
**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE, HELD ON
WEDNESDAY 18 MAY 2016, AT 6.00 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, WEELEY**

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

Also Present: Councillors Baker, Bray, M Brown (except minutes 10-13) and Scott (except minutes 1-5)

In Attendance: Head of Planning Services (Cath Bicknell), Acting Planning Development Manager (Gary Guiver), Planning Officer (Matthew Lang except minutes 10-13), Solicitor (Charlotte Parker-Smith) and Democratic Services Officer (Katie Sullivan)

1. CHAIRMAN'S OPENING REMARKS

The Chairman announced that he had decided to change the order of business with item A.3 to be discussed first and item A.2 to be discussed after item A.10. Furthermore Item A.1 was to be deferred to the next meeting.

The Committee noted the foregoing.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were apologies for absence received from Councillor Hughes (with no substitution).

3. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on 19 April 2016, were approved as a correct record and signed by the Chairman.

4. DECLARATIONS OF INTEREST

Councillor Bray, present in the public gallery, declared an interest in relation to Planning Applications 15/01550/OUT, 16/00182/OUT, 16/00186/OUT, 16/00183/OUT, 16/00185/OUT and 16/00271/DETAIL by virtue of the fact he was a local Ward Member.

Councillor M Brown, present in the public gallery, declared an interest in relation to Planning Applications 15/01550/OUT, 16/00182/OUT, 16/00186/OUT, 16/00183/OUT, 16/00185/OUT and 16/00271/DETAIL by virtue of the fact he was a local Ward Member.

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

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

Councillor White declared a non-pecuniary interest in relation to Planning Applications 16/00186/OUT, 16/00183/OUT and 16/00185/OUT by virtue of the fact that up until recently he had been a member of the Hutley's St Osyth Trust.

5. PLANNING APPLICATION – 15/01550/OUT - LAND AT THE STREET, LITTLE CLACTON, CO16 9LT

Councillor Bray, present in the public gallery, had earlier declared an interest in relation to Planning Application 15/01550/OUT by virtue of the fact he was a local Ward Member.

Councillor M Brown, present in the public gallery, had earlier declared an interest in relation to Planning Application 15/01550/OUT 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 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 email submission from Mr Alan Salmon;
- (2) A representation from Mr Stephen Howard of Howard's Nurseries; and
- (3) A representation from Mr Justin Tisbury.

Martyn Reed, a local resident, spoke against the application.

Parish Councillor John Cutting, representing Little Clacton Parish Council, spoke against the application.

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

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

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

- Loss of local Green Gap
- Impact on character of the area
- Urbanisation and harm to the countryside

6. PLANNING APPLICATION – 16/00182/OUT - LAND SOUTH OF THE CREMATORIUM, COLCHESTER ROAD, WEELEY, CO16 9JT

It was reported that this application had been referred to the Planning Committee at the request of Councillor Bray, a local Ward Member.

Councillor Bray, present in the public gallery, had earlier declared an interest in relation to Planning Application 16/00182/OUT by virtue of the fact he was a local Ward Member.

Councillor M Brown, present in the public gallery, had earlier declared an interest in relation to Planning Application 16/00182/OUT 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.

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

- (1) Rewording of section 1.3 of the Executive Summary;
- (2) Rewording of section 5.2 relating to representations received; and
- (3) Deletion of section (a) of the recommendation.

Carol Bannister, a local resident, spoke against the application.

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

Matt Clarke, the agent on behalf of the applicant, spoke in support of the application.

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 outline planning permission for the development, subject to:

a) 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) 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 Details (priority junction of 6.0m in width, straight for the first 12m within the site and provided with vehicular visibility splays of 33m north easterly by 2.4m as measured along, from and along the nearside edge of the carriageway, provided on the north easterly side of the centre line of the access)
- 9) Single access to be 3.7m in width and shared accesses 5.5m
- 10) No unbound materials within 6m of carriageway
- 11) Each internal estate road junction shall be provided with a clear to ground level visibility splay with dimensions of 25m by 2.4m by 25m on both sides
- 12) All footways 2m in width
- 13) All carriageways 5.5m in width between kerbs or 6m where vehicular access taken without kerbing
- 14) Off-street parking in accordance with current parking standards
- 15) Garages being set back 6m from highway
- 16) Boundary hedge being setback 1m from highway and 1m behind visibility splays
- 17) A vehicular turning facility for service and delivery vehicles of at least size 3 dimensions and of a design being provided
- 18) Pedestrian footways being provided to link to those to east in Colchester Road
- 19) Details of communal refuse store provided
- 20) Timing of vegetation clearance
- 21) Lighting details
- 22) Biodiversity mitigation and enhancement provision
- 23) Accordance with tree/hedge protection plan
- 24) Removal of PD rights for fencing, walls and means of enclosure
- 25) Noise attenuation strategy
- 26) No more than nine dwellings

