
**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE
HELD ON TUESDAY 15 DECEMBER 2015 AT 6.03 P.M.
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, WEELEY**

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

Also Present: Councillors Ferguson and Howard

In Attendance: Planning Development Manager (Clare David), Acting Planning Development Manager (Gary Guiver), Senior Planning Officer (Susanne Ennos), Communications and Public Relations Manager (Nigel Brown), Solicitor (Charlotte Parker-Smith) and Senior Democratic Services Officer (Ian Ford)

68. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were apologies for absence received from Councillors Heaney (with Councillor Massey substituting) and Poonian (with Councillor Hughes substituting).

69. MINUTES

The minutes of the last meeting of the Committee, held on 17 November and resumed on 19 November 2015, were approved as a correct record and signed by the Chairman.

70. DECLARATIONS OF INTEREST

Councillor Nicholls declared a non-pecuniary interest in relation to Planning Applications 14/01292/OUT and 14/01238/OUT and 15/01502/FUL by virtue of the fact he was a local Ward Member.

Councillor Nicholls also declared an interest in relation to Planning Application 14/01728/OUT by virtue of the fact he was a local Ward Member and also by virtue of the fact that he was pre-determined.

Councillor Nicholls further declared an interest in relation to Planning Application 15/01502/FUL by virtue of the fact he was a local Ward Member, a member of the local Parish Council and also by virtue of the fact that he was pre-determined.

Councillor McWilliams declared an interest in relation to Planning Application 15/00682/OUT by virtue of the fact she was the local Ward Member and by virtue of the fact that she was pre-determined.

Councillor Fairley declared an interest in relation to Planning Applications 15/00682/OUT and 15/01502/FUL by virtue of the fact that she was pre-determined.

Councillor Fowler declared an interest in relation to Planning Application 15/00964/OUT by virtue of the fact that she was pre-determined.

Councillor Hughes declared an interest in relation to Planning Application 15/01638/COUNOT insofar as he was a member of the Cabinet and had therefore been a party to the decision to dispose of the Council owned offices. He informed the Committee that he would not vote on the application.

Councillor Howard, present in the public gallery, declared a non-pecuniary interest in relation to Planning Applications 15/01080/OUT and 15/00987/OUT by virtue of the fact he was the local Ward Member.

71. PLANNING APPLICATION 14/01292/OUT – LAND TO THE WEST OF CHURCH ROAD, ELMSTEAD MARKET, CO7 7AR

Councillor Nicholls had earlier declared a non-pecuniary interest in relation to Planning Application 14/01292/OUT by virtue of the fact he was a local Ward Member.

The Committee was reminded that it had previously considered this application at its meeting held on 3 March 2015 when it had decided to grant outline planning permission, subject to the completion of a Section 106 legal agreement within six months (i.e. by 3 September 2015) and further subject to planning conditions; otherwise the Head of Planning had the delegated authority to refuse the application, if necessary. Any reserved matters application was to be referred to the Planning Committee.

It was reported that since the date of that resolution discussions regarding the completion of the Section 106 legal agreement had been ongoing. Having specific regard to the issues of viability and deliverability, advice had been sought from the District Valuation Service. The Head of Planning now sought the Committee's agreement to an extension of time until 28 February 2016 in order to complete the legal agreement.

An update sheet was circulated to the Committee prior to the meeting with details of a letter received from the applicant supporting the Officers' recommendation to extend the time for the completion of the Section 106 Agreement.

Following discussion by the Committee, it was moved by Councillor Hones, 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) **By no later than 28th February 2016** 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):

- Affordable Housing (Subject to viability report)
- Education contribution
- Highway and Public Transport improvements
- Public open space contribution
- Completion and transfer of public open space, allotments and community facilities

(b) 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):

(i) Conditions:

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 contain up to 20 dwellings
5. Details of materials
6. Hard and soft landscaping
7. All hard and soft landscaping implementation
8. Development constructed in accordance with details contained within the Tree Report
9. Landscaping – Five year clause
10. Landscape/Public open space management plan
11. Ecological mitigation scheme (including a Bat Survey, if necessary) and management plan

