

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE, HELD ON
TUESDAY 19 APRIL 2016, AT 6.06 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, WEELEY**

Present: Councillors Bennison, Everett, Fowler, V E Guglielmi (except minute 118), McWilliams (except minutes 116 and 117), Nicholls, Raby, Stephenson (except minutes 116-121) and Talbot

Also Present: Councillors Coley and Howard

In Attendance: Head of Planning Services (Cath Bicknell), Acting Planning Development Manager (Gary Guiver), Communications and Public Relations Manager (Nigel Brown), Senior Planning Officer (Morne Van Rooyen), Solicitor (Charlotte Parker-Smith) and Democratic Services Officer (Katie Sullivan)

112. APPOINTMENT OF A CHAIRMAN FOR THE MEETING

In the absence of both the Chairman and the Vice-Chairman of the Committee it was moved by Councillor Talbot, seconded by Councillor V E Guglielmi and:

RESOLVED – That Councillor Nicholls be elected Chairman for this meeting.

113. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were apologies for absence received from Councillor White (with Councillor Talbot substituting), Councillor Fairley (with Councillor V E Guglielmi substituting), Councillor Hones (with Councillor Stephenson substituting), and Councillors Heaney and Poonian (with no substitutions).

Councillor Stephenson informed the Committee that Councillor Bray who had been due to attend and speak on item A.6 as a local Ward Member was unfortunately now unable to attend.

114. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on 22 March 2016, were approved as a correct record and signed by the Chairman.

115. DECLARATIONS OF INTEREST

Councillor V E Guglielmi declared a non-pecuniary interest in relation to Planning Application 15/01520/OUT by virtue of the fact she was a Trustee of the Lawford Housing Enterprise Trust.

Councillor McWilliams declared an interest in relation to Planning Applications 15/01820/OUT and 16/00133/OUT by virtue of the fact she was the local Ward Member and also by virtue of the fact that she was pre-determined on both applications.

Councillor Stephenson declared that he was pre-determined on the whole agenda as he was a member of the Local Plan Committee, he therefore left the meeting.

116. PLANNING APPLICATION - 15/01820/OUT - LAND WEST OF HECKFORDS ROAD, GREAT BENTLEY, CO7 8RR

The Chairman reminded the Committee that only those Members who had considered the application at the meeting held on 22 March 2016 (Minute 110 referred) were eligible to

consider and decide on the application at this meeting. This was confirmed by the Council's Solicitor (Charlotte Parker-Smith).

Councillor McWilliams had earlier declared an interest in relation to Planning Application 15/01820/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 McWilliams therefore withdrew from the meeting, whilst the Committee considered the application and reached its decision.

Members recalled that this application had been considered by the Committee on 22 March 2016 when it had been resolved that the decision be deferred to enable Members to meet on site with a Highway Engineer from Essex County Council to explore concerns about the proposed footpath arrangements in terms of pedestrian safety.

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 (MVR) in respect of the application.

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

- (1) A decision of the Local Plan Committee that related to the site; and
- (2) Three further letters of objection.

During discussion by the Committee, Councillors Talbot and Raby began to debate the application but were both stopped by the Chairman as neither were entitled to debate or vote by virtue of the fact that they had not attended the original site visit or been present at the last meeting of the Committee on 22 March 2016.

Following discussion by the Committee, it was moved by Councillor Everett, 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:

- Pedestrian Safety at the narrow pinch point on the proposed footpath along Heckfords Road; and
- Specific concerns about the inability of cars to slow down in sufficient time to avoid pedestrians.

117. PLANNING APPLICATION - 16/00133/OUT - LAND AT ADMIRALS FARM, HECKFORDS ROAD, GREAT BENTLEY, CO7 8RS

Councillor McWilliams had earlier declared an interest in relation to Planning Application 16/00133/OUT by virtue of the fact she was the local Ward Member and by virtue of the fact that she was pre-determined.

It was reported that this application was a resubmission of a previously refused scheme, that had sought outline approval for the erection of 75 dwellings. As an outline application, approval was sought only for the principle of developing up to 50 dwellings with all other matters reserved (apart from access) for approval through a detailed application at a later date.

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 (MVR) in respect of the application.

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

- (1) A decision of the Local Plan Committee that related to the site;
- (2) Details of 81 letters of support; and
- (3) Details of a revised drawing submitted by the applicant.

Councillor McWilliams, in her capacity as the local Ward Member, spoke against the application. She then withdrew from the meeting, on the grounds of pre-determination, whilst the Committee considered the application and reached its decision.

Pippa Drew, a local resident, spoke against the application.

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

Brian Morgan, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor V E Guglielmi, seconded by Councillor Raby and **RESOLVED**, on the Chairman's casting vote, that the Head of Planning (or equivalent authorised officer) be authorised to grant outline 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):
 - On-site Council Housing/Affordable Housing;
 - Education contribution;
 - Health contribution;
 - Contribution toward play provision; and
 - Completion and transfer of public open space.
- 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 in their discretion considers appropriate):
 - (i) 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. Development in accordance with submitted concept/parameter plans;
 5. Development to contain up to (but no more than) 50 dwellings;
 6. Highways conditions (as recommended by the Highway Authority);
 7. SUDS conditions as requested by Essex County Council;
 8. Surface water drainage scheme;
 9. Hard and soft landscaping plan/implementation;
 10. Ecological mitigation/tree protection measures;
 11. Environmental Health conditions;
 12. Details of lighting, materials and refuse storage/collection points;
 13. Details of water, energy and resource efficiency measures; and
 14. To require general conformity with the indicative layout drawing/schematic.

