
**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE, HELD ON
TUESDAY 12 JULY 2016, AT 6.00 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, WEELEY**

Present: Councillors White (Chairman), Heaney (Vice-Chairman), Baker, Bennison, Everett, Fairley, Fowler, Gray, Hones and McWilliams (except minute 32)

Also Present: Councillors Bucke (except minutes 27–31), Cossens, Davis, Miles, Parsons and Turner

In Attendance: Head of Planning (Cath Bicknell), Head of Governance and Legal Services (Lisa Hastings), Planning Manager (Gary Guiver), Senior Planning Officer (Susanne Ennos), Solicitor (Charlotte Parker-Smith) and Committee Services Officer (Katie Sullivan)

27. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

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

28. MINUTES OF THE LAST MEETING

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

29. DECLARATIONS OF INTEREST

Councillor McWilliams declared an interest in relation to Planning Application 14/01750/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 Heaney declared an interest in relation to Planning Application 16/00219/OUT by virtue of the fact she was a local Ward Member.

Councillor Turner, present in the public gallery, declared an interest in relation to Planning Applications 16/00031/OUT and 16/00369/FUL by virtue of the fact he was a Frinton and Walton Town Councillor.

Councillor Cossens, present in the public gallery, declared an interest in relation to Planning Application 16/00031/OUT by virtue of the fact he was a local Ward Member for the adjacent Ward.

Councillor Parsons, present in the public gallery, declared an interest in relation to Planning Application 15/01413/FUL by virtue of the fact he was a local Ward Member.

Councillor Davis, present in the public gallery, declared an interest in relation to Planning Application 16/00031/OUT by virtue of the fact she was a local Ward Member.

30. PLANNING APPLICATION - 15/00987/OUT - LAND TO NORTH OF BREAK OF DAY AND NEWLANDS, BEAUMONT ROAD, GREAT OAKLEY, CO12 5BD

Members recalled that this application comprising of a proposal for 18 dwellings with garages, parking and associated works had been originally considered at Planning Committee on 15 December 2015. Members had deferred the application to enable Officers to clarify with the applicant issues relating to any trees to be lost; requirements of a related Section 106 agreement; access arrangements and a Phase 1 Habitat Survey. Since the deferral of the application amended plans had been received together with an updated Tree

Survey and a Phase 1 Habitat Survey. The amended plans had now shown the number of dwellings reduced from 18 to 17 and the access had been relocated.

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 a letter which had been received from a neighbouring resident, Mr Adams.

The Chairman reminded the Committee that only those Members who had considered the application at the meeting held on 15 December 2015 were eligible to consider and decide on the application at this meeting. This was confirmed by the Council's Solicitor (Charlotte Parker-Smith) who then stated the names of those Councillors.

Following discussion by the Committee, it was moved by Councillor Fairley, seconded by Councillor McWilliams 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:
 - Affordable Housing on-site, and;
 - Public open space and play facilities on-site.
- 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. Details of the appearance, access, layout, scale and landscaping (the reserved matters).
 2. Application for approval of the reserved matters to be made within three years.
 3. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters.
 4. Details of materials.
 5. Hard and soft landscaping.
 6. All hard and soft landscaping implementation.
 7. Development in accordance with the Tree Survey and Tree Protection measures.
 8. Landscaping – Five year clause.
 9. Development in accordance with recommendations of Bat Survey.
 10. Details of boundary treatments.
 11. Construction Method Statement, including details of hours of operation during construction.
 12. Parking in accordance with adopted Parking Standards.
 13. Details of bellmouth junction with Beaumont Road.
 14. Vehicular visibility splays along Beaumont Road.
 15. Details any necessary bridging or piping of the drainage ditch/watercourse.
 16. Visibility splays for each internal estate road junction.
 17. Details of vehicular turning facilities.
 18. Provision and Implementation of Residential Travel Information Packs.

19. No unbound materials shall be used in the surface treatment of the proposed residential vehicular accesses within 6m of the highway boundary or proposed highway boundary.
 20. Width and details of each individual vehicular access.
 21. Width of carriageways.
 22. Width of footways.
 23. Garages to be sited a minimum of 6 metres from highway boundary.
 24. Details of provision for the storage of bicycles for each dwelling.
 25. Details of a surface water drainage scheme.
 26. Development to contain no more than 17 dwellings.
- c) That the Head of Planning be authorised to refuse outline 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 Section 106 planning obligation, contrary to saved policies HG4, COM6, COM26 and QL12 of the Tendring District Local Plan (2007) and draft policies SD7, PEO22 and PEO10 of the Tendring District Local Plan Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014).

31. PLANNING APPLICATION – 15/01413/FUL – CLAY HALL, WYNDHAM CRESCENT, CLACTON-ON-SEA, CO15 6LG

Councillor Parsons, present in the public gallery, had earlier declared an interest in relation to Planning Application 15/01413/FUL by virtue of the fact he was a local Ward Member.

Members recalled that this application had been withdrawn from the Planning Committee agenda on 2 February 2016 by the Chairman of the Planning Committee, in consultation with the Head of Planning, in order to address the late submission of objections relating to biodiversity issues.

