF MEETING

Following the adjournment of the meeting on Tuesday 17 November 2015, which had been adjourned due to a power cut affecting the Council Offices, the meeting resumed and considered the following matters:

60. APOLOGIES FOR ABSENCE

There were apologies for absence received from Councillor Nicholls.

61. PLANNING APPLICATION 15/01234/OUT – LAND EAST OF HALSTEAD ROAD, KIRBY CROSS, CO13 0LR

Councillor Bucke, present in the public gallery, had earlier declared a non-pecuniary interest in relation to Planning Application 15/01234/OUT by virtue of the fact he was the local Ward Member.

Councillor Cossens, present in the public gallery, had earlier declared a non-pecuniary interest in relation to Planning Application 15/01234/OUT by virtue of the fact he was the local Ward Member.

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

1. Photographs relating to Highways matters and Officers comments thereon;
2. Details of two Appeal Decisions relating to Green Gaps submitted by the Applicants.

Following discussion by the Committee, it was moved by Councillor Hones, seconded by Councillor Everett 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 for the following reasons:

- Traffic safety concerns at the junction of Willow Road and Frinton Road;
- Concerns over the Halstead Road traffic management proposals;
- Loss of local Green Gap;
- Insufficient consideration of the Habitat Regulations assessment;
- Presumption in favour of sustainable development does not apply where the Habitat Regulations assessments are not complied with;
- Contrary to the Local Plan; and
- Concerns over drainage.

62. PLANNING APPLICATION 15/00278/OUT – REAR OF 32 – 52 FRINTON ROAD, KIRBY CROSS, CO13 0LE

Councillor Everett withdrew from the meeting, on the grounds of pre-determination, whilst the Committee considered this application and reached its decision.

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 Acting Planning Development Manager (Gary Guiver), in respect of the application.

Councillor Cossens, a local Ward Member, spoke on the application.

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Hones 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 (where relevant):

- On-site Council Housing/Affordable Housing;
- Education contribution; and
- Contribution toward play provision.

(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 equivalent authorised officer) in her discretion considers appropriate:

Conditions:

1. Standard 3 year time limit for submission of reserved matters application.
2. Standard 2 year limit for commencement of development following approval of reserved matters.
3. Details of appearance, access, layout, scale and landscaping (the reserved matters).
4. Layout and phasing plan/programme.
6. Development to contain up to (but no more than) 28 dwellings.
7. Highways conditions (as recommended by the Highway Authority).
8. Environmental Health conditions.
9. Parking to be in line with adopted Parking Standards.
10. Surface water drainage scheme.
11. Hard and soft landscaping plan/implementation.
12. Ecological mitigation/tree protection measures.
13. Details of lighting, materials and refuse storage/collection points.
14. Details of water, energy and resource efficiency measures.
15. Dwellings to be bungalows only.

(c) That the Head of Planning be authorised to refuse planning permission in the event that such legal agreement has not been completed within a period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a Section 106 planning obligation.

63. PLANNING APPLICATION 15/01277/OUT – LAND SOUTH OF ST ANDREWS CLOSE, ALRESFORD, CO7 8BL

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.

Update sheets were circulated to the Committee prior to the meeting with details of:

- (1) A proposed additional condition;
- (2) A briefing paper sent to the Members of the Committee by the applicant's agent;
- (3) Photographs from a local resident highlighting parking and flooding issues; and
- (4) A letter received from a local resident stating that proposed Condition No.6 could not be complied with due to the proximity of a conifer tree.

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

A written representation submitted by Hayley Clare, a local resident, who had been due to speak against the application but who had been unable to attend this resumed meeting, had been circulated to the Committee prior to the meeting. With the permission of the Chairman, Mr Low read out the contents of Ms Clare's note.

Parish Councillor George Martin, on behalf of Alresford Parish Council, spoke on the application.

Councillor Scott, the local Ward Member, spoke on the application.

Sam Merton, agent acting on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Fairley, seconded by Councillor Hones 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 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 (where required):
 - Open space contribution
 - Affordable housing
 - Education contribution
- (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 equivalent authorised officer, in their discretion considers appropriate):
 1. Details of the appearance, access, layout, scale and landscaping (the reserved matters)
 2. Application for approval of the reserved matters to be made within three years
 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. Development to be carried out in accordance with and maintained as set out in the Ecological Management Plan
 5. Detailed surface water strategy
 6. Requirement for internal access road and footways to be a continuous kerbed extension of St Andrews Close and be provided straight for at least the first 15 metres within the site.
 7. Details of individual proposed accesses

8. Pedestrian Visibility Splays
 9. Vehicle Visibility Splays
 10. No unbound material within 6 metres of the highway boundary
 11. Details of turning facilities for service and delivery vehicles
 12. Provision and implementation of a Residential Travel Information Pack
 13. Width of Carriageways
 14. Width of footways
 15. Parking Provision in accordance with the Council's Adopted Parking Standards
 16. Position of Garages (if vehicular door is facing the proposed highways shall be sited 6 metres from the highway boundary)
 17. Details for the provision of cycle storage
 18. Programme of Archaeological Trial Trenching followed by Open Area Excavation
 19. Construction Method Statement to include:
 - 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 under-body washing facilities
 - v) Hours of construction
 20. Development to contain up to (but no more than) 45 dwellings
- (c) That the Head of Planning be authorised to refuse outline planning permission in the event that such legal agreement 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 S106 planning obligation, contrary to saved policies HG4, COM6, COM26 and QL12 of the Tendring District Local Plan (2007) and draft policies SD7, PEO10 and PEO22 of the Tendring District Local Plan Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014).
- (d) That the Reserved Matters application be submitted to the Committee for its determination.
- (e) That an Informative be sent to the applicant stating that the Committee would prefer only single storey buildings to be built along the boundary with the school.