7. PLANNING APPLICATION – 16/00186/OUT - LAND EAST OF BENTLEY ROAD, WEELEY, CO16 9DP

It was reported that this application had been referred to the Planning Committee at the request of Councillor Bray, a local Ward Member.

Councillor Bray, present in the public gallery, had earlier declared an interest in relation to Planning Application 16/00186/OUT by virtue of the fact he was a local Ward Member.

Councillor M Brown, present in the public gallery, had earlier declared an interest in relation to Planning Application 16/00186/OUT by virtue of the fact he was a local Ward Member.

Councillor White had earlier declared a non-pecuniary interest in relation to Planning Application 16/00186/OUT by virtue of the fact that up until recently he had been a member of the Hutley's St Osyth Trust.

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:

(1) Deletion of section (a) of the recommendation.

Francis Lally, a local resident, spoke against the application.

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

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

Matt Clarke, the agent on behalf of the applicant, spoke in support of the application.

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

a) 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) 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 5.5m with appropriate crossing
- 9) Details of bridging/piping of ditch
- 10) Visibility splays of site maximum by 2.4m by site maximum
- 11) No unbound materials in first 6m of access
- 12) Individual accesses being 3.7m in width and double accesses being 5.5m in width
- 13) Any gates set 6m back from highway
- 14) Carriageway widths of 5.5m between kerbs or 6m where access without kerbs
- 15) Footways being minimum of 2m in width
- 16) Off-street parking in accordance with current parking standards
- 17) Garages being set back 6m from highway

- 18) Boundary hedge being setback 1m from highway and 1m behind visibility splays
 - 19) Details of communal refuse store provided
 - 20) Timing of vegetation clearance
 - 21) Lighting details
 - 22) Biodiversity mitigation and enhancement provision
 - 23) Removal of PD rights for fencing, walls and means of enclosure on the south-eastern boundary of the site
- b) That any reserved matters application for this development be submitted to the Committee for its consideration.

8. PLANNING APPLICATION – 16/00183/OUT - LAND WEST OF RECTORY ROAD, WEELEY HEATH, CO16 9AX

It was reported that this application had been referred to the Planning Committee at the request of Councillor Bray, a local Ward Member.

Councillor Bray, present in the public gallery, had earlier declared an interest in relation to Planning Application 16/00183/OUT by virtue of the fact he was a local Ward Member.

Councillor M Brown, present in the public gallery, had earlier declared an interest in relation to Planning Application 16/00183/OUT by virtue of the fact he was a local Ward Member.

Councillor White had earlier declared a non-pecuniary interest in relation to Planning Application 16/00183/OUT by virtue of the fact that up until recently he had been a member of the Hutley's St Osyth Trust.

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:

- (1) Deletion of section (a) of the recommendation.

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

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

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

Councillor M Brown, a local Ward Member, spoke against the application.

Matt Clarke, the agent on behalf of the applicant, spoke in support of the application.

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

- a) 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) 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 5.5m with appropriate crossing
 - 9) Details of bridging/piping of ditch
 - 10) Visibility splays of site maximum by 2.4m by site maximum
 - 11) No unbound materials in first 6m of access
 - 12) Individual accesses being 3.7m in width and double accesses being 5.5m in width
 - 13) Any gates set 6m back from highway
 - 14) Carriageway widths of 5.5m between kerbs or 6m where access without kerbs
 - 15) Footways being minimum of 2m in width
 - 16) Off-street parking in accordance with current parking standards
 - 17) Garages being set back 6m from highway
 - 18) Boundary hedge being setback 1m from highway and 1m behind visibility splays
 - 19) Details of communal refuse store provided
 - 20) Timing of vegetation clearance
 - 21) Lighting details
 - 22) Biodiversity mitigation and enhancement provision
 - 23) Accordance with tree/hedge protection plan
 - 24) Removal of PD rights for fencing, walls and means of enclosure on the southern boundary of the site
- b) That any reserved matters application for this development be submitted to the Committee for its consideration.
- c) That the following informatives be sent to the applicant:
- Restrict buildings to two storeys.
 - Preference for single point/alternative point of access.

