
**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE, HELD ON TUESDAY 5
JANUARY 2016, AT 6.00PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, WEELEY**

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

Also Present: Councillors Baker, Bucke, Coley and G V Guglielmi (Deputy Leader and Portfolio Holder for Asset Management and Corporate Services)

In Attendance: Head of Planning (Cath Bicknell), Democratic Services Manager (Colin Sweeney), Acting Planning Development Manager (Gary Guiver), Communications and Public Relations Manager (Nigel Brown), Planning Team Leader (Minor Applications) (Alison Newland) and Solicitor (Charlotte Parker-Smith)

82. CHAIRMAN'S OPENING REMARKS – PLANNING APPLICATION NO.15/01714/FUL: MARTELLO CARAVAN PARK, KIRBY ROAD, WALTON-ON-THE-NAZE, CO14 8QP (AGENDA ITEM A.2)

The Chairman announced that, prior to conducting the formal business on the agenda he had agreed to defer this matter, given that the Council had received representations from Natural England (statutory consultee) earlier in the day, who originally had made no comment on how the suggested estate might affect the Hanford Water Special Area Status, the SSSI and Ramsar Sites.

It was reported that, in the representations received earlier in the day, Natural England had asked the Council to defer its deliberations, scheduled to be held at this meeting, to allow it (Natural England) to reconsider its comments on how an estate might have effect on the suggested new National Coastal Path.

This, he understood, was still at a very draft stage and certainly had not yet been put out to public consultation. However, he said, as a statutory consultee, the Council was duty bound to take heed of Natural England's representations and had, therefore, deferred the matter and given notice to Natural England that the application would now be considered by the Planning Committee at its next meeting, to be held on Tuesday 2 February 2016, whether the Council had received its comments or not.

The Chairman apologised for the lateness of the decision to defer the matter and invited any members of the public who had come along to hear the matter being considered, the opportunity to leave the meeting.

83. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence had been received on behalf of Councillor Heaney.

84. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on 15 December 2015, were approved as a correct record and signed by the Chairman.

85. DECLARATIONS OF INTEREST

Councillor Bucke (also present) declared a non-pecuniary interest in relation to Planning Application No.15/01127/OUT (Land forming part of The Cottage, Church Lane, Great Holland, CO13 0JS), by virtue of the fact he was a local Ward Member.

86. PLANNING APPLICATION 15/00761/OUT – LAND TO THE SOUTH OF LONG ROAD AND TO THE WEST OF CLACTON ROAD, MISTLEY, CO11 2HN

The Committee was informed that this application had been submitted on 19 May 2015 and had been due for determination on 19 August 2015. The Council had written to the Applicant's agent on 6 August 2015, 25 September 2015 and 1 December 2015, requesting an extension of time for determination in order to allow outstanding issues to be addressed before a fully informed decision could be taken (the main outstanding issues related to highway considerations and the cumulative impact arising from a number of applications in the Manningtree, Lawford and Mistley area). The Applicant had, subsequently, on 14 December 2015, submitted an appeal to the Planning Inspectorate on the grounds of non-determination and, therefore, this Council could no longer determine this application and the decision would instead be taken by the Planning Inspectorate.

Members had before them the details of the appeal against non-determination regarding the above planning application, the policy background and other material considerations and were requested to agree what determination the Committee would have made in respect of the application, in order to allow the Council's case to be made at appeal.

It was reported that this application was one of four very large residential-led planning applications, which included more than 100 dwellings currently under consideration in the Manningtree, Lawford, Mistley and Brantham area. Those applications were:

- 15/00671/OUT - Land off Long Road and Clacton Road, Mistley (this application);
- 15/00876/OUT - Land off Bromley Road/Dead Lane, Lawford (including up to 360 dwellings);
- 15/01520/OUT - Land south of Harwich Road, Mistley (including up to 135 dwellings);
and
- B/15/00263 - Brantham Industrial Estate (including 320 dwellings and business, retail and community uses) – being determined by Babergh District Council.

It was noted that determination of those applications had been delayed whilst Officers had been working with the Applicants, Babergh District Council, Essex County Council, Suffolk County Council, the NHS and Anglian Water, in order to ensure that, in the absence of an up-to-date Local Plan, both the individual and cumulative impact of those major developments on infrastructure were properly understood and, through appropriate mitigation, could be adequately addressed.

