

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,  
HELD ON TUESDAY 10 MARCH 2020 AT 6.00 PM  
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

<b>Present:</b>	Councillors White (Chairman), Bray (Vice-Chairman), Alexander, Cawthron, Codling, Fowler, Harris, McWilliams and Placey
<b>Also Present:</b>	Councillors Broderick (except minute 99), Wiggins and Winfield (except minute 99)
<b>In Attendance:</b>	Cath Bicknell (Head of Planning), Trevor Faulkner (Temporary Planning Team Leader), Katie Sullivan (Committee Services Officer) and Emma Haward (Leadership Support Assistant)

**92. CHAIRMAN'S OPENING REMARKS**

The Chairman (Councillor White) welcomed Members, Officers and members of the public to the meeting and informed them that the projector was not working on this occasion and that therefore paper copies of the plans for each Planning Application would be distributed.

**93. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were none.

**94. MINUTES OF THE LAST MEETING**

The minutes of the last meeting of the Committee, held on Tuesday 12 February 2020, were approved as a correct record and signed by the Chairman.

**95. DECLARATIONS OF INTEREST**

There were none.

**96. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

There were no questions on notice on this occasion.

**97. A.1 - PLANNING APPLICATION - 19/01475/DETAIL - LAND EAST OF BROMLEY ROAD, LAWFORD, CO11 2HS**

It was reported that planning application 15/00876/OUT for all matters apart from access had been granted planning permission on 13 April 2017 for a mixed development of 360 houses and community facilities / open space on 22.76ha of land to the south of Lawford.

It was further reported that, in accordance with Members' previous request, the planning application now before them related to phase two of the development and that consent was now sought for the outstanding reserved matters with regard to landscaping, layout and scale.

Members were reminded that the principle of residential development had been accepted by the granting of the outline planning permission, which had also established the position of the access.

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 Team Leader (TF) in respect of the application.

An update sheet had been circulated to the Committee prior to the meeting with details of suggested amendments to some of the proposed Planning Conditions following discussion with the applicants.

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

Following discussion by the Committee, it was moved by Councillor Harris, seconded by Councillor Bray and unanimously **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant 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):
  - Financial Contribution of £122.30 per new dwelling towards RAMS

b) The following conditions:

#### Conditions and Reasons

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
  - 981s ph2.l.004 rev b Amended block plan
  - 981s ph2.l.003 rev a Amended site layout plan
  - 668029-mlm-p2-xx-dr-c-0112-p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0311 p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0318 p02 Drainage drawing
  - Appendix f surface water drainage strategy cover sheet
  - Appendix g drainage calculations
  - 668029-mlm-p2-xx-dr-c-0113-p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0320 p02 Drainage drawing
  - Appendix f\_4 adoptable highway details
  - 668029-mlm-p2-xx-dr-c-0121p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0253 p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0303 p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0315 p02 Drainage drawing
  - Appendix f\_3a engineering layouts
  - Appendix f\_3c adoptable highway layouts
  - 668029-mlm-p2-xx-dr-c-0010-p02 Drainage drawing

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- 668029-mlm-p2-xx-dr-c-0020-p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0114-p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0120-p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0123 p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0125 p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0126 p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0127 p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0250 p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0251 p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0252 p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0254 p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0290 p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0291 p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0300 p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0301 p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0302 p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0305 p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0306 p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0307 p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0308 p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0309 p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0310 p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0313 p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0314 p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0316 p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0319 p02 Drainage drawing
  - Appendix b site investigations
  - Appendix f\_1
  - Appendix f\_2
  - Appendix f\_3b external works layouts
  - Appendix f\_5 long sections
  - Appendix h suds maintenance & management report
  - 668029-mlm-p2-xx-dr-c-0001-p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0110-p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0115-p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0117-p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0124 p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0257 p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0292 p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0304 p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0312 p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0317 p02 Drainage drawing
  - 668029-mlm-p2-xx-rp-c-0003-01-fra phase 2 Drainage drawing
  - Appendix c sewer records and aw pre-planning assessment reports
  - Appendix d foul water drainage strategy c sewer records and aw pre-planning
  - Appendix e suds planner
  - 668029-mlm-p2-xx-dr-c-0122 p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0255 p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0256 p02 Drainage drawing
  - Appendix a topographic survey
  - 668029-mlm-p2-xx-dr-c-0111-p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0116-p02 Drainage drawing

