

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON WEDNESDAY 7 SEPTEMBER 2016 AT 6.00 PM,
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, WEELEY**

Present:	Councillors White (Chairman), Heaney (Vice-Chair), Baker, Bennison, Everett, Fairley, Fowler, Hones, Hughes and McWilliams
Also Present:	Councillors Nicholls and Coley
In Attendance:	Cath Bicknell (Head of Planning), Gary Guiver (Planning Manager), Charlotte Parker-Smith (Solicitor) (Property, Planning and Governance) and Katie Sullivan (Committee Services Officer)

47. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were apologies for absence received from Councillor Gray (with no substitute).

48. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on 9 August 2016, were approved as a correct record and signed by the Chairman.

49. DECLARATIONS OF INTEREST

Councillor Coley, present in the public gallery, declared a non-pecuniary interest in relation to Planning Application 15/01787/FUL by virtue of the fact he was a local Ward Member.

Councillor Nicholls, present in the public gallery, declared a non-pecuniary interest in relation to Planning Application 16/00782/OUT by virtue of the fact he was a local Ward Member and also a Parish Councillor for Great Bromley.

Councillor McWilliams declared a non-pecuniary interest in relation to Planning Application 16/00870/OUT by virtue of the fact she was the local Ward Member and by virtue of the fact that she was pre-determined.

Councillor Fairley declared a non-pecuniary interest in relation to Planning Application 16/00870/OUT by virtue of the fact that she was pre-determined.

Councillor Heaney, declared a non-pecuniary interest in relation to Planning Application 16/00782/OUT by virtue of the fact she was a local Ward Member.

50. A.1 - PLANNING APPLICATION - 16/00870/OUT - LAND WEST OF HECKFORDS ROAD, GREAT BENTLEY, CO7 8RR

Councillor McWilliams had earlier declared a non-pecuniary interest in relation to Planning Application 16/00870/OUT by virtue of the fact she was the local Ward Member and also by virtue of the fact that she was pre-determined. Councillor McWilliams therefore withdrew from the meeting, whilst the Committee considered the application and reached its decision, returning only to speak as Ward Member pursuant to the Public Speaking Scheme as outlined below.

Councillor Fairley had earlier declared a non-pecuniary interest in relation to Planning Application 16/00870/OUT by virtue of the fact that she was pre-determined. Councillor Fairley therefore withdrew from the meeting, whilst the Committee considered the application and reached its decision.

It was reported that this application was before the Committee as it was a departure from the Local Plan and it had also been referred to the Committee at the request of Councillor McWilliams, the local Ward Member.

Members recalled that this proposal was a re-submission of an earlier application which had been considered by the Committee at its meeting on 22 March 2016. That application had been deferred for further consideration and an on-site meeting with a Highway Engineer from Essex County Council, but was subsequently then refused planning permission at the Committee's meeting on 19 April 2016 because the proposed pedestrian footway from the site along Heckfords Road (providing a connection back into the village green) would have included a section measuring no more than 1.2 metres in width. The Highway Authority had had no objection, however, the Committee had been concerned that the development would have introduced an increased risk of pedestrians having to step out into the carriageway on the outside of the bend where visibility around the bend was limited. There had been a particular concern that the distance between the narrowest pinch point and the point at which it would have become visible to drivers travelling along Heckfords Road would have been well within the reasonable stopping distance for a vehicle travelling at the legal speed limit.

Members also recalled that at that meeting held on 19 April 2016, there had been another outline proposal for up to 50 dwellings on land at Admirals Farm on the opposite side of Heckfords Road. That proposal had similarly required a footway along the western side of Heckfords Road to connect with the village green, but the applicants for that scheme had submitted information to show how a large part of the footway could have been widened to 1.4 metres through the acquisition of third party land. With this additional width, the Committee had been content to grant planning permission subject to a Section 106 legal agreement and conditions.

Members were informed that the applicants for the refused scheme west of Heckfords Road had since appealed to the Secretary of State although no Inquiry dates had yet been confirmed by the Planning Inspectorate. In light of the Admirals Farm decision, the applicants had also submitted this new application, with a commitment not to occupy any of the new dwellings unless the minimum 1.4 metre width along the said section of footway (as accepted by the Committee for the neighbouring scheme) was achieved. By imposing a planning condition to require the above, the Committee's reason for refusing the earlier scheme could be addressed and the new application was therefore recommended for approval by the Officers.

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) Some observations in relation to the proposed footway connection provided by the agent for the applicant.

Peter Harry, a local resident, spoke against the application.

Pippa Drew, representing Great Bentley Parish Council, spoke against the application.

Councillor McWilliams, in her capacity as the local Ward Member, returned to the Chamber and spoke against the application. She then withdrew from the meeting again, on the grounds of pre-determination, whilst the Committee considered the application and reached its decision.

David Barnes, 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 at the meeting in regards to concerns raised, it was moved by Councillor Hughes and seconded by Councillor Bennison that the application be refused due to highways and sustainability matters, which motion on being put to the vote was declared **LOST**.

Following further discussion by the Committee, it was then moved by Councillor Hones and seconded by Councillor Fowler that the application be approved, which motion on being put to the vote was declared **LOST**.