- c) That 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 a Section 106 planning obligation.

118. PLANNING APPLICATION – 15/01520/OUT – LAND SOUTH OF HARWICH ROAD, MISTLEY, CO11 2DN

Councillor V E Guglielmi had earlier declared a non-pecuniary interest in relation to Planning Application 15/01520/OUT by virtue of the fact she was a Trustee of the Lawford Housing Enterprise Trust. Councillor V E Guglielmi 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 (GG) in respect of the application.

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

- (1) A decision of the Local Plan Committee that related to the site;
- (2) A written statement submitted by the local Ward Members, Councillors Coley and G V Guglielmi;
- (3) An email submission from Mr Stewart Henry;
- (4) A email submission from Mr & Mrs R M Clarke;
- (5) A representation from Essex County Council's Archaeologist; and
- (6) A statement from Mrs Amanda Woolmer, Head Teacher at Mistley Norman Church of England Primary School.

Parish Councillor Martin Rayner, representing Mistley Parish Council, spoke against the application.

David Barnes, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, It was moved by Councillor Fowler, seconded by Councillor Talbot and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant outline 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 relevant):
 - On-site Council Housing/Affordable Housing;
 - Education contribution;
 - Health contribution; and
 - Completion and transfer of public open space and allotments and maintenance contribution.
- 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. 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. General conformity with the illustrative layout diagram.
5. Layout and phasing plan/programme.
6. Development to contain up to (but no more than) 135 dwellings.
7. Highways conditions (as recommended by the Highway Authority).
8. Archeologic trial trenching.
9. Ecological mitigation/enhancement plan.
10. Foul water strategy.
11. Surface water drainage scheme for construction and occupation phases.
12. SuDS maintenance/monitoring plan.
13. Hard and soft landscaping plan/implementation.
14. Details of lighting, materials and refuse storage/collection points.
15. National Grid approval for works affecting gas pipelines.
16. Broadband connection.
17. Local employment arrangements.

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 six months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a Section 106 planning obligation.

119. PLANNING APPLICATION – 15/01787/FUL - SITE TO SOUTH OF POUND CORNER, HARWICH ROAD, MISTLEY, CO11 2DA

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 (MVR) in respect of the application.

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

- (1) A decision of the Local Plan Committee that related to the site; and
- (2) An additional letter of objection.

Parish Councillor Martin Rayner, representing Mistley Parish Council, spoke against the application.

Councillor Coley, a local Ward Member, spoke against the application.

Tim Snow, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor V E Guglielmi, seconded by Councillor McWilliams and **RESOLVED** that consideration of this application be deferred to enable negotiations to take place with the applicant about the removal of or alteration to the proposed northern access road to/from Harwich Road.

120. PLANNING APPLICATION - 15/01774/OUT - SPARROWS FARMHOUSE, SPARROWS CORNER, GREAT OAKLEY, CO12 5AB

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 (GG) in respect of the application.

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

- (1) An Officer update on the open space contribution; and
- (2) Two further letters of objection.

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

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

Robert Pomery, the agent on behalf of the applicant, spoke in support of the application.

It was moved by Councillor Raby and seconded by Councillor Bennison that consideration of the application be deferred to enable the Officers to attempt to resolve with the applicant the issues relating to the highway leading to the proposed development raised by the Committee, which motion on being put to the vote was declared **LOST**.

It was then moved by Councillor McWilliams, seconded by Councillor V E Guglielmi and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant outline 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:
 - Affordable Housing Financial Contribution
 - Public Open Space Financial Contribution
- 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, landscaping, layout, 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. As requested by the Highway Authority
 6. Details of measures for the control and suppression of dust emissions
 7. A full construction method statement for protecting existing residential properties and restricting working hours.
 8. Details of a surface water drainage scheme.
 - Scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction.
 - Details of a maintenance plan for the surface water drainage system.
 - Yearly maintenance logs of surface water drainage system.
 9. Details of external lighting to be submitted and approved prior to first occupation
- 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 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).

- d) That any reserved matters application for this development be submitted to the Committee for its consideration.

121. PLANNING APPLICATION - 15/01400/FUL - ROSEMARY COTTAGE, CLACTON ROAD, WEELEY HEATH, CLACTON-ON-SEA, CO16 9ED

It was reported that this application had been referred to the Planning Committee at the request of Councillor Bray, 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 Acting Planning Development Manager (GG) in respect of the application.

Parish Councillor Peter Dumsday, representing Weeley Parish Council, spoke against the application.

Following discussion by the Committee, It was moved by Councillor McWilliams, seconded by Councillor Fowler and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant outline planning permission for the development, subject to the following conditions:-

- 1) Time Limit
- 2) Materials
- 3) Hard and Soft Landscaping Scheme
- 4) Implementation of Landscaping Scheme
- 5) Land Contamination Scheme
- 6) Access in accordance with approved plans
- 7) 1.5m x 1.5m Pedestrian Visibility Splays
- 8) Vehicular Visibility Splays (90m x 2.4m x 90m)
- 9) Parking areas prior to occupation and retained thereafter
- 10) No unbound materials throughout access
- 11) Submission of Construction Method Statement
- 12) Removal of PD (Outbuildings/Extensions)
- 13) Accordance with Approval Plans

The meeting was declared closed at 9.06 pm.

Chairman