

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON WEDNESDAY 30 NOVEMBER 2016 AT 6.00 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

Present:	Councillors White (Chairman), Heaney (Vice-Chairman), Baker, Bennison, Everett, Fowler, Hones, McWilliams and Nicholls
Also Present:	Councillors M Brown (except items 75-78 and 86-89), Honeywood (except items 80 and 83-89), Land (except items 79-89), Raby (except items 75-78, 80 and 83-89), Watson (except items 75-78, 80 and 83-89) and Whitmore (except items 80-89)
In Attendance:	Cath Bicknell (Head of Planning), Gary Guiver (Planning Manager), Nigel Brown (Communications Manager), Charlotte Parker-Smith (Solicitor - Property, Planning and Governance) and Katie Sullivan (Committee Services Officer)

75. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Gray, Hughes and Fairley (with Councillor Nicholls substituting).

76. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on Tuesday 1 November 2016, were approved as a correct record and signed by the Chairman.

77. DECLARATIONS OF INTEREST

Councillor Baker declared a Non-Pecuniary Interest in relation to Planning Application 16/00618/FUL by virtue of the fact that he was a local Ward Member and a Lawford Parish Councillor, but he informed the Committee that he was not pre-determined on this application.

Councillor Everett stated that, following advice provided by the Council's Monitoring Officer he would declare a Non-Pecuniary Interest in relation to Planning Application 16/01169/OUT and that he would withdraw from the meeting when this item was considered due to the fact that he could be seen as being pre-determined on this application.

Councillors White and Nicholls both declared a Non-Pecuniary Interest in relation to Planning Application 16/00618/FUL by virtue of the fact they were members of the Tendring Hundred Farmers Club who were the joint applicant and who used the showground on the application site to host the annual Tendring Hundred Show.

Councillor Land, present in the public gallery, declared a Non-Pecuniary Interest in relation to Planning Application 16/01169/OUT by virtue of the fact he was the local Ward Member and the Chairman of Thorpe-le-Soken Parish Council.

Later on in the meeting, as recorded below in minute 87, Councillor Fowler declared a Non-Pecuniary Interest in relation to Planning Application 16/01615/FUL by virtue of the fact she was a local Ward Member.

78. **A.1 - PLANNING APPLICATION - 16/01169/OUT - LAND EAST OF LANDERMERE ROAD, THORPE-LE-SOKEN, CO16 0NF**

Councillor Everett had earlier stated that, following advice provided by the Council's Monitoring Officer he would declare' a Non-Pecuniary Interest in relation to Planning Application 16/01169/OUT and that he would withdraw from the meeting when this item was considered due to the fact that he could be seen as being pre-determined on this application. Councillor Everett therefore withdrew from the meeting for this item.

Councillor Land, present in the public gallery, had earlier declared a Non-Pecuniary Interest in relation to Planning Application 16/01169/OUT by virtue of the fact he was the local Ward Member and the Chairman of Thorpe-le-Soken Parish 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 Head of Planning (CB) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of 30 further representations objecting to the application received from members of the public.

Andrew Mackintosh, a local resident, spoke against the application.

Thorpe-le-Soken Parish Councillor Simon Rafferty, spoke against the application, which was contrary to the Parish Council's previous submission of "no objection".

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

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

Following discussion by the Committee, it was moved by Councillor Baker, seconded by Councillor McWilliams 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 required):
 - Council/affordable housing;
 - Education contributions;
 - Public open space and play and its transfer and maintenance; and
 - NHS 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 layout, appearance, scale and landscaping (the reserved matters);
4. Development in accordance with submitted indicative plans;
5. Development to contain up to (but no more than) 98 dwellings;
6. Highways conditions (as recommended by the Highway Authority);
7. SUDS and drainage conditions as requested by Essex County Council;
8. Hard and soft landscaping plan/implementation;
9. Ecological mitigation - wildlife/tree protection measures;
10. Construction methods plan;
11. Details of lighting, materials and refuse storage/collection points;
12. Archaeological investigation and report works;
13. Site lighting strategy;
14. Broadband; and
15. Noise assessment.

