
**MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 9TH AUGUST, 2016 AT 6.00 PM
PRINCES THEATRE**

Present: Councillors White (Chairman), Heaney (Vice-Chair), Baker, Davis, Everett, Fairley, Fowler, Gray, Hones and McWilliams

Also Present: Councillors Broderick (except minutes 44-46), Cossens (except minute 46), King (except minutes 44-46), Newton (except minutes 44-46), Parsons, Watling (except minute 46), Whitmore (except minute 46) and Winfield (except minute 46)

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

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were apologies for absence received from Councillors Bennison (with Councillor Davis substituting) and Hughes (with no substitute).

2. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on 12 July and continued on 14 July 2016, were approved as a correct record and signed by the Chairman.

3. DECLARATIONS OF INTEREST

Councillor Watling, present in the public gallery, declared an interest in relation to Planning Application 16/00880/FUL by virtue of the fact he was a resident of Frinton-on-Sea and a local Ward Member.

Councillor Davis declared an interest in relation to Planning Application 16/00880/FUL by virtue of the fact she was a local Ward Member for an adjacent Ward.

Councillor Cossens, present in the public gallery, declared an interest in relation to Planning Application 16/00880/FUL by virtue of the fact he was a local Ward Member for an adjacent Ward.

Councillor Parsons, present in the public gallery, declared an interest in relation to Planning Application 15/01351/OUT by virtue of the fact he was a local Ward Member.

Frinton and Walton Town Councillor Andrea Cossens, present in the public gallery, declared an interest in Planning Application 16/00880/FUL.

Councillors Broderick, King and Winfield, present in the public gallery, each declared that they were members of the Holland Residents' Association and, that therefore each had an interest in relation to Planning Application 15/01351/OUT.

Councillor Everett declared an interest in relation to Planning Application 16/00880/FUL by virtue of the fact he was a resident of Frinton-on-Sea and a patient of the Dental Surgery.

County Councillor Colin Sargeant, present in the public gallery, also declared an interest in relation to Planning Application 15/01351/OUT.

4. CHAIRMAN'S UPDATE - PLANNING APPLICATION NO. 16/00546/OUT - RED BARN FARM, RED BARN LANE, GREAT OAKLEY, CO12 5BE (AGENDA ITEM 7)

The Chairman announced that, prior to conducting the formal business on the agenda he had agreed to defer this matter until the September meeting, given that it had been brought to his attention that additional information was required in line with the Conservation of Habitat and Species Regulations 2010.

The Chairman apologised for the lateness of the decision to defer the matter and gave any members of the public who had come along to hear that matter being considered, the opportunity to leave the meeting.

5. PLANNING APPLICATION 15/01351/OUT - LAND NORTHWEST OF SLADBURYS LANE, CLACTON-ON-SEA, CO15 6NU

Councillor Parsons, present in the public gallery, had earlier declared an interest in relation to Planning Application 15/01351/OUT by virtue of the fact he was a local Ward Member.

County Councillor Colin Sargeant, present in the public gallery, had also earlier declared an interest in relation to Planning Application 15/01351/OUT

Councillors Broderick, King and Winfield, present in the public gallery, had earlier declared that they were members of the Holland Residents Association and had an interest in this application.

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) Eight further letters of objection;
- (2) An objection received from Councillor Colin Sargeant (County Councillor for the Clacton East Division); and
- (3) An update on Consultations.

During her presentation the Council's Head of Planning also informed the Committee that a further 15 letters of objection had been received since the update sheet was published; these dealt with the same issues as already summarised on the update sheet.

David Emmerson, a local resident, spoke against the application.

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

Councillor Winfield, a local Ward Member for the adjacent St Bartholomews Ward, spoke against the application.

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

Following discussion by the Committee, and consideration of further advice provided by Officers at the meeting with regards to defending potential reasons for refusal, it was moved by Councillor Gray, 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 reasons:

- Loss of local Green Gap
- Impact on local character

6. PLANNING APPLICATION 16/00740/OUT - ELM FARM, LITTLE CLACTON ROAD, CLACTON-ON-SEA

It was reported that this application had been referred to the Planning Committee at the request of Councillor Whitmore, 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 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) Information about a Bat and Barn Owl Survey Report;
- (2) An amendment to the proposed reason for refusal number 2; and
- (3) Information in regards to recent correspondence from the applicant.

