

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY 22 OCTOBER 2019 AT 6.00 PM IN THE COUNCIL CHAMBER,
COUNCIL OFFICES, THORPE ROAD, WEELEY, CO16 9AJ**

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| Present: | Councillors White (Chairman), Bray (Vice-Chairman), Alexander, Cawthron, Fowler, Harris and Placey |
| Also Present: | Councillors Scott, Stock OBE (except minutes 57 - 60) and Wiggins |
| In Attendance: | Cath Bicknell (Head of Planning), Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer), Graham Nourse (Planning Manager), Trevor Faulkner (Temporary Planning Team Leader), Amy Lang (Planning Officer) and Katie Sullivan (Committee Services Officer) |

52. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for Absence were submitted on behalf of Councillors McWilliams and Codling (with no substitutes).

53. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on Tuesday 24 September 2019, were approved as a correct record and signed by the Chairman.

54. DECLARATIONS OF INTEREST

Councillor Scott, who was present in the public gallery, declared for the public record in relation to Planning Applications 19/01261/FUL and 19/01353/OUT that he was a local Ward Member.

Councillor Wiggins, who was present in the public gallery, declared for the public record in relation to Planning Applications 19/01261/FUL and 19/01353/OUT that she was a local Ward Member.

Councillor Stock, who was present in the public gallery, declared for the public record in relation to Planning Application 19/01353/OUT that he had a registered Disclosable Pecuniary Interest against that property.

55. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

Pursuant to the provisions of Council Procedure Rule 38 Councillor Placey asked the Chairman of the Committee (Councillor White) the following question:-

“Can I ask if the Council, using its Planning powers, can actually dictate the size of homes (i.e. number of bedrooms) they are looking for in relation to new building? I ask this because expensive large homes are not in the reach of many young people in the area, especially those caught up in private renting and large 3,4,5 beds are not sought after by the growing number of people choosing to live alone. In asking this question I do not see that homes with fewer bedrooms would adversely affect the number of homes built, rather it could increase it; and please note the use of “homes” rather than “houses”.”

Councillor White replied as follows:-

“In developing their planning policy for providing housing choice within the new Local Plan, the Council produced an Objectively Assessed Housing Needs study which identified a need over the plan period for approximately 10% of new homes to be one bedroom, with 33% as two bedrooms.

Policy LP2 of the emerging Local Plan states that the Council will work with the development industry to deliver a mix of dwelling types, sizes and tenure and on major application sites will expect to see such a mix provided. The Council do need to take into account market demand and site viability constraints but the Council can expect, certainly on larger developments, a range of dwelling sizes to be provided and will work with developers to achieve this.

Unless a developer can provide strong viability evidence that smaller size dwellings are not viable on a particular site then the Council can choose to refuse applications if a good housing mix is not provided”.

56. A.1 - PLANNING APPLICATION- 18/01888/FUL - MULLEYS FARM, BENTLEY ROAD, LITTLE BROMLEY, MANNINGTREE, CO11 2PL

It was reported that this application had been referred to the Planning Committee at the request of Councillor Stock OBE, 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 Temporary Planning Team Leader (TF) in respect of the application.

Andy Pirie, on behalf of Mr and Mrs Christmas, who were the owners of Mulley’s Cottage spoke against the application.

Parish Councillor Jon Buxton, representing Little Bromley Parish Council, spoke against the application.

Councillor Stock OBE, the local Ward Member, spoke against the application.

Natalie Winstear, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Bray, seconded by Councillor Alexander and unanimously **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 due to the following reasons:-

- Adverse impact on neighbour amenity due to noise impact.
- Lack of parking provision to meet potential B1 use.
- Adverse highway impact due to increased traffic.

57. **A.2 - PLANNING APPLICATION -18/00767/OUT - LAND TO THE NORTH OF STOURVIEW CLOSE, MISTLEY, CO11 1LT**

It was reported that outline planning permission for up to 70 dwellings with a new access road off Stourview Avenue, Mistley had been granted in November 2015 under ref. 15/01810/OUT and was subject to a Section 106 Agreement which required the provision of affordable housing, education and healthcare contributions together with the provision of open space and a habitat contribution.

It was further reported that the current application was for the same site and for the same development but proposed a modest increase in numbers from 70 to 72 dwellings and also to vary the terms of the previous Section 106 Agreement in order to remove the requirement for affordable housing and the infrastructure contributions. The applicants had submitted that, after following the grant of outline permission they had worked up the detailed drawings and the scale of the technical costs of the site then became apparent. Those costs had been found to be significant and had threatened the commercial viability of the project.

The Committee was informed that the applicants had therefore submitted a viability study in support of the application which had set out the costs. This has been the subject of detailed and lengthy consideration and testing by the Council's own independent consultants PNB Paribas. Further detailed information had also requested and had been provided by the applicants in respect of build costs and abnormal costs which had been accepted by the Council's consultants. They had therefore concluded that the proposed scheme could support a payment in lieu of some £0.26m and could not therefore fund the contributions or provide the affordable housing as required in the 2015 planning permission. The applicants had confirmed their agreement to a contribution of £0.26m.