- 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.

79. A.2 - PLANNING APPLICATION - 16/01250/OUT - BROOK PARK WEST, CLACTON-ON-SEA, CO15 3TP

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) Objections received from Mrs Siggy Challinor requesting a deferral;
- (2) Objections received from CGMS on behalf of the owners of Clacton Factory Outlet;
- (3) A letter of concern received from Square Metre Asset Management on behalf of the owners of the Waterglade Retail Park;
- (4) A letter of objection received from Hawkstone Properties PLC on behalf of the owners of the Old Gasworks site adjoining Waterglade Retail Park;
- (5) A letter of concern received from Tesco Stores Ltd; and
- (6) An email received from Lidl which gave details of a press release.

Councillor Whitmore, a local Ward Member, spoke in support of the application.

Martin Robeson, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Fowler, 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):
 - Council Housing/Affordable Housing (subject to viability);
 - Primary school contribution;
 - Early Years and Childcare contribution (subject to viability);
 - Health contribution; and
 - Completion and transfer of public open space (including the proposed Pickers Ditch Walkway extension) and layout/maintenance contribution/ arrangements.
- 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 limit for commencement of areas of development approved in full;
 2. Standard 3 year time limit for submission of reserved matters application for outline elements;
 3. Standard 2 year limit for commencement of development following approval of reserved matters;
 4. Accordance with approved plans (for the elements approved in full);
 5. General conformity with the illustrative layout diagram;
 6. Details of appearance, access, layout, scale and landscaping;
 7. Layout and phasing plan/programme;
 8. Development to contain up to (but no more than) 200 dwellings;
 9. Development to include a minimum 1.3ha of land for business use;
 10. Highways conditions (as recommended by the Highway Authority or subsequently amended – see relevant section of the report);
 11. Conditions to restrict retail and leisure uses on the site (in line with the advice of retail consultants WYG);
 12. Improvements to the A133 subway (appearance, security and safety);
 13. Archeologic trial trenching and assessment;
 14. Ecological mitigation/enhancement plan;
 15. Foul water strategy;
 16. Surface water drainage scheme for construction and occupation phases;
 17. SuDS maintenance/monitoring plan;
 18. Hard and soft landscaping plan/implementation;
 19. Details of lighting, materials and refuse storage/collection points;
 20. Broadband connection;
 21. Local employment arrangements; and
 22. More disabled parking at Lidl.
- 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 the applicant be informed of the following informative:

- No shared surfaces.

80. A.3 - PLANNING APPLICATION - 15/01810/OUT - LAND NORTH OF STOURVIEW AVENUE, MISTLEY, CO11 1LT

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.

Lynn Smith, a local resident, spoke against the application.

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

Following discussion by the Committee, it was moved by Councillor Hones, seconded by Councillor Fowler and unanimously **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;
- Education contribution;
- Health contribution;
- Contribution towards ecological mitigation; 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, layout, scale and landscaping (the reserved matters);
4. Layout and phasing plan/programme;
5. Development to contain up to (but no more than) 70 dwellings;
6. Highways conditions (as recommended by the Highway Authority);

7. Archeologic trial trenching;
8. Ecological mitigation/enhancement plan;
9. Foul water strategy;
10. Surface water drainage scheme;
11. SuDS maintenance/monitoring plan;
12. Hard and soft landscaping plan/implementation;
13. Details of lighting, materials and refuse storage/collection points;
14. Broadband connection; and
15. 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.

81. A.4 - PLANNING APPLICATION - 16/00920/FUL - 32-37 BROOKLANDS, JAYWICK, CO15 2JS

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 one letter of objection received.

Councillor Raby, a local Ward Member (speaking also on behalf of Councillor Watson), spoke in support of the application.