12. Details of boundary treatments
 13. Details of refuse storage/collection points
 14. Archaeology investigative and report works
 15. Site lighting strategy
 16. Construction Method Statement, including details of hours of operation during construction.
 17. Parking in line with adopted Parking Standards
 18. Details of a surface water drainage scheme, including surface water swales
 19. Footpath works to the north of the site
 20. Detailed assessment of ground conditions of the land proposed for new playing field
 21. Playing field to be used for outdoor sport and for no other purpose
 22. Pitch shall be constructed and laid out in accordance with the standards and methodologies set out in the guidance note Natural Turf for Sport
 23. Details of a management and maintenance scheme for the facility
 24. Details of a community use scheme to be applied to the playing fields and community hall
 25. Contamination investigation
 26. Details of wheel cleaning facility
 27. Prior to commencement of development, details of the following to be submitted and approved:
 - Upgrading of the two bus stops in the vicinity of the Colchester Road/Church Road/Clacton Road/School Road junction to current Highway Authority specification which may include but shall not be limited to real time passenger information
 - Possible improvements at and in the vicinity of the Colchester Road/Church Road/Clacton Road/School Road junction
 28. No occupation of the development until the following have been provided or completed:
 - A priority junction off Church Road to include as a minimum 2no. 6 metre kerbed radii, 1no. footway and a 43 x 2.4 x 43 metre visibility splay
 - A minimum 4.8 metre wide carriageway in Church Road between the proposal site access and the private access located immediately south of 43, Church Road
 - Two new sections of minimum 1.5 metre wide footway along Church Road between the proposal site access and the private access located immediately south of 43, Church Road
 - The agreed details for upgrading of the two bus stops in the vicinity of the Colchester Road/Church Road/Clacton Road/School Road junction
 - The agreed details of improvements at and in the vicinity of the Colchester Road/Church Road/Clacton Road/School Road junction
 29. Scheme to provide renewable energy and energy and water efficiency technologies to be used.
 30. Layout and Phasing Plan and Programme
- (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 has not been completed **by no later than 28th February 2016**, as the requirements necessary to make the development acceptable in planning terms had not been secured through S106 planning obligation, contrary to saved policies QL2, HG4 (where relevant), COM6, COM26 and QL12 of the Tendring District Local Plan (2007) and draft policies SD7, PEO22, PEO10 and KEY2 of the Tendring District Local Plan Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014).

72. PLANNING APPLICATION 14/01238/OUT – AGRICULTURAL FIELD TO THE NORTH OF MEADOW CLOSE, ELMSTEAD, CO7 7HR

Councillor Nicholls had earlier declared a non-pecuniary interest in relation to Planning Application 14/01238/OUT by virtue of the fact he was a local Ward Member.

The Committee was reminded that it had previously considered this application at its meeting held on 3 March 2015 when it had decided to grant outline planning permission, subject to the completion of a Section 106 legal agreement within six months (i.e. by 3 September 2015): and further subject to planning conditions: otherwise the Head of Planning had the delegated authority to refuse if necessary. Any reserved matters application was to be referred to the Planning Committee.

Subsequently the application was brought before the Planning Committee on 22 September 2015 seeking a further extension of time in order to allow complex negotiations with regard to viability and highway matters, specifically the pedestrian crossing across Colchester Road, to be resolved. Members had agreed an extension until the 30 November 2015. It was reported that since that date discussions regarding the completion of the Section 106 legal agreement had been on going and were nearly resolved with a draft document being completed. The Head of Planning now sought the Committee's agreement to an extension of time until 30 May 2016 in order to complete the legal agreement.

Following discussion by the Committee, it was 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) **By no later than 30th May 2016** 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):

- **Pedestrian crossing on Colchester Road**
- **Improvements to bus stops in the vicinity of Colchester Road/Oatlands junction. These would include:**
 - **West bound stop – enter taper improved, circa 9m of the existing layby filled in and a 5m section of raised kerbing and a new exit taper.**
 - **East bound stop – relocated circa 15m to the east.**

(b) 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).

(i) Conditions:

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 contain a maximum of 20 dwellings
5. Existing and proposed site and finished floor levels
6. Details of all earthworks
7. Details of materials
8. Hard and soft landscaping
9. All hard and soft landscaping implementation
10. Development constructed in accordance with details contained within the Tree Report
11. Landscaping – Five year clause
12. Landscape/Public open space management plan
13. Ecological mitigation scheme and management plan
14. Details of boundary treatments
15. Details of refuse storage/collection points
16. Archaeology investigative and report works
17. Site lighting strategy
18. Sustainability report for reserved matters

