

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY 4 OCTOBER 2016 AT 6.00 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

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| Present: | Councillors White (Chairman), Heaney (Vice-Chairman), Baker, Bennison, Everett, Fairley, Fowler, Gray, Hones, Hughes and McWilliams |
| Also Present: | Councillors Bucke (except items 54-56 and 59), Cawthron (except item 59), Howard (except item 59), Newton (except item 59) and Turner (except items 58-59) |
| In Attendance: | Cath Bicknell (Head of Planning), Gary Guiver (Planning Manager) (except items 58-59), Susanne Ennos (Senior Planning Officer), Charlotte Parker-Smith (Solicitor) (Property, Planning and Governance) and Katie Sullivan (Committee Services Officer) |

54. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

55. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on Wednesday 7 September 2016, were approved as a correct record and signed by the Chairman.

56. DECLARATIONS OF INTEREST

Councillor Howard, present in the public gallery, declared a non-pecuniary interest in relation to Planning Application 16/00546/OUT by virtue of the fact he was the local Ward Member.

Later on in the meeting, as recorded below in minute 57, Councillor Bucke, present in the public gallery, declared a non-pecuniary interest in relation to Planning Application 16/00031/OUT by virtue of the fact he was a Town Councillor for Frinton and Walton and also by virtue of the fact he was a local Ward Member for the adjacent Holland and Kirby Ward.

57. A.1 - PLANNING APPLICATION - 16/00031/OUT - TURPINS FARM, ELM TREE AVENUE, KIRBY-LE-SOKEN, CO13 0DA

Councillor Bucke, present in the public gallery, declared a non-pecuniary interest in relation to Planning Application 16/00031/OUT by virtue of the fact he was a Town Councillor for Frinton and Walton and also by virtue of the fact he was a local Ward Member for the adjacent Holland and Kirby Ward.

Members were reminded that this application had originally been submitted for a scheme of up to 250 dwellings with access from both Elm Tree Avenue and Walton Road. The application had been due to be considered by the Committee on 12 July 2016, however, following a power cut in the village of Weeley which had affected the Council Offices, it was decided the meeting would stand adjourned until 14 July 2016.

Members recalled that, on 14 July 2016, the Committee had resolved to defer consideration of the application to enable negotiations to take place with the developer, with a view to reducing the total housing numbers and the density on the basis that the current proposal was too high and not appropriate for the site.

Members also recalled that during public speaking and subsequent debate, concerns had also been raised about the proposed access onto Walton Road relating to traffic implications for Kirby-le-Soken and the effect of the road cutting through and dividing the proposed public open space at the north of the site.

The Chairman reminded the Committee that only those Members who had considered the application at the meeting held on 14 July 2016 were eligible to consider and determine the application at this meeting.

It was reported that the applicants had now revised the description of the development to reduce the total number of dwellings to up to 210 and had removed the proposed access point from Walton Road (leaving an emergency access only) and had submitted further information in support of the change including a revised layout plan, a revised transport assessment and photographic examples of the proposed type, density and design of dwellings.

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.

Councillor Bucke, present in the public gallery, raised concerns to the Chairman as to why his email of objection was not detailed in the update sheet along with objections raised by the Kirby-le-Soken Village Preservation Society. The Chairman and the Council's Head of Planning retrieved those emails and the Council's Planning Manager (GG) gave details to the Committee of those emails for their consideration.

Members raised concerns in relation to the proposed density which were addressed by the Council's Head of Planning.

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Baker 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:

- 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;
 - Education contribution;
 - Health contribution; and
 - Completion and transfer of public open space and maintenance contribution.
- 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 reserved matters application;

2. Standard 2 year limit for commencement of development following approval of reserved matters;
 3. Details of appearance, access, layout, scale and landscaping (the reserved matters);
 4. General conformity with the revised illustrative layout diagram;
 5. Layout and phasing plan/programme;
 6. Development to contain up to (but no more than) 210 dwellings;
 7. Highways conditions (as recommended by the Highway Authority);
 8. Archeologic trial trenching and assessment;
 9. Contamination survey;
 10. Ecological mitigation/enhancement plan;
 11. Foul water strategy;
 12. Surface water drainage scheme for construction and occupation phases;
 13. SuDS maintenance/monitoring plan;
 14. Hard and soft landscaping plan/implementation;
 15. Details of lighting, materials and refuse storage/collection points;
 16. Broadband connection; and
 17. Local employment arrangements.
- 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 had not been secured through a Section 106 planning obligation.
- d) That any reserved matters application for this development be submitted to the Committee for its consideration.
- e) That the following informatives be sent to the applicant:
- No more than two storey buildings; and
 - No shared surfaces

58. A.2 - PLANNING APPLICATION - 16/00546/OUT - RED BARN FARM, RED BARN LANE, GREAT OAKLEY, HARWICH, CO12 5BE

Councillor Howard, present in the public gallery, had earlier declared a non-pecuniary interest in relation to Planning Application 16/00546/OUT by virtue of the fact he was the local Ward Member.

It was reported that this application had been referred to Planning Committee at the request of Councillor Howard.

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 Senior Planning Officer (SE) in respect of the application.

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

- (1) Additional information from the Applicant in respect of ecology issues;
- (2) Additions made to the Officer Planning report; and
- (3) Details of two additional letters of objection.

Janey Nice, a local resident, spoke against the application. Mrs Nice declared that she was an employee of Tendring District Council but had had no involvement in the processing of this application as part of her employment and was speaking in her capacity as a local resident only.

Councillor Howard, the local Ward Member, spoke against the application.

Steven Rose, the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Gray, seconded by Councillor Hughes 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 – Outline;
2. Time Limit – Submission of Reserved Matters;
3. No Development until Reserved Matters (access, appearance, layout, landscaping and scale) are submitted;
4. Materials;
5. Boundary treatments;
6. One all purpose access to a width of 5.5m with appropriate crossing;
7. No unbound materials in first 6m of access;
8. Vehicular visibility splays of 43m by 2.4m by 43m to access;
9. Vehicular turning head of size 3 dimensions provided within the site;
10. Communal bin/refuse collection point provision;
11. All off-street parking in accord with current parking standards;
12. Lighting Scheme details;
13. Submission of a bat mitigation plan and biodiversity enhancement scheme concurrently with the Reserved Matters application;
14. Removal of PD rights for fencing, walls and means of enclosure on the southern boundary of the site; and
15. Removal of PD rights for extensions/outbuildings.

NOTE: Pursuant to the provisions of Council Procedure Rule 19.5, Councillor Everett requested that he be recorded in the minutes as having voted against the above decision.

59. A.3 - PLANNING APPLICATION - 16/01176/DETAIL - LAND ADJACENT TO ROSEDENE (PLOT 3), ROXBURGHE ROAD, WEELEY, CO16 9DU

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 Senior Planning Officer (SE) in respect of the application.

Following discussion by the Committee, it was moved by Councillor Hughes, seconded by Councillor Gray and unanimously **RESOLVED** (a) that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following conditions:

1. Development to be carried out strictly in accordance with submitted plans;
2. Details of hard and soft landscaping to include boundary treatments;
3. Details of Tree Protection Measures (Protective Fencing and Pile and Beam Foundations); and

4. Parking and turning to be provided prior to occupation and retained thereafter.

b) That the following informatives be sent to the applicant:

- Use Fencing to protect trees which is more substantial than heras fencing; and
- Ensure driveway is permeable/drained.

The Meeting was declared closed at 7.52 pm

Chairman