
**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE, HELD ON
TUESDAY 14 JUNE 2016, AT 6.00 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, WEELEY**

Present: Councillors White (Chairman), Heaney (Vice-Chairman), Baker (except minutes 17-19), Bennison, Fairley, Fowler (except minute 22), Gray, Hones, Hughes, McWilliams and Raby

Also Present: Councillors Bray (except minutes 22-26), Bucke, Everett (except minutes 22-26), Howard (except minutes 24-26), Newton (except minutes 22-26), Pemberton (except minutes 22-26) and Watling

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

14. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillor Raby substituted for Councillor Everett on this occasion.

15. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on 18 May 2016, were approved as a correct record and signed by the Chairman.

16. DECLARATIONS OF INTEREST

Councillor Baker declared prejudicial interests in relation to Planning Applications 15/00761/OUT, 15/00876/OUT and 15/01720/OUT by virtue of the fact he was pre-determined.

Councillor Fairley declared an interest in relation to Planning Applications 15/00761/OUT and 15/00876/OUT by virtue of the fact she was a resident in the Ward and was a neighbouring local Ward Councillor (15/00761/OUT) and a resident in the neighbouring Ward (15/00876/OUT).

Councillor McWilliams declared an interest in relation to Planning Application 16/00592/FUL by virtue of the fact she was the local Ward Member but stated that she was not pre-determined.

Councillor Fowler declared a non-pecuniary interest in relation to Planning Application 16/00223/OUT by virtue of the fact she was a resident of Mayes Lane and knew one of the land owners and a resident of a neighbouring property.

Councillor Raby declared an interest in relation to Planning Application 16/00208/OUT and 16/00209/OUT by virtue of the fact he was a local Ward Member for the adjacent Ward.

Councillor Heaney declared an interest in relation to Planning Application 16/00448/OUT by virtue of the fact she was a local Ward Member. Councillor Heaney also stated that she had referred this application to the Committee at the request of Elmstead Parish Council and that the Officer's report in paragraph 1.1 was factually incorrect as she had not indicated any view as to the appropriateness of the development and was therefore not pre-determined in any way.

Councillor Bray, present in the public gallery declared an interest in relation to Planning Application 15/01720/OUT by virtue of the fact he was a local Ward Member for the adjacent Ward.

Councillor Bucke, present in the public gallery, declared an interest in relation to Planning Application 15/00984/FUL by virtue of the fact he was a local Ward Member.

Councillor Howard, present in the public gallery, declared an interest in relation to Planning Application 16/00223/OUT by virtue of the fact he was the local Ward Member.

Councillor Everett, present in the public gallery declared an interest in relation to Planning Applications 16/00208/OUT and 16/00209/OUT by virtue of the fact he was a local Ward Member.

Councillor Newton, present in the public gallery, declared an interest in relation to Planning Application 16/00208/OUT and 16/00209/OUT by virtue of the fact she was a local Ward Member.

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

Councillor Baker had earlier declared a prejudicial interest in relation to Planning Application 15/00761/OUT by virtue of the fact he was pre-determined. Councillor Baker therefore withdrew from the meeting, whilst the Committee considered the application and reached its decision.

Councillor Fairley had earlier declared an interest in relation to Planning Application 15/00761/OUT by virtue of the fact she was a resident in the Ward and was a local Ward Councillor of the adjacent Ward.

Members recalled that this application had originally been submitted in May 2015 and had been due for determination in August 2015. However it had not been possible to determine the application within that timeframe due to a number of unresolved issues. The applicant had subsequently made an appeal to the Planning Inspectorate in December 2015 against non-determination.

At the meeting held on 5 January 2016, the Committee had agreed four reasons for refusal that would form the basis of the Council's defence of the appeal. The agreed reasons for refusal had related to:

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

However on 18 May 2016 the Committee had been asked, on the clear advice of Counsel, to re-consider the Council's position. In line with the Officers' recommendation, the Committee had agreed that, based on current information, it would not have resolved to refuse the planning application and accordingly had decided that the Council would no longer defend the appeal against non-determination.