Councillor Honeywood, the Council's Portfolio Holder for Housing, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Nicholls, seconded by Councillor McWilliams and unanimously **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. Standard 3 year time limit for commencement;
2. Accordance with approved plans;
3. Highways conditions (as recommended by the Highway Authority);
4. Flood evacuation plan;
5. Minimum floor levels;
6. Contaminated Land Assessment;
7. Details of materials;
8. Details of external lighting; and
9. Detailed drainage arrangements.

82. **A.5 - PLANNING APPLICATION - 16/00921/FUL - 23-27 BROOKLANDS, JAYWICK, CO15 2JS**

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) One letter of support received; and
- (2) One letter of objection received.

Following discussion by the Committee, it was moved by Councillor Nicholls, 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 the following conditions:

1. Standard 3 year time limit for commencement;
2. Accordance with approved plans;
3. Highways conditions (as recommended by the Highway Authority);
4. Flood evacuation plan;
5. Minimum floor levels;
6. Contaminated Land Assessment;
7. Details of materials;
8. Details of external lighting; and
9. Detailed drainage arrangements.

83. **A.6 - PLANNING APPLICATION - 16/00878/FUL - ARDLEIGH SQUASH AND LEISURE CLUB, DEDHAM ROAD, ARDLEIGH, CO7 7NH**

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 Planning (CB) in respect of the application.

Clive Salmon, a local resident, spoke against the application.

Robert Pomery, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee and consideration of further advice provided by Officers, it was moved by Councillor Nicholls, seconded by Councillor Baker and **RESOLVED** that consideration of this application be deferred to allow a period of six months for marketing of all potential uses for this site.

84. **A.7 - PLANNING APPLICATION - 16/01165/OUT - LAND ADJACENT. 43 MILL LANE, WEELEY, CO16 9BZ**

It was reported that this application had been referred to the Planning Committee at the request of Councillor Bray, 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 Head of Planning (CB) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of a correction to the Officer report.

Parish Councillor Mary Wesley-Smith, representing Weeley Parish Council, spoke against the application.

Tim Snow, the agent on behalf of the applicant, spoke in support of the application.

It was moved by Councillor Everett and seconded by Councillor Bennison that consideration of the application be deferred until the Committee could be presented with an agreed figure for the Five Year Housing Land Supply for Tendring District Council, which motion on being put to the vote was declared **LOST**.

Following discussion by the Committee, and consideration of further advice provided by Officers, it was then moved by Councillor McWilliams, seconded by Councillor Fowler and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant outline 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) submitted;
- 4) Materials;
- 5) Boundary treatments;
- 6) Submission of hard/soft landscaping scheme;
- 7) Implementation of landscaping scheme;
- 8) Visibility splays of site maximum by 2.4m by site maximum;
- 9) Provision of parking and turning prior to occupation;
- 10) No unbound materials in first 6m of access;
- 11) Any gates set 6m back from highway;
- 12) Off-street parking in accordance with current parking standards;
- 13) Garages being set back 6m from highway;
- 14) Details of communal refuse store provided;
- 15) Timing of vegetation clearance;
- 16) Lighting details; and
- 17) Biodiversity mitigation and enhancement provision.

Councillor Everett then suggested that at every future Planning Committee meeting, Officers should provide an update on the position of the Five Year Housing Land Supply for Tendring District Council, including the most recent figure, to ensure that it was accurate and up to date. Officers gave advice regarding the timing and calculation of that figure and additional advice was given concerning the Planning Committee's terms of reference. Councillor Everett responded that he wanted as much detail as possible to accompany the reported figure to ensure the robustness of the figure being provided to Committee.

Following discussion by the Committee, this suggestion was moved by Councillor Everett, seconded by Councillor Heaney and on being put to the vote was declared **CARRIED**.