Following further discussion by the Committee, it was then moved by Councillor Everett and seconded by Councillor Hughes that consideration of the application be deferred in order to further investigate highways matters, which motion on being put to the vote was declared **LOST**.

Following further discussion by the Committee, and consideration of further advice provided by Officers at the meeting with regards to potential risks involved with the appeals process, it was then moved again by Councillor Hones and seconded by Councillor Fowler that the application be approved, which motion on being put to the vote was declared **LOST**.

Following further discussion by the Committee, and consideration of further advice provided by Officers at the meeting with regards to potential consequences of non-determination and defending potential reasons for refusal, it was then moved by Councillor Everett, seconded by Councillor Heaney and **RESOLVED** that, contrary to the Officers' recommendation of approval, the Head of Planning (or equivalent authorised officer) be authorised to refuse planning permission for the development for the following reason:

- Pedestrian safety.

51. **A.2 - PLANNING APPLICATION - 15/01787/FUL - SITE TO SOUTH OF POUND CORNER, HARWICH ROAD, MISTLEY, CO11 2DA**

Councillor Coley, present in the public gallery, had earlier declared a non-pecuniary interest in relation to Planning Application 15/01787/FUL by virtue of the fact he was a local Ward Member.

Members recalled that this planning application had been considered by the Committee on 19 April 2016 when it had been resolved that the application be deferred to enable negotiations to take place with the applicant about the removal of, or alteration to, the proposed northern access road to/from Harwich Road.

Members were informed that an amended layout plan had been submitted on 25 July 2016 which had amended the northern access road and had made consequential changes to the layout and design of plots 1 and 2.

The Chairman reminded the Committee that only those Members who had considered the application at the meeting held on 19 April 2016 were eligible to consider and determine the application at this meeting. He then named those Members.

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 the relevant policies in the Tendring District Local Plan 2013-2033 and Beyond: Preferred Options Consultation Document (Published July 2016).

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Bennison 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;
 - Transfer of land for allotments and extension to playing fields;
 - New bus stop (westbound) in the vicinity of the junction with Harwich Road; and
 - New bus stop (eastbound) in the vicinity of the junction with Harwich Road.
- 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 time limit;
 2. Development in accordance with submitted plans;
 3. Retention of existing hedges and trees;
 4. External facing and roofing materials;
 5. Works to be carried out outside bird breeding season;
 6. Screen walls/fences;
 7. Full method statement for approval by Pollution and Environmental Control;
 8. Hard and soft landscaping;

9. Landscape planting period;
10. Landscape management plan;
11. Existing and proposed site levels;
12. Construction of carriageway of estate roads;
13. All off-street parking provided in accordance with adopted standards;
14. Residential Travel Plans;
15. Removal of Permitted Development Rights for dormer windows and rooflights;
16. Driveways and parking areas constructed of porous materials, or provision made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellings;
17. Highways conditions (as recommended by the Highway Authority);
18. SUDS conditions as requested by Essex County Council;
19. Ecological mitigation as set out in Bat Activity and Reptile Survey by Geosphere Environmental dated 2 September 2015;
20. Tree protection measures; and
21. Environmental Health conditions.

- 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 have not been secured through a Section 106 planning obligation.

52. A.3 - PLANNING APPLICATION - 16/00782/OUT - PARK 2 LAND AT BADLEY HALL FARM, BADLEY HALL ROAD, GREAT BROMLEY, CO7 7HU

Councillor Nicholls, present in the public gallery, had earlier declared a non-pecuniary interest in relation to Planning Application 16/00782/OUT by virtue of the fact he was a local Ward Member and also a Parish Councillor for Great Bromley.

Councillor Heaney had earlier declared a non-pecuniary interest in relation to Planning Application 16/00782/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 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 correction to paragraph 1.3; and
- (2) Clarification in regards to the address.

Councillor Nicholls, a local Ward Member and a Parish Councillor for Great Bromley, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Fairley, seconded by Councillor Everett 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;
 - 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 (or the equivalent authorised officer) in their discretion considers appropriate):-
- (i) Conditions:
1. Standard conditions for submission of reserved matters and 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. Tree protection plan;
 9. Details of lighting, materials and refuse storage/collection points;
 10. Broadband connection;
 11. Noise;
 12. Emission Control;
 13. Archaeology – Trial Trenching; and
 14. Provision of car park.
- 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 have not been secured through a Section 106 planning obligation.
- d) That the following informatives be sent to the applicant:
- Preference for traditional style.
 - Flats not favourable in rural locations.

53. A.4 - PLANNING APPLICATION - 16/00597/FUL - LAND ADJACENT CHARTFIELD COTTAGE, CHARTFIELD DRIVE, KIRBY-LE-SOKEN, CO13 0DB

It was reported that this application had been referred to Planning Committee at the request of Councillor Bucke, 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 Planning Manager (GG) in respect of the application.

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Fairley 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) Compliance with approved plans;
- 3) Details of materials, fencing, walls and landscaping;
- 4) Access dimensions and visibility splays;
- 5) No use of unbound materials for vehicular access;
- 6) Inclusion of vehicle turning facility;
- 7) Compliance with parking standards;
- 8) Removal of permitted development rights; and
- 9) Protection of neighbouring tree during construction phase.

The Meeting was declared closed at 8.50 pm

Chairman