

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,  
HELD ON TUESDAY, 12TH MARCH, 2019 AT 6.00 PM  
IN THE COUNCIL CHAMBER - COUNCIL CHAMBER**

<b>Present:</b>	Councillors White (Chairman), Heaney (Vice-Chair), Alexander, Baker, Bennison, M Brown, Cawthron, Everett, Fowler, Hones and McWilliams
<b>Also Present:</b>	Councillor Daniel Land and Councillor Fred Nicholls (Corporate Enforcement Portfolio Holder)
<b>In Attendance:</b>	Lisa Hastings (Head of Governance and Legal Services) Charlotte Parker (Solicitor (Property, Planning and Governance)), Ewan Green (Corporate Director (Planning and Regeneration services)), Cath Bicknell (Head of Planning), Gary Guiver (Planning Manager)

**108. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were none.

**109. MINUTES OF THE LAST MEETING**

The minutes of the last meeting of the Committee, held on 12 February 2019, were approved as a correct record and signed by the Chairman.

**110. DECLARATIONS OF INTEREST**

Councillor White declared that, with regards to Planning Application 16/00671/FUL & 16/00656/FUL, he is the Ward Councillor for this item and has declared himself as predetermined on all other applications regarding this, he would therefore withdraw from the meeting whilst the Committee deliberated and reached its decision. Councillor Heaney would therefore Chair the meeting for this item only.

Councillor Heaney declared that, with regards to Planning Application 17/01229/OUT, she was not at the original site visit for this application and has not participated in any of the Committee's deliberations on the application, she would therefore withdraw from the meeting whilst the Committee deliberated and reached its decision.

Councillor Brown declared that, with regards to Planning Application 17/02162/OUT, he is predetermined on this application and would therefore withdraw from the meeting whilst the Committee deliberated and reached its decision.

**111. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37**

There were none.

**112. A.1 - 17/01229/OUT - LAND ADJACENT AND TO THE REAR OF 755 AND 757 ST JOHNS ROAD, CLACTON ON SEA, CO16 8BJ**

Councillor Heaney had previously declared that, with regards to Planning Application 17/01229/OUT, she was not at the original site visit for this application and has not participated in any of the Committee's deliberations on the application, she therefore withdrew from the meeting whilst the Committee deliberated 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 Planning Manager (GG) in respect of the application.

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

- (1) A letter received from Persimmon Homes confirming the applicant's agreement to 20% affordable housing alongside the various financial contributions required as part of the s106 agreement, as well as their desire to resolve the remaining matters as quickly as possible.

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:

a) Within 6 (six) months of the date of the Committee's resolution to approve **[to be revised to 'no later than 1st May 2019']**, 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 and subject to the completion of viability testing):

- On-site Council Housing/Affordable Housing (the quantum and tenure to be agreed by the Head of Planning following the satisfactory completion of viability testing);
- Provision of land on-site for a new healthcare facility together with a financial contribution towards its provision. [In the event that the land is not required, the financial contribution will be spent on health facilities elsewhere (to be determined by the NHS);
- Transfer of new open space, including proposed equipped play areas to the Council or a management company;
- Land for a new primary school and early years and childcare facility on site with financial contributions towards the provision of those facilities;
- Financial contributions to create additional secondary school places;
- New neighbourhood centre; and
- Financial contributions towards off-site ecological mitigation.

**[Also the routing of bus services through the development – as advised on the 30th May 2018 update sheet]**

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 first reserved matters application (which can thereafter be submitted in phases to reflect the phasing of the development).
2. Standard 2 year limit for commencement of development following approval of reserved matters.
3. Details of appearance, layout, scale and landscaping (the reserved matters).
4. Layout and phasing plan/programme.
5. Compliance with approved access plans.
6. Development to be in accordance with the approved parameters plans.
7. Development to contain up to (but no more than) 950 dwellings and quantum of non-residential development specified.
8. Highways conditions (as recommended by the Highway Authority) relating to:
  - detailed junction arrangements on St. Johns Rd and Jaywick Lane;
  - cycleway/footway across St. Johns Rd and Jaywick Lane frontages;
  - bus service to be routed through the development;
  - residential travel plans;
  - improvements at existing St. John's Rd/Jaywick Lane Junction;
  - signals at the Bockings Elm Junction of St. John's Road and Cloes Lane
  - improvements to St. Johns Rd/Peter Bruff Avenue junction;
  - improvements at St. Johns roundabout;
  - road safety assessments to be completed for all the above measures;
  - no discharge of surface water onto the highway;
  - wheel cleaning facilities; and
  - car parking spaces and garages.