However, the Applicant had chosen to appeal against non-determination with some matters still to be resolved, in particular, the cumulative impact of developments on the local highway network, a related objection from Babergh District Council (with whom, the Council had a legal duty to cooperate) and the impact of development on the open countryside and settlement form in the event that the development took place in isolation.

Members were advised that those matters formed the basis of the Officers' recommendation that based on the information available at this point in time, the application would have been refused. The Committee was therefore requested to endorse that recommendation as the basis for the Council's defence against the appeal.

The following spoke against the proposed development:

- (i) Mr Martyn Rayner, Chairman of Mistley Parish Council
- (ii) Councillor Coley, Local Ward Member
- (iii) Councillor G V Guglielmi, Local Ward Member

- (iv) Councillor Baker, Adjacent Ward Member (who had previously received the Chairman's consent to speak on the matter)

It was noted that if the Inspector was minded to approve the application, it would be brought back to the Committee for consideration of reserved matters.

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Fairley and **RESOLVED** that the view that the application would have been **REFUSED** for the following reasons be endorsed and that Officers be instructed to defend the Council's case at appeal on the following basis:

"Highways

This is one of several major residential-led planning applications under consideration in the Manningtree, Lawford and Mistley (and Brantham) area that will result in an increase in vehicular movements on the local highway network and, in particular, around the railway crossing on the A137 at Manningtree Railway Station – a location known to suffer with traffic congestion during peak periods.

Officers have been working with Essex County Council as the Highway Authority for Essex, Suffolk County Council as the Highway Authority for Suffolk and Babergh District Council to ensure a coordinated approach to the consideration of cumulative transport impacts. At the time of the appeal being submitted, the Highway Authorities were still in the process of analysing the likely cumulative impacts of development and any necessary mitigation measures.

Until a conclusion on this matter has been reached and the Highway Authority has issued its advice, Officers have no other option but to recommend refusal.

Duty to Cooperate

Babergh District Council has objected to this planning application on the basis that it, along with other applications under consideration in the area, could jeopardise the delivery of a regeneration scheme in Brantham (which is part of its adopted Local Plan) if the highways implications of the developments are not properly understood and mitigated.

Neighbouring authorities have a legal duty to cooperate on strategic planning matters of cross-boundary significance. Officers are working with Babergh District Council, Essex County Council and Suffolk County Council to understand the potential cumulative impact of development on the local highway network and to identify any necessary mitigation measures. If this Council was to approve this planning application prior to the conclusion of this matter, it would represent a failure in the legal duty to cooperate.

Landscape Impact and Settlement Form

In isolation, and in advance of any decision with regard to the future use of adjoining land to the west, either through the new Local Plan or through the determination of the separate planning application 15/00876/OUT (land east of Bromley Road, Lawford), the development of this land would represent an illogical and harmful incursion into the open countryside that is poorly related to the existing settlement of Manningtree, Lawford and Mistley.

There is also concern on the impact of this development resulting in a loss of individual identity for these rural areas.

Section 106 Legal Agreement

If the proposal is to be considered acceptable in planning terms, a Section 106 legal agreement would be required to secure affordable housing, financial contributions toward

health and education, the future management of the proposed open spaces and, potentially, off-site highways works. Whilst to date the applicant has indicated that they would be willing to enter into such agreement, a completed agreement is yet to be submitted to the Council and notwithstanding the matters set out above, could not be granted planning permission until this is complete.”

87. PLANNING APPLICATION NO.15/01714/FUL – MARTELLO CARAVAN PARK, KIRBY ROAD, WALTON-ON-THE-NAZE, CO14 8QP

The Chairman informed the Committee that this application had been **DEFERRED** for the following reasons:

“Despite raising no objections to previous development proposals for the site, Natural England’s letter, received on 5 January 2016, raises a number of concerns mainly relating to the potential impact of the development on Hamford Water that might arise following the creation of a newly proposed coastal footpath that will extend around the coastline of Great Britain. Natural England’s interim advice suggests that a Habitat Regulations Assessment might be required, the application should be deferred and they will issue further advice to the Council in due course.

Until the position with regard to Habitat Regulation Assessment is confirmed, the Council is not in a position to be able to determine this application as the Council has a legal duty, under European directions, to ensure impacts on internationally designated wildlife sites are properly considered.”