9. PLANNING APPLICATION – 16/00185/OUT – LAND SOUTH OF MILL LANE, WEELEY HEATH, CO16 9BG

It was reported that this application had been referred to the Planning Committee at the request of Councillor Bray, a local Ward Member.

Councillor Bray, present in the public gallery, had earlier declared an interest in relation to Planning Application 16/00185/OUT by virtue of the fact he was a local Ward Member.

Councillor M Brown, present in the public gallery, had earlier declared an interest in relation to Planning Application 16/00185/OUT by virtue of the fact he was a local Ward Member.

Councillor White had earlier declared a non-pecuniary interest in relation to Planning Application 16/00185/OUT by virtue of the fact that up until recently he had been a member of the Hutley's St Osyth Trust.

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:

(1) Deletion of section (a) of the recommendation.

Councillor Hones left the room during the deliberation on this item and consequently, on the Solicitor's advice, abstained from voting on the application.

Lesley Groom, a local resident, spoke against the application.

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

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

Councillor M Brown, a local Ward Member, spoke against the application.

Matt Clarke, the agent on behalf of the applicant, spoke in support of the application.

It was moved by Councillor Everett and seconded by Councillor Bennison that consideration of the application be deferred in order to request a phase two Bat Survey to be conducted on the proposed development and to consider access arrangements with the possibility of a quiet lane status, which motion on being put to the vote was declared **LOST**.

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

a) 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) 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 5.5m with appropriate crossing
- 9) Details of bridging/piping of ditch
- 10) Visibility splays of site maximum by 2.4m by site maximum
- 11) No unbound materials in first 6m of access
- 12) Individual accesses being 3.7m in width and double accesses being 5.5m in width
- 13) Any gates set 6m back from highway
- 14) Carriageway widths of 5.5m between kerbs or 6m where access without kerbs
- 15) Footways being minimum of 2m in width
- 16) Off-street parking in accordance with current parking standards
- 17) Garages being set back 6m from highway
- 18) Boundary hedge being setback 1m from highway and 1m behind visibility splays
- 19) Details of communal refuse store provided
- 20) Timing of vegetation clearance
- 21) Lighting details
- 22) Biodiversity mitigation and enhancement provision

- 23) Accordance with tree/hedge protection plan
- 24) Removal of PD rights for fencing, walls and means of enclosure on the southern boundary of the site
- b) That any reserved matters application for this development be submitted to the Committee for its consideration.
- c) That the following informatives be sent to the applicant:
- Restrict buildings to two storeys.
 - Phase two Bat survey.
 - Buildings to be no higher than the adjoining listed building.
 - Access arrangements to consider possible quiet lane status.

10. PLANNING APPLICATION – 16/00271/DETAIL – LAND EAST OF FREELANDS, THORPE ROAD, WEELEY, CO16 9JH

Councillor Bray, present in the public gallery, had earlier declared an interest in relation to Planning Application 16/00271/OUT by virtue of the fact he was a local Ward Member.

It was reported that this application had been submitted following the grant of outline consent for the construction of three dwellings with associated garages and parking. The principle of development and main access locations had been already approved.

Members recalled that the outline application had been considered by the Planning Committee on 24 June 2014 when it had been resolved to grant outline planning permission subject to the completion of a legal agreement and a number of controlling conditions. The Planning Committee had also resolved that all future applications dealing with the approval of reserved matters should be presented to the Committee for consideration.

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.

Carol Bannister, a local resident, spoke on the application.

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

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

- (i) Conditions:
- 1) Standard time lime for commencement
 - 2) Development to be undertaken in accordance with the approved plans
 - 3) Materials in accordance with the approved plans
 - 4) 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
 - 5) No unbound materials
 - 6) Off street parking details
 - 7) Details of gates

8) Hard and soft landscaping

11. **PLANNING APPLICATION - 16/00305/OUT - BLUE GATES FARM, COLCHESTER MAIN ROAD, ALRESFORD, CO7 8DE**

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) Deletion of section (a) of the recommendation;
- (2) An error in paragraph 6.8; and
- (3) Paragraph 6.11 did not relate to this application.

Parish Councillor Ernie Osborne, representing Alresford Parish Council, spoke against the application.

