

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 18TH SEPTEMBER, 2018 AT 6.00 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors White (Chairman), Heaney (Vice-Chair), Alexander, Baker, Bennison, MBrown, Davis, Everett, Fowler and McWilliams
Also Present:	Councillors Bray, Nicholls and Scott (except minutes 56 -57)
In Attendance:	Ewan Green (Corporate Director – Planning and Regeneration Services), Susanne Chapman-Ennos (Planning Team Leader), Graham Nourse (Planning Manager), Charlotte Parker (Solicitor (Property, Planning and Governance)), Charlotte Cooper (Leadership Support Officer) and Matthew Bradley (Essex County Council Highways Officer)

50. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Cawthron (with Councillor Davis as a substitute) and Hones (with no substitute).

51. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on 21 August 2018, were approved as a correct record and signed by the Chairman.

52. DECLARATIONS OF INTEREST

Councillor Heaney declared that, with regards to Planning Application 17/02014/FUL – Land Adjacent to Cliphedge Farm, Harwich Road, Little Bentley. Great Bromley Parish Council, of which she is a member, has put in a comment in relation to this application. However, she had retired from the meeting of Great Bromley Parish Council during any discussion in relation to this application.

Councillor M. Brown declared that, due to the fact he was not present on the original site visits for Planning Applications 17/02168/OUT –Land West Of Low Road Dovercourt, CO12 3TR, and 18/00367/FUL – Land North of Cockaynes Lane, Alresford, CO7 8BT, he would not participate while the Committee deliberated and reached its decisions on these applications.

Councillor McWilliams declared that, due to the fact she was not present on the original site visit for Planning Application 17/02168/OUT –Land West Of Low Road Dovercourt, CO12 3TR, she would not participate whilst the Committee deliberated and reached its decision on this application.

Councillor Davis declared that, due to the fact she was not present on the original site visits for Planning Applications 17/02168/OUT –Land West Of Low Road Dovercourt, CO12 3TR, and 18/00367/FUL – Land North of Cockaynes Lane, Alresford, CO7 8BT,

she would not participate while the Committee deliberated and reached its decisions on these applications.

Councillor Alexander declared that, he would retire from the meeting whilst the committee deliberated and reached its decision on Planning Application 18/01131/FUL – 112 Connaught Avenue, Frinton-On-Sea, CO13 9AA, due to the fact he is a close friend of the applicant.

Councillor Everett declared an interest in Planning Application 18/01131/FUL – 112 Connaught Avenue, Frinton-On-Sea, CO13 9AA, in so far as he lives relatively locally to the application. However he stated he was not predetermined and therefore would take part in the debate.

During the debate for application 17/02168/OUT- Land West Of Low Road, Dovercourt, CO12 3TR. Councillor Everett also declared that, he is a part of the Local Highways Panel, however he was not predetermined.

53. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37

Subject to providing two working days' notice a member of the Committee may ask the Chairman of the Committee a question on any matter in relation to which the Council has powers or duties which affect the Tendring district **and** which falls within the terms of reference of the Committee.

One question had been submitted as set out below;

Question one

From Councillor Everett to Councillor White, Chairman of the Planning Committee;

“Members will only be too aware that we have been blessed with a long and hot summer this year. This has had the effect of encouraging many more tourists to our area than we have hitherto attracted. Our region predominantly relies on tourism for its main income. To have that activity disrupted by road works causing traffic jams for tourists only serves to discourage those same tourists from re-visiting the area.

Is it a concern to the Chairman that these tourists coming in increasing numbers are being put off visiting our area again because they encounter long queues on our main tourist routes often caused by roadworks associated with increased housing development? Numerous examples are available to cite regarding this issue including but not limited to the experience of Kirby Cross. There have been many traffic jams in Kirby Cross this summer created in association with one particular housing development and this has affected anyone travelling to and from Frinton and Walton – and in one case with queues stretching back as far as Thorpe-le-Soken.