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- 981s ph2.l.038 (a) Amended house type rosemary proposed side elevation
  - 981s ph2.l.036 (a) Amended house type rosemary proposed floor plan and front elevation
  - 981s ph2.l.037 Amended house type rosemary proposed floor plan and rear elevation
  - Jba 18 196 dt2 Tree pit detail
  - Jba 18 196 01 b Landscape proposals
  - Jba 18 196 04 b Landscape proposals
  - Jba 18 196 05 b Landscape proposals
  - 981s ph2 l 22 a Amended house type grace
  - proposed floor plans and front elevation
  - Jba 18 196 03 b Landscape proposals
  - Jba 18 196 dt1 Tree pit detail
  - Jba 18 196 02 b Landscape proposals
  - 981s ph2 l 23 a Amended house type grace
  - proposed side and rear elevations
  - Jba 18 196 06 b Landscape proposals
  - Jba 18 196 07 b Landscape proposals
  - Design and access statement
  - 981s.l.003 Proposed masterplan (all phases)
  - 981s.l.001 Site plan
  - H562-ss-002 Phase 2 streetscene 2
  - H562-ss-001 Phase 2 streetscene 1
  - H562-l-003 Footpath and cycle network
  - Jba 18/196-02 a Landscape masterplan
  - 981s ph2.l.006 Tenure plan
  - 981s ph2.l.020 House type hebe – proposed floor plans and front elevation
  - 981s ph2.l.024 House type amber - proposed floor plans and front elevation
  - 981s ph2.l.025 House type amber - proposed side and rear elevations
  - 981s ph2.l.027 House type albertine (gabled) - proposed side and rear elevations
  - 981s ph2.l.031 House type barbier - proposed side and rear elevation
  - 981s ph2.l.041 House type amelia - proposed floor plans and front elevation
  - 981s ph2.l.043 House type barbier variation – proposed floor plans and front
  - 981s ph2.l.049 House type victoria - proposed floor plans and front elevation
  - 981s ph2.l.050 House type victoria - proposed side and rear elevation
  - 981s ph2.l.053 House type ophelia (gabled) - proposed floor plans and front
  - 981s ph2.l.054 House type ophelia (gabled) - proposed side and rear elevations
  - 981s ph2.l.055 House type charlotte - proposed floor plans and front elevation
  - 981s ph2.l.057 House type cadenza - proposed floor plans and front elevation
  - 981s ph2.l.058 House type cadenza - proposed side and rear elevations
  - 981s ph2.l.059 House type berkeley - proposed floor plans and front elevation

- 981s ph2.l.060 House type berkeley - proposed side and rear elevations
- 981s ph2.l.061 House type berkeley (plot 141) - proposed elevations
- 981s ph2.l.070 Outbuildings (sheet 1 of 3) - proposed floor plans and Elevations
- 981s ph2.l.071 Outbuildings (sheet 2 of 3) - proposed floor plans and Elevations
- 981s ph2.l.072 Outbuildings (sheet 3 of 3) - proposed floor plans and Elevations
- 981s ph2.l.021 House type hebe - proposed side and rear elevations
- 981s ph2.l.026 House type albertine (gabled) - proposed floor plans and Elevations
- 981s ph2.l.030 House type barbier - proposed floor plans and front elevation
- 981s ph2.l.032 House type cornelia - proposed floor plans and front elevation
- 981s ph2.l.033 House type cornelia - proposed side and rear elevations
- 981s ph2.l.034 House type damask - proposed floor plans and front elevation
- 981s ph2.l.035 House type damask - proposed side and rear elevations
- 981s ph2.l.004 rev b Amended block plan
- 981s ph2.l.003 rev a Amended site layout plan

Reason - For the avoidance of doubt and in the interests of proper planning.