Members were reminded that this application had been referred to the Planning Committee in accordance with the Council's Constitution as the proposed development was "in respect of Council owned land".

It was reported that, since the deferral of the application on 2 February 2016, the applicant had submitted a Preliminary Ecological Appraisal on 7 March 2016; an Interim Bat Survey Report on 1 June 2016; and a Final Bat Survey Report on 12 June 2016.

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) An email submission from Heritage England; and
- (2) An email submission from Councillor Colin Sargeant (County Councillor for Clacton East Division).

John Ratford, a local resident, spoke against the application.

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

Peter LeGrys the agent, on behalf of the applicant, spoke in support of the application.

The Head of Governance and Legal Services (Lisa Hastings) responded to points raised in public speaking and discussed the 'Planning Code and Protocol'.

Members were informed by Mrs Hastings that the Council's Solicitor (Charlotte Parker-Smith) who usually advised at Planning Committee meetings would not participate for this particular item as she had worked on the 'Contract of Sale' for Clay Hall.

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

(i) Conditions:

1. Standard time limit of three years to commence development.
2. Provision of the carriageway and footway connection between the proposed development site and Wyndham Crescent in accordance with Drawing Numbered 1303 01.
3. Provision of a turning facility.
4. Construction of vehicular access to a minimum width of 5.5. metres.
5. Provision of communal recycling/bin/refuse collection point within 25m of the highway boundary or adjacent to the highway boundary.
6. All off street car parking in accordance the details contained within the current Parking Standards.
7. The public's rights and ease of passage over Public Footpath No.36 (Gt Clacton) shall be maintained free and unobstructed at all times and a scheme for the surfacing of the path shall be submitted for approval.
8. Submission of Construction Method Statement.
9. Submission of Arboricultural Method Statement and Tree/Root Protection Plan.
10. Submission of Tree Management Plan.
11. Implementation of biodiversity mitigation measures as recommended by the ecological reports – to protect the potential for foraging bats and nesting birds.
12. Implementation of landscape proposals and submission of a Landscape Management Plan.
13. Submission of external lighting; external facing, roofing and hard surfacing materials to be agreed.
14. Submission of boundary treatments to be agreed.
15. Removal of permitted development rights for roof conversions.
16. Submission of detailed surface water strategy.

(b) That an Informative be sent to the applicant informing them that the boundary features should be a wall, not a fence, in line with the Tree Officer's suggestion in the Officer's report.

NOTE: Shortly after the Committee began to discuss the application, a power cut occurred in the village of Weeley that affected the Council Offices. The Committee continued to discuss the application and made their decision. The Chairman then announced that there would be a ten minute break to see if the power would be restored.

Following on from that ten minute break the Chairman announced that as there was a requirement for the Council to submit evidence by 19 July 2016 to the Planning Inspectorate for the purpose of a Public Inquiry for item A.6 this item would be discussed next and if after that item had been dealt with there was still no power the meeting would stand adjourned until 6.00 p.m. on Thursday 14 July 2016.

32. PLANNING APPLICATION - 14/01750/OUT – LAND AT STATION FIELD, PLOUGH ROAD, GREAT BENTLEY, CO7 8LG

Councillor McWilliams had earlier declared an interest in relation to Planning Application 14/01750/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 this item and reached its decision.

Members recalled that this application had been considered by the Planning Committee on 20 October 2015 when it had been resolved to refuse planning permission. In refusing the application the following reasons were given by the Committee:

- 1) Disproportionate scale of development;
- 2) Increased pedestrian movements across the level crossing with no agreed solution;
- 3) Diminishing level of public transport provision (in particular bus services);
- 4) Impact on education provision; and
- 5) Impact on health provision.

It was reported that the refused application was currently the subject of an on-going appeal which was due to be heard at Public Inquiry on 9 August 2016.

On the advice of the Barrister appointed to represent the Council at the Public Inquiry, the Committee's agreement was being sought to withdraw some of the reasons for refusal from the Council's case but to continue to contest the appeal on the remaining reasons.

An addendum report from the Head of Planning had been issued to Members of the Planning Committee prior to the meeting to enable them to consider Counsel's advice on defending the appeal.

At the meeting, an oral presentation was made by the Council's Planning Manager (GG) in respect of this matter.

An update sheet was circulated to the Committee prior to the meeting with details of an extension of time for proofs of evidence.

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

1. The Planning Committee notes the summary of legal advice received from external Counsel;
2. In light of the clear legal advice, the Planning Committee confirms that it does not wish to continue defending Reasons for Refusal 3, 4 and 5 as set out above, nor the aspects of Reason for Refusal 1 that refer specifically to a sustainable, fair and proportionate approach to growth and the 50-dwelling limit on residential developments in Key Rural Service Centres; and
3. That Officers are instructed to work with Counsel to defend the planning appeal on the 'urbanisation' aspect of Reason for Refusal 1 along with the full grounds of Reason for Refusal 2 that relate to the safety of pedestrians crossing the railway line.

NOTE: The Chairman announced that as there was still no power the meeting would stand adjourned until 6.00 p.m. on Thursday 14 July 2016.

The meeting was declared closed at 7.48 pm.

Chairman