19. Construction Method Statement, including details of hours of operation during construction.
 20. Parking in line with adopted Parking Standards
 21. Details of a surface water drainage scheme, including surface water swales
 22. No dwellings/premises to be occupied until the surface water drainage strategy is carried out
 23. Details of a foul water strategy
 24. Unfettered vehicular, pedestrian and cycle access to be provided to land to the north, west and east of the site
 25. Details of wheel cleaning facility
 26. No occupation of the development until the following have been provided or completed:
 - A pedestrian crossing on Colchester Road at the western end of the village.
 - A residential travel plan
 - Residential travel information packs
 - Improvements to bus stops in the vicinity of Colchester Road/Oatlands junction. These would include:
 - West bound stop – enter taper improved, circa 9m of the existing layby filled in and a 5m section of raised kerbing and a new exit taper.
 - East bound stop – relocated circa 15m to the east.
 27. Details of the estate road(s) and footways
 28. Construction of carriageway(s) of the proposed estate road(s)
 29. Internal estate road junction visibility splays
 30. Vehicular turning facility for service and delivery vehicles
 31. Details of new driveways and parking areas
 32. Scheme for provision and implementation of water, energy and resource efficiency measures, during the construction
 33. Details for the disposal of surface water
- (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 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 QL2, HG4, COM26 and QL12 of the Tendring District Local Plan (2007) and draft policies SD7 and PEO10 of the Tendring District Local Plan Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014).

73. PLANNING APPLICATION 14/01728/OUT – CHARITY FIELD, LAND SOUTH OF COLCHESTER ROAD, ELMSTEAD, CO7 7ET

Councillor Nicholls had earlier declared an interest in relation to Planning Application 14/01750/OUT by virtue of the fact he was the local Ward Member and also by virtue of the fact that he was pre-determined.

The Committee was reminded that it had previously considered this application at its meeting held on 3 March 2015 when it had decided to defer consideration of the application to a future meeting of the Committee in order to enable meaningful negotiations to be held and to address, specifically:

- The number of proposed dwellings and their height;
- Highways and position of access to the development; and
- Community facility use.

The Head of Planning now sought the Committee's agreement to determine the application in accordance with the original recommendation of approval. Additional information in relation to the above three bullet points was submitted as follows:

“The number of proposed dwellings and their height

Members are advised that the application is in outline form, with all matters reserved including scale. The maximum number of dwellings proposed is 50. The application is accompanied by a Layout Drawing for illustrative purposes which shows 50 plots. The Agent has confirmed that the number of units proposed would be able to deliver most of the community benefits proposed. A reduction in the maximum number of dwellings would have implications in terms of the value of the scheme and its ability to deliver community benefits. Your Officers consider that the illustrative layout demonstrates how the number of dwellings proposed could be accommodated within the site in a manner similar to the adjacent estate development at Alfells Road and Pauls Crescent, to the west. The scale of residential development in the vicinity of the application site is typically domestic, up to two stories in height. Members are advised that as the scale of the proposed development is reserved, height is a matter which could be controlled by a planning condition. However, matters of scale and the impact of the detailed scheme would be considered formally at a later stage. The Agent has confirmed that there is some flexibility over the maximum height of the proposed development and an informative could be added to state that the Council would expect any subsequent application to comprise a mix of single-storey and two-storey dwellings.

Highways and position of access to the development

Members are advised that the application is in outline form, with all matters reserved including means of access. The application is accompanied by a Layout Drawing for illustrative purposes which shows a Footpath/Cycle Link from Alfells Road, to the west. The possibility of a limited means of vehicular access from the west has been considered in response to concerns that on-street parking might occur in Alfells Road and Pauls Crescent by users of the proposed allotments. However, it is considered that the provision of dedicated parking adjacent to the proposed allotments would make the likelihood of such parking occurring remote. The means of vehicular access as illustrated would be from School Road to the east. Following discussions with the Essex County Council Highways Authority, additional survey work has been carried out to consider the impacts of relocating the means of vehicle access to School Road. Having regard to the existing road specification, the conclusion reached is that the position indicated on the application drawings is acceptable in highways terms and to move it further to the north or south could be feasible but would not secure any highways' benefits. Further, depending upon the precise location, it could have adverse impacts in terms of highway safety and the environment, having regard to the presence of the school access nearby and the width of the existing verge, which would be eroded in order to accommodate additional carriageway.