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

Joseph Greenhow, the agent on behalf of the applicant, spoke in support of the application.

It was moved by Councillor Heaney and seconded by Councillor Bennison that this application be restricted to no more than five dwellings, which motion on being put to the vote was declared **LOST**.

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 outline planning permission for the development, subject to:

- a) 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) Development restricted to no more than 9 dwellings.
 - 5) Samples of the materials
 - 6) As requested by the Highway Authority
 - 7) Details of measures for the control and suppression of dust emissions
 - 8) A full construction method statement
 - 9) Soft Landscaping and boundary treatment
 - 10) Archaeology condition as requested
- b) That any reserved matters application for this development be submitted to the Committee for its consideration.
- c) That the following informatives be sent to the applicant:
 - Restrict buildings to two storeys.

- No shared surfaces.

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

Members recalled that, on 5 January 2016, they had considered a report in respect of this outline planning application for a major development on greenfield land off Long Road and Clacton Road, Mistley.

It had been reported at the meeting that the applicants had chosen to appeal against non-determination and Officers had sought the Committee's agreement to the reasons for refusal that would have applied if the Council had been determining the application at that time, i.e. the reasons that would form the basis of the Council's defence against the appeal.

The agreed reasons for refusal had related to:

- Highways;
- Duty to Cooperate;
- Landscape Impact and Settlement Form; and
- Section 106 Legal Agreement.

Members were informed that the appeal was scheduled to take the form of a Public Inquiry commencing on Tuesday 19 July 2016 for which the Council's proofs of evidence would need to be completed and submitted by mid-June. However, since the Committee's consideration of the proposal in January, some of the previously unresolved matters had now been addressed.

On the advice of the Council's Barrister, the Committee was now asked to re-consider the Council's position to determine whether, based on current information, the application would still be refused and, in turn, whether the Council still had reasonable grounds upon which to fight the Appeal, having regard to the Government's guidance on Public Inquiries.

At the meeting, an oral presentation was made by the Council's Acting Planning Development Manager (GG) in respect of the application which set out the grounds under which each of the original four grounds for refusal had been re-examined.

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Heaney and **RESOLVED** that following the resolution on 5 January 2016 that the application would have, at that time, been refused for four reasons (upon which Officers were instructed to defend the Council's case at appeal), the Planning Committee now:

- i) Notes the summary of legal advice received from external Counsel;
- ii) Agrees that 'highways' and 'duty to cooperate' are no longer legitimate reasons for refusal following receipt, on 3 May 2016, of the Highway Authority's confirmation that, subject to conditions and a financial payment toward off-site traffic calming measures, the development is acceptable in highway terms;
- iii) Agrees that 'illogical and harmful intrusion into the countryside' is no longer a legitimate reason for refusal, following strong indications that major development on land to the west is likely to be supported, in principle, by the Council through the Local Plan which will alter the context against which this development is to be considered;
- iv) Notes that the applicants are in the process of preparing a Section 106 agreement which is expected to address requirements relating to health, education and off-site highway works and traffic-calming measures, thus addressing concerns about the individual and cumulative impacts on infrastructure;

- v) Agrees that concerns about 'coalescence and impact on individual character' would not significantly and demonstrably outweigh the benefits of the development, in light of the above matters being addressed and the substantial housing need; and
- vi) Confirms, based on current information, the Committee would not have resolved to refuse this planning application and that the Council should no longer defend this appeal against non-determination.

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

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

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

Members recalled that this application had been referred to the Committee on 3 March 2015, 15 December 2015 and 1 March 2016. The Committee had resolved to grant outline planning permission on each occasion, subject to the completion of a Section 106 legal agreement (the latest date had been 29 April 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 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 and the agreement was very close to completion.. The Acting Planning Development Manager (GG) now sought the Committee's agreement to an extension of time until 1 July 2016 in order to complete the legal agreement.

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) Information of a typographical error in the report.

Following discussion by the Committee, it was moved by Councillor Bennison, seconded by Councillor Fowler and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant an extension of time for the completion of a Section 106 legal agreement, subject to:

- a) **By no later than 1 July 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) **The scheme would be unviable with the provision of affordable housing but the draft agreement includes an obligation on the owner/developer to review viability at appropriate dates and to provide the Council with a percentage of any uplift in value to contribute towards affordable housing in the locality;**
 - Education contribution
 - 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 **1 July 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).

The meeting was declared closed at 11.20 pm.

Chairman