85. A.8 - PLANNING APPLICATION - 16/01391/OUT - LAND OFF CONNAUGHT ROAD, WEELEY, CO16 9EL

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

Councillor M Brown, 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 Baker, seconded by Councillor Hones and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant outline 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) submitted;
- 4) Materials;
- 5) Boundary treatments;
- 6) Submission of hard/soft landscaping scheme;
- 7) Implementation of landscaping scheme;
- 8) No unbound materials in first 6m of access;
- 9) Any hardsurfacing shall be porous/permeable;
- 10) Footways being minimum of 2m in width;
- 11) Off-street parking in accordance with current parking standards;
- 12) Garages being set back 6m from highway; and
- 13) Details of communal refuse store provided.

86. **A.9 - PLANNING APPLICATION - 16/00618/FUL - LAWFORD HOUSE, BROMLEY ROAD, LAWFORD, CO11 2JD**

Councillor Baker had earlier declared a Non-Pecuniary Interest in relation to Planning Application 16/00618/FUL by virtue of the fact that he was a local Ward Member and a Lawford Parish Councillor, but he informed the Committee that he was not pre-determined on this application.

Councillors White and Nicholls had both earlier declared a Non-Pecuniary Interest in relation to this application by virtue of the fact they were members of the Tendring Hundred Farmers Club who were the joint applicant and who used the showground on the application site to host the annual Tendring Hundred Show.

It was reported that this application had been referred to the Planning Committee at the request of Councillor V E Guglielmi, 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 a financial contribution by the Applicant to the Parish Council for a play area and equipment.

Joseph Greenhow, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Everett, seconded by Councillor McWilliams and **RESOLVED** that consideration of this application be deferred:

- (a) For a redesign in order to protect more trees on the site; and also
- (b) To reconsider the setting of the listed building.

87. **A.10 - PLANNING APPLICATION - 16/01615/FUL - GARAGES AT POUND FARM DRIVE, DOVERCOURT, CO12 4LB**

Councillor Fowler declared a Non-Pecuniary Interest in relation to Planning Application 16/01615/FUL by virtue of the fact she was a local Ward Member.

It was reported that this 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 Head of Planning (CB) in respect of the application.

Following discussion by the Committee, it was moved by Councillor Baker, 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 the following conditions:

1. Time Limit; and
2. Approved Plans.

88. A.12 - URGENT ITEM - PLANNING APPLICATION - 16/00677/FUL - KIDBYS NURSERIES, CLACTON ROAD, WEELEY HEATH, CLACTON-ON-SEA, CO16 9EF

The Chairman of the Committee informed Members that he had agreed to consider this urgent item, to avoid any ambiguity or risk of challenge on procedural grounds, and to enable the Section 106 legal agreement to be completed and for planning permission to be issued.

The Committee recalled that, at their meeting on 9 August 2016, it had been resolved to approve planning application 16/00677/FUL for 22 dwellings at Kidbys Nurseries, Clacton Road, Weeley Heath.

Following that resolution, solicitors had been preparing the Section 106 legal agreement for the site that would secure on-site Council Housing/Affordable Housing and on site, or off-site, open space/play equipment.

It was reported that the section of the report dealing with Council Housing/Affordable Housing stated the following:

"Policy HG4 in the adopted Local Plan requires large residential developments to provide 40% of new dwellings as affordable housing for people who cannot otherwise afford to buy or rent on the open market. Policy LP5 in the emerging Local Plan, which is based on more up to date evidence on housing need and viability, requires 30% of new dwellings on large sites to be made available to the Council or a nominated partner to acquire at a discounted value for use as affordable or council housing. The policy does allow flexibility to accept as low as 10% of dwellings on site, with a financial contribution toward the construction or acquisition of property for use as affordable or council housing (either on the site or elsewhere in the district) equivalent to delivering the remainder of the 30% requirement."

"If the Committee is minded to approve this application, Officers will negotiate and agree an appropriate level of affordable or Council Housing to be secured through a s106 legal agreement."

Members were informed that, in the process of drafting the Section 106 legal agreement, solicitors had identified an inconsistency between the Officer's advice in the original report to Planning Committee, the actual proposal put forward as part of the application and the advice of the Housing department given to the applicants at the pre-application stage upon which the scheme had been designed.