Community facility use

Discussions have also been held regarding the provision of a possible new health centre to replace and increase the capacity of the existing Doctor's surgery (Portland Medical Practice). Such a possible community facility is dependent not only upon provision of a suitable building but also in its ongoing funding, which does not form part National Health England's current approach having regard to its future plans for local health services. Notwithstanding the local desire for an improved Doctor's Surgery and the applicant's willingness to provide land for a suitable building for that purpose, this facility could not be funded solely by the proposed development of 50 dwellings, particularly in addition to providing 25% affordable housing, public open space and allotments. Your Officers have considered whether another form of community building would be appropriate. In order to consider whether it is appropriate in planning terms to require the provision of such a community facility, it is necessary to have regard to the tests which must be applied in an assessment. Elsewhere on this Agenda is a report for another planning proposal in the village (App. Ref: 14/01292/OUT) which also includes a proposed community building. Members are advised that each application must be considered on its merits and the matter of deliverability is a material planning consideration. As with the possible provision of a

health centre building, to be successful, a Village Hall would require support and suitable funding and from the Agent's discussions, it is understood that there is no such local support for a new Village Hall at Charity Field. Nevertheless, in planning terms, the principle of including land for a new community building within the site remains acceptable in itself. However, should Members wish to grant planning permission, they are advised that in the circumstances identified, it would not be possible to require provision of such a building. In such circumstances, any land which might be set aside for that purpose would be identified at the detailed application stage and suitable provision made for its maintenance/temporary alternative use pending any such future development."

An update sheet was circulated to the Committee prior to the meeting with details of a communication received from the applicant indicating a willingness, in principle, to explore the provision of an alternative form of community facility on the site such as a 'Green Gym' or multi-use games area.

Councillor Nicholls, in his capacity as a local Ward Member, spoke on the application. He then withdrew from the meeting, on the grounds of pre-determination, whilst the Committee considered the application and reached its decision.

Ron Fairweather, a local resident, spoke against the application.

Parish Councillor Paul Beard, representing Elmstead Parish Council, spoke against the application.

Edward Gittins, the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Raby, seconded by Councillor Bennison 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:

- Number of dwellings;
- Scale in excess of 50 dwelling limit in the emerging Local Plan;
- Urbanisation of rural location;
- Cumulative impact on the rural environment; and
- No Section 106 Agreement to mitigate infrastructure impact.

74. PLANNING APPLICATION 15/01285/FUL – WOODVIEW LODGE, CHAPEL LANE, CROCKLEFORD HEATH, CO7 6BJ

The Committee was reminded that it had previously considered this application at its meeting held on 20 October 2015 when it had decided to defer consideration of the application to a future meeting of the Committee in order to enable the Officers to hold discussions with the applicant to produce a scheme showing the property having a reduced height with a view to satisfactorily resolving the Committee's concerns in relation to:

- The impact of the proposed dwelling upon the historic setting of the Grade II listed property to the north known as 'Lamberts'.

It was reported that Officers had been in discussions with the Applicant and with Essex County Council Highways, and as a result the Applicant had submitted amended plans which showed the substitution of the previously proposed two-storey property with a bungalow of a larger footprint. The bungalow would have a ridge height of 4.7m which was 2m lower than previously proposed.

Members were informed that Officers were of the view that, whilst the proposed property had been reduced in height by 2m, the significant footprint of the proposed bungalow and its proximity to Lambert's to the north would still erode the setting of that listed building to

the detriment of its historic significance. The bungalow's ridge height of 4.7m, whilst being significantly lower than previously proposed, would still limit views of the listed building from Chapel Lane. Whilst the site benefited from an extant planning permission for a triple bay garage, it was located parallel with the side boundary of the plot and of a significantly smaller footprint. Consequently it was concluded that the proposed bungalow would have a significantly detrimental impact upon the setting of the adjacent listed building.

The Committee was advised that Officers therefore considered that the revisions to the proposed development did not overcome the reasons for refusal reported to the Committee on 20 October 2015.

Members were made aware that eight additional letters of objection had now been received. The objectors concerns were as follows:

- development would compromise the rural nature of the lane;
 - adverse impact upon the setting of adjacent Grade II listed property 'Lamberts';
 - Chapel Lane has few passing places/impact on pedestrian's safety;
 - proximity to roadside nature reserve;
 - lack of suitable drainage;
 - over-development of the site/cramped siting of proposed bungalow;
 - development would set an undesirable precedent for more housing along rural lane;
- and
- increased pressure on high water table.

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

- (1) an additional letter received from Robinson & Hall on behalf of Mr and Mrs Mead of Lamberts, Chapel Lane; and
- (2) additional comments received from Ardleigh Parish Council.

Peter Le Grys, agent acting on behalf of Charles Mead, the owner of Lamberts the neighbouring property, spoke against the application.