Members were informed that it had been the intention that the applicants would re-submit a duplicate application with an expectation that it would be approved by the Council. Then, through an agreement with the Planning Inspectorate, the Public Inquiry would be suspended in order to allow time for the Council to make its decision on the duplicate application. On approval of the duplicate application, the appeal would have then been withdrawn.

The Barristers representing both the Council and the applicants had since advised that there appeared to be an alternative and rarely exercised mechanism that allowed the current application to be retrieved from the Planning Inspectorate and approved by the

Council thus avoiding any involvement from an Inspector and any additional time and costs involved in determining a duplicate application. In following this approach, the Committee was now asked to authorise the Head of Planning to approve the current application.

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

The Council's Solicitor (Charlotte Parker-Smith) informed the Committee that as this application had already been before the Committee at previous meetings there would be no public speaking on this application as there had been no material changes since it had last been considered. It was also confirmed that only those Councillors who had attended the Planning Committee meeting on 5 January 2016 would be allowed to vote on this application and she confirmed the names of those Councillors.

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 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;
 - Completion and transfer of public open space; and
 - Contribution towards off-site traffic management measures at the A137 railway crossing.
- 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. Layout and phasing plan/programme.
 5. Development in general conformity with submitted illustrative master plan;
 6. Development to contain up to (but no more than) 300 dwellings and 2 hectares of employment land.
 7. Highways conditions (broadly as recommended by the Highway Authority).
 8. Surface water drainage scheme.
 9. Foul water drainage scheme.
 10. Hard and soft landscaping plan/implementation.
 11. Ecological mitigation/tree protection measures (including bat protection measures).
 12. Archaeological assessment/trial trenching.
 13. Details of lighting, materials and refuse storage/collection points.
 14. Construction methods statement.
 15. Broadband connection.
 16. Local employment arrangements.
 17. Details of water, energy and resource efficiency measures.
- c) The applicants formally withdrawing the appeal against non-determination and confirming, in writing, that there will be no claim of costs against the Council.

18. PLANNING APPLICATION – 15/00876/OUT – LAND EAST OF BROMLEY ROAD, LAWFORD, CO11 2HS

Councillor Baker had earlier declared a prejudicial interest in relation to Planning Application 15/00876/OUT by virtue of the fact he was pre-determined. Councillor Baker therefore withdrew from the meeting, whilst the Committee considered the application and reached its decision.

Councillor Fairley had earlier declared an interest in relation to Planning Application 15/00876/OUT by virtue of the fact she was a resident in the adjacent Ward.

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 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 Natural England;
- (2) A letter of complaint to Essex County Council submitted by Professor Barnes and Mrs Barnes; and
- (3) A Letter of objection from Mrs Barnes.

Professor Stuart Barnes, a local resident, spoke against the application.

Steven Rose, the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Fairley, seconded by Councillor McWilliams 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 and/or land for school expansion;
 - Health contribution;
 - Community facilities;
 - Completion and transfer of public open space;
 - Contribution towards off-site traffic management measures at the A137 railway crossing; and
 - Contribution towards monitoring impacts on the Stour Estuary.
- 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. Layout and phasing plan/programme.

5. Development in accordance with submitted land use audit..
 6. Development to contain up to (but no more than) 360 dwellings.
 7. Highways conditions (as recommended by the Highway Authority).
 8. Surface water drainage scheme.
 9. Foul water drainage scheme.
 10. Hard and soft landscaping plan/implementation.
 11. Ecological mitigation/tree protection measures (including bat protection measures).
 12. Archaeological assessment/trial trenching.
 13. Details of lighting, materials and refuse storage/collection points.
 14. Construction methods statement.
 15. Broadband connection.
 16. Local employment arrangements.
 17. Details of water, energy and resource efficiency measures.
- 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.
- d) That any reserved matters application for this development be submitted to the Committee for its consideration.

19. PLANNING APPLICATION – 15/01720/OUT - LAND SOUTH OF CENTENARY WAY, LONDON ROAD, CLACTON-ON-SEA

Councillor Baker had earlier declared an interest in relation to Planning Application 15/01720/OUT by virtue of the fact he was pre-determined. Councillor Baker therefore withdrew from the meeting, whilst the Committee considered the application and reached its decision.