The Chairman requested that this application be included on the agenda for the meeting to be held on 2 February 2016.

The Committee noted the forgoing.

88. PLANNING APPLICATION 15/00578/FUL – SANDLES INN, 26 ROSEMARY ROAD, CLACTON-ON-SEA, CO15 1NZ

The Committee was reminded that it had previously considered this application at its meeting held on 22 September 2015 when it had decided to defer consideration of the application to a future meeting of the Committee in order to enable the Officers, in conjunction with the Chairman and Vice-Chairman of the Committee, the Planning Portfolio Holder, the local Ward Members and Councillors Hughes and Raby, to hold discussions with the Applicant with a view to satisfactorily overcoming the Committee’s concerns on this application in respect of retaining the façade of the villas, the relationship of the development to dwellings on the eastern boundary and parking.

Members were advised that the application now involved complete demolition as the façade was beyond retention, as confirmed by the Council’s structural engineers. It was noted that the rear block had also been reduced in height to three storeys and moved 3.6 metres further from the boundary in order to address the relationship to existing dwellings to the east. It was reported that the parking layout had also been changed and now included two disabled spaces and that the amended proposal (for 23 flats and two retail units) had been subject to full re-consultation.

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 received from the applicant on 4 January 2016; and
- (2) 11 further letters of objection.

At the meeting, an oral presentation was made by the Council's Planning Team Leader (Minor Applications) in respect of the application.

Following discussion by the Committee, it was moved by Councillor Fairley, seconded by Councillor Raby 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:
- Financial contributions towards affordable housing and 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 (or the equivalent authorised officer) in their discretion considers appropriate):

Conditions:

1. Standard three-year time limit for commencement.
 2. Development in accordance with submitted plans.
 3. Samples of facing and roofing materials.
 4. Fenestration details (timber to residential, aluminium to shop fronts).
 5. Protection of two protected lime trees during development and details of surfacing to parking spaces within root protection areas.
 6. Landscaping details for communal gardens and hard surfacing.
 7. Implementation and retention of landscaping scheme.
 8. Kitchen and dining windows at first and second floor level in East elevation of Block B to be obscure glazed and retained thereafter.
 9. Balcony screens to be erected prior to occupation and retained thereafter.
 10. Surface water drainage strategy
 11. The storage of refuse and/or waste shall be provided within the bin stores shown on the submitted plans and shall be provided before the first occupation of the buildings and shall thereafter be retained as such at all times.
 12. Car and cycle parking as shown to be provided before the first occupation of the buildings and shall thereafter be retained.
- (c) The Head of Planning be authorised to refuse 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 Section 106 planning obligation, contrary to saved policies COM6, HG4 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 Focused Changes (2014).

89. PLANNING APPLICATION 15/01127/OUT – LAND FORMING PART OF THE COTTAGE, CHURCH LANE, GREAT HOLLAND, CO13 0JS

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 further letter of objection received from Councillor Bucke; and

- (2) Representations received from Councillor Bucke and local residents in respect of the presence of an unlawful dwelling sited to the north of the application site, which was also within the curtilage of the 'The Cottage'.

At the meeting, an oral presentation was made by the Council's Planning Team Leader (Minor Applications) in respect of the application.

Paul Fletcher-Tomenius, a local resident, spoke against the application.

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

Mr S Stinson, the applicant, spoke in favour of the application.

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Everett and **RESOLVED** that:

1. 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); and
2. The application be brought back to the Committee for consideration of reserved matters.

Conditions:

- 1) Time Limit – Outline
- 2) Time Limit – Submission of Reserved Matters
- 3) No Development until Reserved Matters (access, appearance, layout, landscaping and scale) submitted
- 4) Materials
- 5) Boundary Treatments
- 6) Submission of Hard/Soft Landscaping Scheme
- 7) Implementation of Landscaping Scheme
- 8) Access Width of 4.8m
- 9) No Unbound Materials in first 6m of access
- 10) Off-Street Parking in Accordance with Parking Standards
- 11) Provision of Vehicular Turning Area
- 12) Accordance with Tree Report
- 13) Removal of Permitted Development – Outbuildings/Extensions

Informative:

1. That the front of the suggested development to be no nearer the road than the front of those four properties there.

The meeting was declared closed at 7.50pm.

Chairman