Simon Limb, the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Hughes, seconded by Councillor Fairley and **RESOLVED** that, contrary to the Officer's recommendation of refusal, 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 (where required):
 - Open Space Provision
- b) Planning conditions in accordance with those set out in 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. Compliance with plans;
3. Materials; and
4. Boundary treatments.

75. PLANNING APPLICATION 15/00682/OUT – LAND AT ADMIRALS FARM, HECKFORDS ROAD, GREAT BENTLEY, CO7 8RS

Councillor McWilliams had earlier declared an interest in relation to Planning Application 15/00682/OUT by virtue of the fact she was the local Ward Member and also by virtue of the fact that she was pre-determined.

Councillor Fairley had earlier declared an interest in relation to Planning Application 15/00682/OUT by virtue of the fact she was pre-determined. Councillor Fairley therefore withdrew from the meeting, whilst the Committee considered the 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 McWilliams, in her capacity as a local Ward Member, spoke on the application. She then withdrew from the meeting, on the grounds of pre-determination, whilst the Committee considered the application and reached its decision.

George Wright, the landowner, spoke in support of the application.

Pippa Drew, representing Protect Great Bentley, spoke against the application.

Parish Councillor Robert Taylor, representing Great Bentley Parish Council, spoke on the application.

David Rose, the applicant's agent, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Hughes, seconded by Councillor Raby 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:

- Urbanisation of the rural area;
- Scale in excess of 50 dwelling limit in emerging local plan;
- Impact on character of the conservation area;
- Impact on uncontained rural landscape characterised by linear development fronting the large open vista across the green; and
- No Section 106 agreement to mitigate infrastructure impact.

76. PLANNING APPLICATION 15/00964/OUT – LAND ADJACENT TWO VILLAGES SCHOOL, MAYES LANE, RAMSEY, CO12 5EL

Councillor Fowler had earlier declared an interest in relation to Planning Application 15/00964/OUT by virtue of the fact she was pre-determined. Councillor Fowler therefore withdrew from the meeting, whilst the Committee considered the application and reached its decision.

Councillor Ferguson declared a non-pecuniary interest in relation to Planning Application 15/00964/OUT insofar as she was the local Ward Member.

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 Ferguson, the local Ward Member, spoke on the application.

David Harwood, a local resident, spoke against the application.

Following discussion by the Committee, it was moved by Councillor Fairley, seconded by Councillor Hones 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:

- Impact on Green Gap;
- Urbanisation of the area;
- Impact on setting of Grade I listed building (St. Michael's Church); and
- No Section 106 Agreement in place.

77. PLANNING APPLICATION 15/01080/OUT – ALLOTMENT FIELD ADJACENT GREAT OAKLEY PRIMARY SCHOOL, BEAUMONT ROAD, GREAT OAKLEY, CO12 5BA

Councillor Howard, present in the public gallery, had earlier declared a non-pecuniary interest in relation to Planning Application 15/01080/OUT by virtue of the fact he was the local Ward Member.

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 Planning Officer (Susanne Ennos), in respect of the application.

Dr. Michael Coggan spoke in support of the application.

Alan Adams, a local resident, spoke against the application.

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

Edward Gittins, representing the applicant's agent, spoke in support of 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 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 required):
 - Affordable Housing
 - Education
 - Provision of Community Facilities
 - Highway Works
 - Ownership of Village Hall and Doctors Surgery
- b) Planning conditions in accordance with those set out in 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 3 year time limit for commencement of the full element and standard time limit for the submission of reserved matters and commencement of development for the outline element.
 2. Development in accordance with submitted plans
 3. Details and samples of facing and roofing materials
 4. No more than 51 dwellings
 5. No occupation until a priority junction off Beaumont Road has been provided
 6. Details of improvements to public right of way to be agreed and carried out prior to first occupation
 7. Development in accordance with landscape masterplan
 8. Car parking area (hard surfaced, sealed and marked out in parking bays)
 9. Detailed Surface Water Strategy
 10. Development in accordance with Extended Phase 1 Ecology Survey
 11. Wheel cleaning
 12. Residential Travel Packs
 13. Development in accordance with recommendations set out in the Arboricultural Impact Assessment.
 14. Removal of Permitted Development so the shop is retained
 15. Demolition and Construction Method Statement
- 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 six 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 the Head of Planning Services (or equivalent authorised Officer) be authorised to impose an extra planning condition (if deemed necessary) in respect of requiring a Bat Survey of Tree TN2, the subject of a Tree Preservation Officer, if the evidence suggests a potential bat habitat.