Councillor Whitmore, 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 Hones, seconded by Councillor Fowler 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. Whilst the site had been considered to be a socially sustainable location for new dwellings and the proposal would have brought some economic benefits, it had been considered that the proposal failed to meet the definition of sustainable development as set out in paragraph 7 of the NPPF as it was considered that that the site would have been an unplanned and premature advance of urbanisation into the countryside blurring the distinction between urban and rural land use to the detriment of the character of its rural surroundings. Therefore the proposal would have been harmful to the character of the surrounding countryside, contrary not only to the NPPF but also to Policy EN1 of the Tendring District Local Plan 2007.
2. A completed Section 106 had not been provided prior to the determination of the application. The proposal had therefore failed to make the necessary provision towards open space, contrary to Policies COM6 of the Tendring District Local Plan 2007 and Policy HP of the Tendring District Local Plan 2013-2033 and Beyond: Preferred Options Consultation Document.

7. **PLANNING APPLICATION 16/00880/FUL - 18 CONNAUGHT AVENUE, FRINTON-ON-SEA**

Councillor Davis had earlier declared an interest in relation to Planning Application 16/00880/FUL by virtue of the fact she was a local Ward Member for an adjacent Ward. Councillor Davis withdrew from the Committee and sat in the public gallery, whilst the Committee considered this item and reached its decision.

Councillor Watling, present in the public gallery, had earlier declared an interest in relation to Planning Application 16/00880/FUL by virtue of the fact he was a resident of Frinton-on-Sea and a local Ward Member.

Councillor Cossens, present in the public gallery, had earlier declared an interest in relation to Planning Application 16/00880/FUL by virtue of the fact he was a local Ward Member for an adjacent Ward.

Frinton and Walton Town Councillor Andrea Cossens, present in the public gallery, had earlier declared an interest in this application.

Councillor Everett had earlier declared an interest in relation to Planning Application 16/00880/FUL by virtue of the fact he was a resident of Frinton-on-Sea and a patient of the Dental Surgery.

It was reported that this application had been referred to the Planning Committee at the request of Councillor Cossens, a local Ward Member for the adjacent Holland and Kirby 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 refusal.

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

Allan Eldret, representing Frinton Residents Association and also as a local resident, spoke in support of the application.

Town Councillor Andrea Cossens, representing Frinton and Walton Town Council, spoke in support of the application.

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

Councillor Cossens, a local Ward Member for the adjacent Holland and Kirby Ward, spoke in support of the application.

Councillor Davis, a local Ward Member for the adjacent Hamford Ward, spoke in support of the application.

Siobhan Thurlow-Williams, the Practice Manager of the Dental Surgery, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Fowler, seconded by Councillor Heaney and **RESOLVED** that, contrary to the Officer's recommendation of refusal, the Head of Planning (or equivalent authorised officer) be authorised to grant permission for the change of use to a dental studio but subject to the standard Conditions relating to time implementation of the development and a Condition to restrict

use of the property to a Dental Surgery only (no other uses within class D1 to be permitted).

8. **PLANNING APPLICATION 16/00677/FUL - KIDBYS NURSERIES, CLACTON ROAD, WEELEY HEATH, CLACTON-ON-SEA, CO16 9EF**

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.

Carol Bannister, a local resident, spoke in support of the application.

Edward Gittins, 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 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):
 - On-site Council Housing/Affordable Housing;
 - On site or off-site open space/play equipment.
- 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 her discretion considers appropriate):-
 - (i) Conditions:
 1. Standard 3 year time limit for commencement.
 2. Accordance with approved plans.
 3. Highways conditions (as recommended by the Highway Authority).
 4. Ecological mitigation/enhancement plan.
 5. Surface water drainage/foul drainage scheme.
 6. SuDS maintenance/monitoring plan.
 7. Hard and soft landscaping plan/implementation.
 8. Details of lighting, materials and refuse storage/collection points.
 9. Broadband connection.
 10. Local employment arrangements.
 11. Contamination Remediation.
- 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.

The Meeting was declared closed at 9.15 pm

Chairman