Will the Chairman instruct Officers to bring proposals to this Committee on how to include in all planning permissions given by this Local Planning Authority a condition that prevents road works on all our major tourist routes from disrupting vehicle movement during the peak season? This may or may not require such works to take place at night during peak season and / or restricting work to take place out of the peak season completely. Meanings of peak season, times of day and major routes will need to be defined.”

Councillor White replied as follows;

I would like to thank Councillor Everett for raising this question. Maintaining effective transport within our district for residents, business and visitors is an aspiration that I am sure we all share.

I will ask officers to talk to their colleagues at the County Council about the issues that can be caused by works within the highways during the peak tourism season. This is because the agreement of Essex County Council as highways authority is needed to undertake works within the highways whereas planning permission from this council is not required and so the works can proceed without its approval.

If the number and length of road works carried out at peak times can be reduced, that will be of benefit to all. However, the desire to keep the roads running freely will need to be balanced with the need to enable development to proceed and to avoid unduly delaying construction.

In addition, we must not lose sight that roadworks are carried out for many reasons. These can include works by statutory undertakers to maintain or improve existing infrastructure, such as upgrading and replacing sewers, or telecommunications supplies. Other works are covered by the Public Utilities Streetworks Act that allows utilities to work on the highway without giving any notice to deal with emergencies such as electricity faults, gas or water leaks. In addition the creation of new or improved access points to enable development to sites for such things as adding broadband. These all add to affecting highways and cause hold-ups.

This Council does impose conditions requiring Construction Method statements on some developments. These may include control over working times on site but cannot control off site matters.

I appreciate there have been a number of hold-ups in our district this year. I will ask officers to contact Essex County Council to see if they can help in reducing the number, particularly on our main tourist routes in years to come.

54. A.1 - PLANNING APPLICATION - 17/02168/OUT - LAND WEST OF LOW ROAD DOVERCOURT, CO12 3TR

Councillor M. Brown had previously declared that due to the fact he was not present on the original site visit for Planning Applications 17/02168/OUT –Land West of Low Road Dovercourt, CO12, he would not participate while the Committee deliberated and reached its decision on this application.

Councillor McWilliams had previously declared that, due to the fact she was not present on the original site visit for Planning Application 17/02168/OUT –Land West of Low Road Dovercourt, CO12, she would not participate whilst the Committee deliberated and reached its decision on this application.

Councillor Davis had previously declared that, due to the fact she was not present on the original site visits for Planning Applications 17/02168/OUT –Land West of Low Road Dovercourt, CO12, she would not participate while the Committee deliberated and reached its decisions on this application.

Councillor Everett had previously declared that, in relation to Planning Application 17/02168/OUT- Land West Of Low Road, Dovercourt, CO12 3TR, he is a part of the Local Highways Panel, however he was not predetermined.

Members recalled that this application had originally been before the Committee at its meeting held on 24th July 2018, where the application was deferred in order for consideration to be given to alternative highway improvements / access.

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 Team Leader (SC-E) in respect of the application.

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

- (1) Two further letters of objection that were received.

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

a) Within 6 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)

- Affordable housing;
- Education;
- Public Open Space Provision including timetable for play equipment and its design and future maintenance
- Highways requirements (on and off-site as advised); and
- Health.
- Contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- Provision and monitoring of a Residential Travel Plan
- **A speed survey to be carried out once 150 dwellings have been completed and occupied or both accesses onto Low Road have been constructed, whichever is the later. If following the survey speeds meet the intervention criteria for the provision of vehicle activated signs then two vehicular activated signs along Low Road shall be provided (at no cost to the Local Authority), together with a contribution for future maintenance.**

b) Planning conditions in accordance with those set out 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).

Conditions:

- Reserved Matters (Appearance, Landscaping, Layout, Scale)
- Standard 3 year time limit for submission of reserved matters application.
- Standard 2 year limit for commencement of development following approval of reserved matters.
- Details to be in general accordance with submitted parameter plans.