78. PLANNING APPLICATION 15/00987/OUT – LAND TO THE NORTH OF BREAK OF DAY AND NEWLANDS, BEAUMONT ROAD, GREAT OAKLEY, CO12 5BD

Councillor Howard, present in the public gallery, had earlier declared a non-pecuniary interest in relation to Planning Application 15/00987/OUT by virtue of the fact he was the local Ward Member.

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 a letter received from the agent raising various points of issue with the Officers' report.

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

Alan Adams, a local resident, spoke against the application.

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

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

Following discussion by the Committee, it was moved by Councillor Fairley, seconded by Councillor Everett and **RESOLVED** that consideration of this application be deferred in order to enable the Officers to clarify with the applicant issues relating to any trees to be lost; the requirements of a related Section 106 Agreement; access arrangements for the site; and a Phase 1 Habitat Survey.

79. PLANNING APPLICATION 15/01502/FUL – LAND ADJACENT THE CROSS INN PUBLIC HOUSE, ARDLEIGH ROAD, GREAT BROMLEY, CO7 7TL

Councillor Nicholls had earlier declared an interest in relation to Planning Application 15/01502/FUL by virtue of the fact he was a local Ward Member, a member of the local Parish Council and also by virtue of the fact that he was pre-determined.

Councillor Fairley had earlier declared an interest in relation to Planning Application 15/01502/FUL by virtue of the fact she was pre-determined.

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 letter received from the Agent confirming the applicant's willingness to enter a unilateral undertaking for the provision of a contribution towards play space.

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

Richard Perry, a local resident, spoke against the application.

Peter Le Grys, the applicant's agent, spoke in support of 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 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 required):
 - Open Space Provision
- b) Planning conditions in accordance with those set out in 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. Conditions: Standard time limit for development to commence
2. Details of external materials to be submitted
3. Details of Soft and Hard Landscaping
4. Planting season/replacement of planting within 5 years
5. Tree details to be submitted together with protection measures to be implemented during construction

6. Boundary Treatment details
7. Bin and cycle storage details
8. Details of access road
9. Visibility Splays
10. No unbound materials within 6m of highway boundary
11. Details of vehicular accesses
12. Size of vehicle hardstanding areas
13. Garage sizes
14. Details of turning facilities
15. Provision for cycle stores
16. Construction Methodology Statement
17. Surface water discharge to highway (prevention)

80. PLANNING APPLICATION 15/00669/OUT – CROWN BUSINESS CENTRE AND GOLF DRIVING RANGE, OLD IPSWICH ROAD, ARDLEIGH, CO7 7QR

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 (Clare David) in respect of the application.

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

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Everett 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 in 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 – within 2 years of approval of last reserved matter
2. Time limit for submission of reserved matters – within 2 years of this approval
3. Submission of reserved matters
4. Equivalent replacement employment floor space to be provided (as approved under 15/00985/OUT) prior to occupation of any of the hereby approved dwellings
5. Vehicular access reconstructed to a width of 5.5m for first 6m with dropped kerb
6. Details of communal refuse store adjacent to highway boundary
7. Construction Method Statement
8. Vehicular turning facility of at least size 3 dimensions

81. PLANNING APPLICATION 15/01638/COUNOT – COUNCIL OFFICES, 14A WADDESDON ROAD, DOVERCOURT, CO12 3BA

The Committee was informed that this application had been referred to it as Tendring District Council was the landowner.

It was reported that the proposal was to change the use of a building from Use Class A2 (cash office) to Use Class D2 (fitness class and personal training studio) under the permitted development allowances, as set out in Schedule 2, Part 3, Class J of The Town and Country Planning (General Permitted Development) (England) Order 2015. The applicant was seeking the Council's determination as to whether its "prior approval" was required for the change of use from A2 use to D2 use subject to the restricted considerations detailed in the Officers' report.

Members were advised that the considerations were restricted solely to the impacts of noise; opening hours; transport and highways; and whether the change of use was undesirable in terms of impact on the adequate provision of that existing use and on the sustainability of the shopping area.

The Committee was advised that Officers had concluded that the proposal would be acceptable in terms of those specific impacts and therefore that the change of use from A2 (cash office) to D2 (fitness class and personal training studio) did not require Prior Approval.

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

The Committee noted the receipt of this application.

The meeting was declared closed at 11.38 p.m.

Chairman