**[The Highway Authority's recommended conditions are revised, as previously agreed by Committee, to cover:**

- **The need for a construction management plan;**
- **The new junction onto St. John's Road – to be delivered prior to first occupation of Phase 1;**
- **The new junction onto Jaywick Lane – to be delivered prior to occupation of phase 2A, 3 or 4;**
- **The completion of the St. John's Road to Jaywick Lane link road – to be completed prior to occupation of phase 3 or 4;**
- **The completion of a cycleway/footway along Jaywick Lane frontage prior to phase SA, 3 or 4;**
- **Improvements to St. John's Road/Jaywick Lane and St. Johns Road/Cloes Lane junctions – to be delivered prior to occupation of 250 dwellings;**
- **Improvements to St. Johns Road/Peter Bruff Avenue junction and the St. John's Roundabout – to be delivered prior to occupation of 500 dwellings;**

- **Improvements to existing bus stops in St. John's Road and provision of pedestrian access to those stops;**
- **Provision of a high quality bus service through the development via the link road or £500,000 contribution towards its delivery (as being secured the s106 agreement);**
- **Provision of a pedestrian link between the proposed primary school and neighbourhood centre in advance of the link road being completed; and**
- **Residential travel plan and residential travel pack.]**

9. Construction methods statement.

10. Surface water drainage scheme and management arrangements.

11. Foul water drainage strategy.

12. Archaeological assessment/trial trenching.

13. Contaminated land investigation and remediation.

14. Piling restrictions.

15. Details of levels, lighting, boundary treatments, materials and refuse storage/collection points.

16. Hard and soft landscaping plan/implementation.

17. Tree protection measures.

18. Construction Environmental Management Plan.

19. Landscape and ecology mitigation/management plan.

20. Details of dog walking routes (part of ecological mitigation).

21. Broadband connection.

22. Local employment arrangements.

23. 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 6 (six) months, or further period as agreed, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

**113. A.2 - 16/00671/FUL & 16/00656/FUL - ST OSYTH PRIORY, ST OSYTH, CLACTON ON SEA, CO16 8NZ**

Councillor White had previously declared that, with regards to Planning Application 16/00671/FUL & 16/00656/FUL, he is the Ward Councillor for this item and has declared himself as predetermined on all other applications regarding this, he therefore withdrew from the meeting whilst the Committee deliberated and reached its decision. Councillor Heaney therefore chaired the meeting for this item only.

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 Head of Planning (CB) in respect of the business strategy.

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

- (1) Updated recommendations.

- (2) A letter received from joint Chairs of the Trust confirming the business strategy has been prepared with the involvement of the Trust.
- (3) A letter from St Osyth Priory Estate Limited confirming the Sargeant family have permission to prepare and submit a business strategy on their behalf.
- (4) A letter was emailed to Councillors by Tim Sargeant outlining issues of a business and local economic nature and also providing comments on the officer's recommendation to Committee.
- (5) A letter was emailed to all Councillors (12/03/2019) by Tim Sargeant making further comments about the content of the business strategy and the report to Planning Committee.
- (6) Appendices page numbers and Appendix 5 table reproduced as partially missing from the agenda.

Sonia Grantham, a representative for the owner St Osyth Priory Estate Limited and member of the St Osyth Priory & Parish Trust, spoke in support of the business plan submitted.

Following discussion by the Committee, it was moved by Councillor Baker, seconded by Councillor McWilliams and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to refuse approval of the submitted business strategy, for the following reasons:-

1. The Business Strategy contains neither realistic nor viable proposals to secure the restoration of the Additional Listed Buildings (specified in the Section 106 Agreement) within the relevant 10 year period and therefore has not shown it can deliver on its essential aim under the Agreement.
2. This is because it is reliant upon enabling development proposals of unidentified scale and location justified by reference to a claimed Conservation Deficit of a minimum of £26M which is only partly related to the restoration of the Part 3 Buildings. Further, the scale of enabling development and / or public subsidy inherent in this approach appears out of proportion to the public benefits secured and would be unlikely ever to be sanctioned. It is therefore an approach which is neither realistic nor viable in practice.