64. PLANNING APPLICATION 15/00899/FUL – LAND BETWEEN 691 AND 717 ST JOHN'S ROAD, CLACTON-ON-SEA, CO16 8BJ

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 an amended Officers' recommendation in relation to the need for a Section 106 Agreement.

At the meeting, an oral presentation was made by the Council's Senior Development Control Planner (Morne Van Rooyen) in respect of the application.

Peter LeGrys, agent acting on behalf of the applicant, spoke in support of the application.

It was then moved by Councillor McWilliams, seconded by Councillor Fairley and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to:

- (a) Confirmation of the need for a Section 106 Agreement;

- (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 equivalent authorised officer, in their discretion considers appropriate:
- Standard time limit
 - Development in accordance with plans
 - Landscaping condition
 - Details of materials
 - Hard and soft landscaping
 - All hard and soft landscaping implementation
 - Landscaping – Five year clause
 - Details of boundary treatments
 - Details of refuse storage/collection points
 - Site lighting strategy
 - Details of a surface water management strategy
 - No dwellings/premises to be occupied until the surface water drainage strategy is carried out
 - Working hours
 - The selection and use of machinery to operate on site, and working practices to be adopted
 - Waste from development to be recycled or removed from the site
 - No materials to be burnt on site.
 - Dust mitigation during construction
 - Details of estate road, at its bellmouth junction with St Johns Road
 - No unbound materials
 - Closure of existing access or any part of an access rendered redundant or unnecessary
 - Details of all carriageways
 - Details of all off street car parking
 - Details of vehicular turning facility for service and delivery vehicles
 - Construction Method Statement with details for:
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - wheel and under body washing facilities
 - Details of the construction and future maintenance of the necessary bridging or piping of the drainage ditch/watercourse
 - Detailed surface water drainage strategy
 - Flood management during construction phase
 - Maintenance for drainage strategy
- (c) That the Head of Planning (or the equivalent authorised officer) be authorised to refuse planning permission in the event that such legal agreement 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 policies HG4 and COM6 of the Tendring District Local Plan (2007) and draft policies PEO10 and PEO22 of the Tendring District Local Plan Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014).

65. PLANNING APPLICATION 15/01053/DETAIL – LAND AT THE SHELTONS, KIRBY CROSS, CO13 0LX

Members were aware that this application had been considered by the Committee at its meeting held on 20 October 2015 (Minute 53 referred). At that meeting the Committee had resolved that consideration of this application be deferred to enable the Officers to hold discussions with the applicant and Essex County Council, as appropriate, with a view to satisfactorily resolving the Committee's concerns in relation to the impact of the proposed access upon the residents of no.21 The Sheltons, in respect of light from vehicle headlights shining through the occupants front windows and the potential for conflict between users of the access and users of the property's front entrance.

It was reported that Officers had been in discussion with the Applicant and with Essex County Council Highways, and, as a result, the Applicant had submitted amended plans which showed the vehicular access being relocated further south. Officers were of the view that the revised position of the access would alleviate Members' concerns,, as by moving its position southwards any headlights from users of the access would now shine out over the driveway serving no.21 The Sheltons and not directly at their front elevation, significantly reducing the impact upon the resident's amenity.

It was felt that the re-positioning of the access had also allowed for the inclusion of additional soft landscaping fronting onto The Sheltons in the position where the access was previously to be located, improving the visual appearance of the development and enhancing the outlook for the residents at no.21 The Sheltons.

Essex County Council Highways had confirmed that they were satisfied with the position of the new access from a highway safety viewpoint as the required visibility splays, as shown on the amended plan, could still be achieved.

Members were made aware that the access would now run alongside the flank elevation of plot 9. However, this elevation only accommodated a single first floor window and any future residents of this property would be aware of this arrangement. Plot 9 had also lost two parking spaces due to being shifted southwards. However, it still retained two spaces in the form of a single bay and a garage, and therefore still met the requirements of the Council's Parking Standards.

Officers therefore considered that the revised position of the vehicular access had suitably overcome Members' concerns in respect of the impact upon the residents of no.21 The Sheltons; was acceptable from a highway safety viewpoint and would also allow for additional planting on the site's frontage to The Sheltons enhancing the appearance of the development.

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

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Stephenson 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. Approved plans
2. Construction in Accordance with Tree Survey/Report
3. Car Parking/Garages/Visitors Spaces to be provided before occupation

66. PLANNING APPLICATION 15/01219/FUL – BURRS ROAD CEMETERY, BURRS ROAD, CLACTON-ON-SEA, CO15 4LE

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 Senior Development Control Planner (Morne Van Rooyen) in respect of the application.

Following discussion by the Committee, it was moved by Councillor Fowler, seconded by Councillor Bennison 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. Time limit for commencement
2. Development in accordance with submitted plans
3. Details of a surface water drainage scheme,
4. Implementation of all hard and soft landscaping
5. Ecological mitigation scheme and management plan
6. Surveys as set out in Ecological Report
7. Landscape/Open space management plan

67. PLANNING APPLICATION 15/01477/FUL – BERIFFE PLACE, BRIGHTLINGSEA, CO7 0NP

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 an additional letter of representation in support of the application received from Mrs Helen Hilling and Mr Steven Gregory.

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

Following discussion by the Committee, it was moved by Councillor Bennison, 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 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. Time Limit
2. Permeable surfacing
3. Landscaping Scheme
4. Implementation of landscaping
5. Access to be constructed to width of 3 metres and provided with an appropriate dropped kerb crossing.
6. No unbound materials throughout

7. Prior to first use the car parking area shall be hard surfaced and sealed and not used for any other purpose thereafter
8. Approved plans

The meeting was declared closed at 9.12 p.m..

Chairman