Councillor Bray, present in the public gallery, had earlier declared an interest in relation to Planning Application 15/01720/OUT by virtue of the fact he was a local Ward Member for the adjacent Ward.

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 Manager (GG) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of an email from the Applicant's Agent.

Parish Councillor John Cutting, representing Little Clacton Parish Council which Parish boundary was adjacent to the application site, spoke against the application.

Councillor Bray, a local Ward Member for the adjacent Little Clacton and Weeley Ward, spoke against the application.

Richard Clews, the agent on behalf of the applicant, spoke in support of the application.

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

- Loss of local Green Gap / Coalescence (Adverse impacts outweigh the benefits).

a) If the Applicant should appeal the following be noted:

- Position of Playground not considered safe;
- Shared surfaces are not supported; and
- No two and a half storey buildings as the density is considered to be too high for the location

20. PLANNING APPLICATION – 16/00208/OUT - LAND NORTH OF RUSH GREEN ROAD, CLACTON-ON-SEA, CO16 8BQ

It was reported that this application had been referred to the Planning Committee by Officers as it represented a departure from the Adopted Development Plan being located outside the settlement development boundary and also at the request of Councillor Everett, a local Ward Member.

Councillor Raby had earlier declared an interest in relation to Planning Application 16/00208/OUT by virtue of the fact he was a local Ward Member for the adjacent Golf Green Ward.

Councillor Everett, present in the public gallery had earlier declared an interest in relation to Planning Application 16/00208/OUT by virtue of the fact he was a local Ward Member.

Councillor Newton, present in the public gallery had earlier declared an interest in relation to Planning Application 16/00208/OUT by virtue of the fact she 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 Senior Planning Officer (SE) in respect of the application.

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

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

Paul Derry, the agent on behalf of the applicant, spoke in support of the application.

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

- Loss of local Green Gap / Coalescence (Adverse impacts outweigh the benefits).

21. PLANNING APPLICATION – 16/00209/OUT - LAND NORTH OF RUSH GREEN ROAD, CLACTON-ON-SEA CO16 8BQ

It was reported that this application had been referred to Planning Committee by Officers as it represented a departure from the Adopted Development Plan being located outside the settlement development boundary and also at the request of Councillor Everett, a local Ward Member.

Councillor Raby had earlier declared an interest in relation to Planning Application 16/00209/OUT by virtue of the fact he was a local Ward Member for the adjacent Golf Green Ward.

Councillor Everett, present in the public gallery, had earlier declared an interest in relation to Planning Application 16/00209/OUT by virtue of the fact he was a local Ward Member.

Councillor Newton, present in the public gallery, had earlier declared an interest in relation to Planning Application 16/00209/OUT by virtue of the fact she 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 Senior Planning Officer (SE) in respect of the application.

Councillors Newton and Everett, the local Ward Members, asked the Committee to consider their comments made on 16/00208/OUT as also relevant for this application.

Paul Derry, the agent on behalf of the applicant, also confirmed he did not wish to speak again on this application but the Committee agreed to consider his comments made on 16/00208/OUT as also relevant for this application..

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

- Loss of local Green Gap / Coalescence (Adverse impacts outweigh the benefits).

22. PLANNING APPLICATION —16/00223/OUT - LAND REAR OF 21 - 27 MAYES LANE, RAMSEY, HARWICH CO12 5EJ

Councillor Fowler had earlier declared a non-pecuniary interest in relation to Planning Application 16/00223/OUT by virtue of the fact she was a resident of Mayes Lane and knew one of the land owners and a resident of a neighbouring property. Councillor Fowler therefore withdrew from the meeting, whilst the Committee considered the application and reached its decision.

Councillor Howard, present in the public gallery, had earlier declared an interest in relation to Planning Application 16/00223/OUT by virtue of the fact he was the local Ward Member.

It was reported that this application had been referred to the Planning Committee at the request of Councillor Howard, the local Ward Member as it represented a departure from the Development Plan being located outside the Settlement Development Boundary in the adopted Tendring District Local Plan 2007.

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 (SE) in respect of 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.

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

- Contrary to Backland Policy, in terms out of character, harmful precedent (incorporate loss of attractive trees).

