
**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE, HELD ON TUESDAY 1
MARCH 2016, AT 6.00 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, WEELEY**

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

Also Present: Councillors Turner and Watling.

In Attendance: Acting Planning Development Manager (Gary Guiver), Communications and Public Relations Manager (Nigel Brown), Planning Officer (Matthew Lang), Solicitor (Charlotte Parker-Smith), Senior Democratic Services Officer (Ian Ford) and Democratic Services Officer (Katie Sullivan)

100. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence had been received on behalf of Councillor Poonian. There were no substitutions.

The Chairman welcomed back Councillor Heaney, the Vice-Chairman following her recent absence from the Committee due to her recovery from an operation.

101. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on 2 February 2016, were approved as a correct record and signed by the Chairman.

102. DECLARATIONS OF INTEREST

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

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

Councillor Everett declared a non-pecuniary interest in relation to Planning Application 15/01837/FUL by virtue of the fact he was a resident in that Ward.

Councillor Turner, present in the public gallery, declared a non-pecuniary interest in relation to Planning Application 15/01837/FUL by virtue of the fact he was a local Ward Member.

Councillor Watling, present in the public gallery, declared a non-pecuniary interest in relation to Planning Application 15/01837/FUL by virtue of the fact he was a local Ward Member.

103. 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 Applications 14/01292/OUT by virtue of the fact he was a local Ward Member.

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

Members recalled that this application had been referred to the Committee on 3 March 2015 and 15 December 2015. The Committee had resolved to grant outline planning permission on both occasions, subject to the completion of a Section 106 legal agreement within six months (i.e. by 3 September 2015, then by 28 February 2016) and subject to 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 the last 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 Valuer Service. The Acting Planning Development Manager (GG) now sought the Committee's agreement to an extension of time until 29 April 2016 in order to complete the legal agreement.

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

That the Head of Planning (or equivalent authorised officer) be authorised to grant outline planning permission for the development subject to:-

a) **By no later than 29 April 2016** 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 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 29 April 2016, 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 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).
 - d) That any Reserved Matters application for this development be submitted to the Committee for its consideration.

104. PLANNING APPLICATION - 15/01837/FUL - LAND ADJACENT 74 POLE BARN LANE, FRINTON-ON-SEA, CO13 9NH

Councillor Everett had earlier declared a non-pecuniary interest in relation to Planning Application 15/01837/FUL by virtue of the fact he was a resident in that Ward.

Councillor Turner, present in the public gallery, had earlier declared a non-pecuniary interest in relation to Planning Application 15/01837/FUL by virtue of the fact he was a local Ward Member.

Councillor Watling, present in the public gallery, had earlier declared a non-pecuniary interest in relation to Planning Application 15/01837/FUL by virtue of the fact he was a 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 Planning Officer (ML) in respect of the application.

Lilian Pendle, a resident of Pole Barn Lane, spoke against the application.

Councillor Turner, a Ward Member, spoke against the application.

Following discussion by the Committee, it was moved by Councillor Hones, seconded by Councillor Bennison and **RESOLVED**, on the Chairman's casting vote, that the Head of Planning Services 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 Services in their discretion considers appropriate):

Conditions:

1. Time Limit (3 Yrs)
2. Detail of Materials
3. Landscaping Scheme
4. Implementation of Landscaping
5. Details of Screen Walls/Fencing
6. Parking Area Providing Prior to First Occupation
7. Vehicular access being constructed to 5.5m in width and provided with dropped kerb
8. No unbound materials throughout vehicular access
9. Submission of Construction Method Statement
10. Construction of pedestrian crossing facilities on both sides of bellmouth junction
11. Removal of Permitted Development Rights (Extensions/Outbuildings)
12. Approved Plans

105. PLANNING APPLICATION – 15/01923/DETAIL - 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 of approval.

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

An update sheet was circulated to the Committee prior to the meeting with details of a letter of objection received from Mr and Mrs Whistler together with an officer response thereto.

Peter Dumsday, the Chairman of Weeley Parish Council, 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 Services 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 Services 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
4. Vehicular Accesses/Footways/Service Road prior to occupation as per approved plan
5. Construction Method Statement

The Committee requested that an Informative be sent to the Applicant advising that they should hold discussions with Essex County Council Highways Department and Weeley Parish Council with regard to the location and design of the bus stop.

The meeting was declared closed at 6.58 pm.

Chairman