The Council's proposed alternative strategy:

3. As has been consistently maintained by the Council in meetings throughout 2018, the approach of this submitted Business Plan should be discarded in favour of a pragmatic, bespoke Business Plan which excises all references to estate-wide Conservation Deficits and focuses on grants, loans or enabling development directed at addressing the needs of the individual Part 3 Buildings or groups of those buildings on a case by case basis.

Further proposals for enabling development for restoration of Part 3 Buildings in line with the Business Strategy must contain detail of the specific heritage asset(s) that would benefit and the proposed development site. This must include a viability appraisal for the heritage asset(s) concerned that has:

- An up to date condition survey for the heritage asset(s).
- An assessment of options for the Part 3 Buildings, in the context of the agreed strategy for the estate (appended to the Colliers Report at Appx.1), including options for spatial layout. Options should include a minimum cost option to make the asset(s) safe over the medium term. The assessment of options should involve, as a minimum, a business planner, conservation architect and quantity surveyor.
- Drawings for the preferred option.
- Costs of the options, verified by the quantity surveyor, and including professional fees, project management and enabling and infrastructure works.
- An estimate of income that will be generated, both from the asset itself and from other incremental income to the site resulting from it.
- An estimate of the true conservation deficit in respect of the relevant Part 3 Building(s), if the heritage asset(s) has income generating potential. This should not include a current market value because assets that have a conservation deficit should not have market value. Any development profit should reflect genuine financial risk taken in restoring the heritage assets concerned. Financial risk is related to the amount of equity contributed and/or security provided for loans.

4. Authority is delegated to the Corporate Director for Planning and Regeneration and Head of Planning Services to liaise with the Owners to reasonably request that the submitted Business Strategy be amended to reflect the Council's proposed alternative strategy.

5. Authority is delegated to the Corporate Director for Planning and Regeneration and Head of Planning Services in consultation with the Council's external consultants to approve or reject, within the context of this decision, any further Business Strategy submitted by the Owners; and

6. Officers are instructed to refer any matters remaining in dispute in relation to a submitted Business Strategy for Dispute Resolution in accordance with clause 5.1 of the Legal Agreement to ensure that any matters of disagreement can be determined by an independent expert, to minimise any further delay for the benefit of the restoration of the Part 3 buildings.

**114. A.3 - 19/00060/FUL - THE NEWSPAPER KIOSK, TOP OF THE PIER GARDEN, MARINE PARADE EAST, CLACTON ON SEA, CO15 1PS**

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 Head of Planning (CB) in respect of the application.

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

- (1) One letter of objection received from the Councils Head of Public Realm.

Danny Partridge, the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Hones, seconded by Councillor Bennison, to approve the application as per Officer recommendation.

However, when put to the vote the proposal to approve as per Officer recommendation was lost.

After further discussion by the Committee, it was moved by Councillor Everett, seconded by Councillor Heaney, to defer the application to allow discussion between Officers and the applicant on a more sympathetic design.

However, after further discussion this proposal was then withdrawn.

After further discussion by the Committee, it was moved by Councillor Baker, seconded by Councillor McWilliams 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. 3 year time limit
2. Approved plans
3. Details of design and finish of railings and finish and detailing of kiosk extension.

**115. EXCLUSION OF PRESS AND PUBLIC**

It was moved by Councillor McWilliams, seconded by Councillor Hones and:-

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Items 15 and 16 on the grounds that they involve the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12A, as amended, of the Act, the relevant paragraph being paragraph 5.

**116. B.1 - 17/02162/OUT - LAND SOUTH OF THORPE ROAD, WEELEY, CO16 9AJ**

The Committee had before it the Officer report containing privileged legal advice provided by Counsel, in respect of the forthcoming planning appeal against the Council's refusal of planning permission 17/02162/OUT and other current planning appeals within the District. The Committee made a decision on matters relating to the appeal.

The meeting was declared closed at 8.46 pm

**Chairman**