- Local recruitment strategy
- Provision of broadband
- Submission of surface water drainage scheme prior to commencement
- Submission of scheme to minimise potential flooding and pollution during construction works
- Submission of maintenance plan for the surface water drainage scheme
- Maintain yearly logs of maintenance
- Landscaping conditions to cover timing and management plan

- Ground level condition/ Earthworks to be agreed
- Tree/hedgerow protection.
- Biodiversity enhancements and mitigation measures
- On-site open space strategy detailing how the site will be made attractive to new residents for informal recreation.
- Archaeological investigations.
- A construction method statements including but not limited to:
 - Routing of delivery vehicles and measures to control noise,
 - Air pollution and avoiding discharges to watercourses/ditches.
 - Hours of construction.
- Contaminated land survey and a report if required
- Details of Foul Water Strategy
- Construction Management Plan to include; safe access into the site; the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials; wheel and underbody washing facilities and safeguarding of the Public Right of Way.
- Capacity Improvements at the B1352/B1414 junction – details to be submitted and agreed.
- Provision of northern access road junction with Low Road prior to first occupation – detailed specification and design of junction to be submitted and agreed.
- Provision of southern access road junction with Low Road prior to first occupation – detailed specification and design of junction to be submitted and agreed.
- Provision of a 3 metre wide shared use cycleway along the Low Road frontage
- Upgrade of the bus stops on Oakley Road and Long Meadows or the provision of two fully equipped bus stops on Low Road Dovercourt (if bus routes are planned for Low Road)
- Details of relating to the requirement for emergency access to the application site
- Provision of Travel Packs and Vouchers for each dwelling

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 6 months, as the requirements necessary to make the development acceptable in planning terms had not been secured through S106 planning obligation.

55. **A.2 - PLANNING APPLICATION - 18/00367/FUL - LAND NORTH OF COCKAYNES LANE, ALRESFORD, CO7 8BT**

Councillor M. Brown had previously declared that, due to the fact he was not present on the original site visits for Planning Application 18/00367/FUL – Land North of Cockaynes Lane, Alresford, CO7 8BT, he would not participate while the Committee deliberated and reached its decisions on this application.

Councillor Davis had previously declared that, due to the fact she was not present on the original site visits for Planning Application 18/00367/FUL – Land North of Cockaynes Lane, Alresford, CO7 8BT, she would not participate while the Committee deliberated and reached its decisions on this application.

Members recalled that this application had originally been before the Committee at its meetings held on 21st August 2018, where the application was deferred to enable further discussion to take place between Officers and the agent regarding the location of affordable housing, the introduction of bungalows, the potential of alternative types of housing ownership / occupation, such as Almshouses, and the submission of additional reports as required by the ecology report.

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 Team Leader (SC-E) in respect of the application.

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

- (1) An Updated consultation response received from Essex County Council SUDS
- (2) Comments received from Councillor G. Scott

Following discussion by the Committee, it was moved by Councillor Everett, seconded by Councillor McWilliams to refuse this application on the grounds of having no bungalows within the plan, as this goes against the amenity of residents on Station Road and the appropriate mix of design within the development.

However, when put to the vote the proposal to refuse was lost.

After further discussion by the Committee and advice being given by officers, it was moved by Councillor Baker and seconded by Councillor Fowler and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to:

a) The completion of a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) within 6 months of the date of the Committee's resolution to approve, dealing with the following matters:

1. Affordable Housing – **3 units to be gifted to the Council and 8 units** to be transferred to a Registered Provider; **to be prioritised for households with an**

Alresford connection first, then households from neighbouring parishes and then the whole district.

2. Education — Financial contribution towards Early Years and Childcare, Primary Education, Secondary Education and Secondary School Transport;
3. Healthcare – Financial contribution towards improvement of services at Colne Medical Centre, including the Alresford Branch Surgery; and
4. Public Open Space and equipped play areas - To be transferred to Council and laid out before transfer, with a financial contribution towards future maintenance. ;