23. PLANNING APPLICATION –16/00448/OUT - THE COTTAGE, BROAD LANES, ELMSTEAD, CO7 7HA

Councillor Heaney had earlier declared an interest in relation to Planning Application 16/00448/OUT by virtue of the fact she was a local Ward Member. Councillor Heaney also stated that she had referred this application to the Committee at the request of Elmstead Parish Council and that the Officer's report in paragraph 1.1 was factually incorrect as she had not indicated any view as to the appropriateness of the development and was therefore not pre-determined in any way.

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.

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

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

- (1) An additional letter from the Applicant's Agent Joseph Greenhow; and
- (2) Clarification of Councillor Heaney's reason for calling in this application.

Joseph Greenhow, 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 Heaney and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to refuse outline planning permission for the development, for the following reasons:

- 1) The proposal would result in a development of the site that would lead to residential development outside of the defined settlement limits in an unsustainable rural location with regard to access to facilities such as employment and education, which would set an undesirable precedent and be detrimental to the principles of sustainable development.
- 2) The development would necessitate the removal of a large section of roadside hedging to facilitate highway visibility requirements. The removal of this area of hedgerow, which runs along the northern boundary of the plot and around its perimeter as it turns to the south, would erode the rural character of the lane to its significant detriment.

24. PLANNING APPLICATION - 15/00984/FUL - GREAT HOLLAND NURSERIES, CHURCH LANE, GREAT HOLLAND, CO13 0JS

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

Councillor Bucke, present in the public gallery, had earlier declared an interest in relation to Planning Application 15/00984/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 refusal.

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

Robert Caines, a local resident, spoke against the application.

Councillor Bucke, 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 Gray, seconded by Councillor Hughes and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following Conditions:

- 1) Time Limit (3 Years)
- 2) Details of Materials
- 3) Landscaping Scheme
- 4) Implementation of Landscaping Scheme
- 5) Boundary Details (Fencing/Walls)
- 6) Access width of 5.5m with dropped kerb
- 7) No unbound materials in first 6m of access
- 8) Provision of Pedestrian Visibility Splays (1.5m x 1.5m)
- 9) Parking and Turning Area provided prior to occupation
- 10) Gates inward opening / set back 6m
- 11) Communal Refuse Point
- 12) Construction Method Statement
- 13) Resurfacing of Footpath / Vegetation Clearance along footpath (1.5m wide and 2m in height)
- 14) Timing of vegetation clearance
- 15) Lighting details
- 16) Biodiversity mitigation and enhancement provision
- 17) Accordance with tree/hedge protection plan (no dig construction in RPA's of Trees)
- 18) Removal of PD rights for fencing, walls and means of enclosure on the southern boundary of the site
- 19) Removal of PD rights for extensions/outbuildings
- 20) Approved Plans

a) That the following informative be sent to the applicant:

- Native species within landscaping measures.

25. PLANNING APPLICATION –16/00592/FUL – 7 COUNCIL HOUSES, PLOUGH ROAD, GREAT BENTLEY, CO7 8LG

It was reported that this application had been referred to Planning Committee as the applicant was Tendring District Council.

Councillor McWilliams had earlier declared an interest in relation to Planning Application 16/00592/FUL by virtue of the fact 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 Senior Planning Manager (SE) in respect 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 the following Conditions:

- 1) Time Limit
- 2) Access to be constructed to width of 3.7 metres and provided with an appropriate dropped kerb crossing.
- 3) No unbound materials throughout
- 4) Parking spaces/Vehicular hardstanding shall be constructed a minimum of 6 metres by 3 metres.

26. PLANNING APPEALS 2015/16

The Committee had before it the yearly report of the Head of Planning which detailed the planning appeals received/determined in the period 1 April 2015 to 31 March 2016.

An update sheet was circulated to the Committee prior to the meeting with details of an appeal decision for Land South of Cockaynes Lane, Alresford.

The Council's Head of Planning (Cath Bicknell) informed Members that two training sessions would take place for Appeals and Highways planning matters and that dates would be sent out in September.

Having considered the report it was duly **RESOLVED unanimously by the Committee** that the contents of the report be noted.

The meeting was declared closed at 10.45 pm.

Chairman