The advice of the Housing department at the pre-application stage had been that they would prefer to be gifted one dwelling as an alternative to a percentage of dwellings being transferred to the Council, or a registered provider at discounted value. The layout and housing mix of the development had subsequently been drawn up to reflect this requirement, but this had not been correctly reflected in the Officers' report. The Housing department had since re-affirmed that they would be happy to secure one gifted dwelling, as planned for by the applicants.

To avoid any ambiguity or risk of challenge on procedural grounds, and to enable the Section 106 legal agreement to be completed and for planning permission to be issued, the Committee was asked to confirm that it would be happy for the Section 106 legal agreement to secure the transfer of one gifted unit to the Council for use as Council Housing/Affordable Housing.

Following discussion by the Committee, it was moved by Councillor Baker, seconded by Councillor Hones and unanimously **RESOLVED** that:

The Planning Committee confirms its agreement to one gifted dwelling being transferred to the Council for use as Council Housing/Affordable Housing through the Section 106 legal agreement for application 16/00677/FUL for 22 dwellings at Kidbys Nurseries, Clacton Road, Weeley Heath.

89. A.11 - URGENT ITEM - PLANNING APPEALS - LAND NORTH OF RUSH GREEN ROAD, CLACTON-ON-SEA

Councillor Everett withdrew from the meeting for this item.

The Chairman of the Committee informed Members that he had agreed to consider this urgent item, which was the subject of a joint Planning Appeal for which a Public Inquiry was scheduled to commence on Tuesday 13 December 2016.

The Committee recalled their refusal of the following outline planning applications for development on land north of Rush Green Road, Clacton-on-Sea:

- 1) 15/00904/OUT: Outline planning application for up to 240 dwellings with areas of landscaping and open space and associated infrastructure (considered by the Committee on 20 October 2015).
- 2) 16/00208/OUT: Outline planning application for up to 220 dwellings with areas of landscaping and open space and associated infrastructure (considered by the Committee on 14 June 2016).
- 3) 16/00209/OUT: Outline planning application for up to 276 dwellings with areas of landscaping and open space and associated infrastructure (considered by the Committee on 14 June 2016).

For the first application for up to 240 dwellings, the Committee's reasons for refusal related to the Local Green Gap, impact on school provision, impact on health provision and lack of public transport. For the second and third applications for up to 220 and 276 dwellings respectively, the sole reason for refusal related to the Local Green Gap. This had followed Officers' advice that impacts on school and health provision would have

been adequately addressed through a Section 106 legal agreement and that lack of public transport would not be reasonably defensible on appeal.

Members were informed that the Council had appointed a Barrister and an experienced Planning Consultant to present the Council's case at the forthcoming Public Inquiry who had prepared evidence to defend the Council's case for protecting the Local Green Gap. External solicitors had been appointed to review and advise upon the content of the Section 106 legal agreements that would be submitted to the Inspector and that the scheme(s) would be subject to if the Inspector resolved to allow the appeal.

Members were advised that whilst it was implicit from the Committee's decision in respect of the second and third applications that impacts on schools and health and lack of public transport were no longer part of the Council's case (subject to an acceptable Section 106 legal agreement), the Council's Barrister had advised Officers to formally confirm the Committee's agreement to the withdrawal of those reasons in respect of the first application. This was to avoid any ambiguity and any risk of challenge on procedural grounds.

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Bennison and unanimously **RESOLVED** that:

The Planning Committee formally confirms the withdrawal of reasons for refusal 2, 3 and 4 in respect of planning application 15/00904/OUT (Outline planning application for up to 240 dwellings with areas of landscaping and open space and associated infrastructure on land north of Rush Green Road, Clacton-on-Sea) which related to impact on school provision, impact on health provision and lack of public transport.

The Meeting was declared closed at 11.10 pm

Chairman