2. Prior to the first occupation of any approved dwelling its associated vehicular access, parking and turning facilities as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason - To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

3. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres and each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.

Reason - To ensure adequate space for parking off the highway is provided in the interest of highway safety.

4. All single and all double garages shall be constructed in accordance with the following drawings, 981S.PH2.L.070, 981S.PH2.L.071 And 981S.PH2.L.072.

Reason - To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety.

5. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason - To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

6. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator free of charge.

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport.

7. No more than 100 dwellings on Phase 2 shall be occupied until the 3m wide shared footway/cycle-track marked pink on drawing number H562-L-003 is completed.

Reason: To ensure the continued safe passage of pedestrians on the public right of way and accessibility.

### Informatives

#### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

#### Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

### Highways

**Informative 1:** Prior to occupation, the development shall be served by a system of operational street lighting (excludes the shared surface areas) of design approved from the Highway Authority along the Primary route, which shall thereafter be maintained in good repair.

**Informative 2:** The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no.12 (Lawford) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way. The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have

been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

**Informative 3:** The areas directly adjacent to the carriageway(s) in which the trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway. In paved areas, whether or not the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.

**Informative 4:** All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

c) That the Head of Planning be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of six months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a Section 106 planning obligation.

**98. A.2 - PLANNING APPLICATION - 20/00019/FUL - 85 SALISBURY ROAD, HOLLAND-ON-SEA, CO15 5LS**

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

Members recalled that this site had been subject of a previous application for the same development under planning application 18/02072/FUL which had had an Officer recommendation of approval at Planning Committee on 11 June 2019. That application had been refused due to the narrow plot width being considered to create a cramped appearance, not appropriate in its setting, and which would appear out of character in terms of its siting to the serious detriment of the immediate street scene and character of the area.

Members were informed that that application had been subject of an appeal which had been dismissed on 13 December 2019 and that the reason for dismissal had been on a legal technicality in relation to a failure to secure the necessary mitigation for the effect of the proposed development on the European designated habitat sites (RAMS). Whilst a Unilateral Undertaking had been provided to secure the necessary financial contribution it had not been signed and as such it had no legal effect and could not be taken into account. In all other respects the Planning Inspector had been satisfied that the proposed development would not have harmed the character and appearance of the area or the living conditions of the occupants of the neighbouring properties and as such would not be in conflict with adopted Local Plan policies.

Members were further informed that given the appeal decision and subject to the applicant entering into a Unilateral Undertaking to secure financial contributions towards the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) and Open Space requirements, the application was considered acceptable in terms of scale, layout and appearance.

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 Team Leader (TF) in respect of the application.

An update sheet had been circulated to the Committee prior to the meeting with details of two additional letters of objection.

Chris Pitak, a local resident, spoke against the application.

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

James Thomas, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee and consideration of advice provided by Officers it was moved by Councillor Harris, seconded by Councillor Placey 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:-

- Contrary to Policies HG6, HG9, HG14, QL9, COM1 and QL1
- Narrow plot width
- Dwelling creates a cramped appearance that is not appropriate in its setting and which appears out of character in terms of its siting to the serious detriment of the immediate street scene and character of the area / neighbouring properties.

**99. A.3 - PLANNING APPLICATION - 19/01910/LBC - TENDRING DISTRICT COUNCIL, CLACTON TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15 1SE**

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

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 Team Leader (TF) in respect of the application.

An update sheet had been circulated to the Committee prior to the meeting with details of an amendment to paragraph 6.10.

Following discussion by the Committee, it was moved by Councillor Cawthron, seconded by Councillor Bray and unanimously **RESOLVED** that consideration of this application be deferred for the following reasons:

- Scheme refinement and better drawings to be provided.
- Further thought to be given to the form and detailing of the roof light as the Committee do not consider the black perspex panels proposed within the roof light to be sensitive to the heritage asset.
- Further consideration to be given to lighting and ability to introduce natural light.

The meeting was declared closed at 8.20 pm

**Chairman**