The Committee was further informed that Officers were content that, subject to the carrying forward of the planning conditions from the earlier planning permission and a revised Section 106 planning obligation that made provision for the in lieu payment of £0.26m which would need to include the RAMs payment, together with the provision of on-site public open space and its maintenance, the principle of development on the site remained acceptable. However, it was acknowledged that the development would not be able to fully mitigate the impacts it was likely to have on the local infrastructure. The scale of development was in keeping with both the site's location on the edge of Mistley and with the need to facilitate on-site strategic landscaping, open space and the retention of existing landscape features. Furthermore, the proposal would ensure that the living conditions of existing and future residents would be protected from any materially detrimental impacts whilst significantly boosting housing supply within the District in line with the Council's own emerging Local Plan.

The Committee was made aware that the recommendation was therefore to approve outline planning permission subject to the completion of a legal obligation under Section 106 of the Town and Country Planning Act 1990 and the imposition of the previous conditions.

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 Temporary Planning Team Leader (TF) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of representations that had been received from:

- (1) Mistley Parish Council;
- (2) Essex Police; and
- (3) Three local residents.

Will Vote, the agent on behalf of the applicant, spoke in support of the application.

It was moved by Councillor Harris and seconded by Councillor Placey that the Head of Planning be authorised to refuse planning for this development, which motion on being put to the vote was declared **LOST** on the Chairman's casting vote.

Following discussion by the Committee and advice provided by Officers, it was then moved by Councillor Fowler, seconded by Councillor Alexander and **RESOLVED** that consideration of this application be deferred in order for Officers to gather further information relating to the viability assessment.

58. A.3 - PLANNING APPLICATION -19/00610/FUL - LAND AT OAKMEAD ROAD, ST OSYTH, CO16 8NW

The Committee was informed that, with the agreement of the Chairman (Councillor White), this application had been deferred prior to the commencement of the meeting in order to allow the applicant to bring forward amended drawings for consideration with a view to seeking that the proposed access could revert to the position (as shown on the Outline Planning Approval) using the existing house access.

59. A.4 - PLANNING APPLICATION- 19/01261/FUL - LAND ADJACENT 2 WIVENHOE ROAD, ALRESFORD, CO7 8AD

It was reported that this application had been referred to the Planning Committee as one of the applicants was employed by Tendring District Council within the Planning Department.

Councillor Scott, who was present in the public gallery, had earlier placed on record in relation to Planning Application 19/01261/FUL that he was a local Ward Member.

Councillor Wiggins, who was present in the public gallery, had earlier placed on record in relation to Planning Application 19/01261/FUL that 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 Temporary Planning Team Leader (TF) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of two additional letters of objection submitted by local residents.

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

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

Following discussion by the Committee, it was moved by Councillor Cawthron, seconded by Councillor Fowler 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 due to the application being contrary to Policies QL9, QL11 and SPL3.

60. A.5 - PLANNING APPLICATION -19/01353/OUT - WISTERIA HOUSE, BACK LANE EAST, GREAT BROMLEY, CO7 7UE

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

Councillor Scott, who was present in the public gallery, had earlier placed on record in relation to Planning Application 19/01353/OUT that he was a local Ward Member.

Councillor Wiggins, who was present in the public gallery, had earlier placed on record in relation to Planning Application 19/01353/OUT that she was a local Ward Member.

Councillor Stock, who, had by this time left the meeting had earlier placed on record in relation to Planning Application 19/01353/OUT that he had a registered Disclosable Pecuniary Interest against that property.

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 Planning Officer (AL) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of amendments to paragraphs 5.1, 5.2 and 6.52 of the officer's report.

Bill Marshall, a local resident, spoke in support of the application.

Councillor Scott, a local Ward Member, spoke in favour of the application.

Michael Calder, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee and advice provided by Officers, it was moved by Councillor Bray, seconded by Councillor Harris and unanimously **RESOLVED** that, contrary to the Officer's recommendation of refusal, the Head of Planning (or equivalent authorised officer) be authorised to approve planning permission for the development due to the contribution to Council's housing supply, subject to the following conditions:-

1. Application for the approval of Reserved Matters must be submitted before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. No development shall be commenced until plans and particulars of "the Reserved Matters" referred to in the above conditions relating to the Appearance, Access, Landscaping, Layout and Scale have been submitted to and agreed in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - The application as submitted does not provide sufficient particulars for consideration of these details.

4. Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of fences, walls or other means of enclosures shall be erected along the northern or southern boundaries of the site or forward of the front elevation of the dwelling hereby approved except in accordance with details that shall previously be approved in writing by the Local Planning Authority. The approved screen walls and fences shall be erected prior to the dwelling to which they relate being first occupied and thereafter be retained in the approved form unless otherwise agreed in writing by the Local Planning Authority.

Reason - It is necessary for the local planning authority to be able to consider and control further development in order to ensure that landscape harm does not result in this edge of settlement location.

5. Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, C and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additions or alterations to the dwelling or its roof, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions and/or building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - It is necessary for the local planning authority to be able to consider and control further development in order to ensure that landscape harm does not result in this edge of settlement location.

6. The dwelling hereby permitted shall be single storey only.

Reason - In the interests of visual amenity having regard to the semi-rural character of this side of Back Lane East and the open countryside beyond.

The meeting was declared closed at 9.05 pm

Chairman