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 implementation.
2. Development to be carried out in accordance with the approved plans.
3. External finishing materials on the dwellings to be in accordance with the Colour of Materials Layout Plan.
4. Hard surfaces to be in accordance with Surface Materials Layout Plan.
5. Boundary treatments to be installed in accordance with Boundary Treatment Layout Plan.
6. Construction of the access in accordance with approved plans;
7. Provision of visibility splays;
8. No unbound material to be used within 6m of the highway;
9. No discharge of surface water onto the highway;
10. Parking and turning facilities to be provided prior to occupation of dwellings, spaces and garages to meet ECC standards;
11. Residential Travel Information Pack for sustainable transport to be provided for each dwelling on occupation.
12. Construction Method Statement to submitted and be adhered to throughout the construction period, to provide for:
 - i. Safe access to/from the site
 - ii. The parking of vehicles of site operatives and visitors
 - iii. Loading and unloading of plant and materials
 - iv. Storage of plant and materials used in constructing the development
 - v. Wheel and underbody washing facilities
 - vi. The erection and maintenance of security hoarding
 - vii. Measures to control the emission of dust and dirt during construction
 - viii. A scheme for recycling/disposing of waste resulting from construction
 - ix. Delivery and construction working hours
 - x. Site lighting
 - xi. Scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution.
13. Submission and implementation of a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context prior to the commencement of the development.
14. Submission and implementation of a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of

- the surface water drainage system and the maintenance activities/frequencies prior to the commencement of the development of each phase.
15. Submission and implementation of a foul water strategy prior to commencement of development.
 16. A Programme of Archaeological and geoarchaeological evaluation.
 17. No piling to be undertaken without prior written agreement.
 18. External lighting scheme, to minimise light pollution and impact upon bats.
 19. Submission of a Construction Environmental Management Plan, to manage the effects of site clearance and construction operations on the natural environment.
 20. All trees and hedgerows to be retained to be protected in accordance with BS5837, unless otherwise agreed.
 21. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.
 - 22. Development to be carried out in accordance with the mitigation measures includes in the Ecological Impact Assessment.**
 23. Submission of a Landscape and Ecology Management Plan to specify how areas of green space to be managed, including measures to create new habitats, as well as general biodiversity enhancement and safeguarding protected species, to include ecological enhancement measures as set out in para. 5.36 of the Ecological Impact Assessment.
 24. Pre-construction badger survey and monitoring for signs of new sett digging; Covering any open excavations with wooden boards, or fitting them with appropriate escape ramps; Monitoring of site for any new sett excavation during prolonged remediation, construction or landscaping works.
 25. Vegetation clearance to take place outside of the bird nesting period (i.e. outside of March to August inclusive), or failing that following confirmation by a suitably qualified ecologist that nesting birds are absent from the habitats to be cleared.
 26. Adherence to Secured by Design Principles and certification.
 27. Yearly logs of maintenance in accordance with the approved surface water drainage maintenance plan.
 28. Submission of scheme to minimise the risk of off-site flooding and pollution caused by surface water run-off during construction works.
 29. No works to take place until agreement to discharge to Anglian Water storm sewer is formalised.
 30. No works to take place until it has been demonstrated through provisioning of clause in property deeds that there will be an undertaking by property owners that there will be no adjustment of ground levels that would affect the route of exceedance flow plath and that all fence lines indicated as being affected by exceedance flow will be of non-solid structure allowing for future un-restricted flow through the fence line at ground surface level.

56. **A.3 - PLANNING APPLICATION - 18/01131/FUL - 112 CONNAUGHT AVENUE, FRINTON-ON-SEA, CO13 9AA**

Councillor Alexander had previously declared that, he would retire from the meeting whilst the Committee deliberated and reached its decision on Planning Application 18/01131/FUL – 112 Connaught Avenue, Frinton-On-Sea, CO13 9AA, due to the fact he is a close friend of the applicant.

It was reported that this application –had been referred to the Committee as an elected Councillor of Tendring District Council is a director for the application site.

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 (GN) in respect of the application.

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

1. Standard time limit; and
2. Approved plans;

57. **A.4 - PLANNING APPLICATION- 17/02014/FUL - LAND ADJACENT TO CLIPHEDGE FARM, HARWICH ROAD, LITTLE BENTLEY**

Councillor Heaney had previously declared that, with regards to Planning Application 17/02014/FUL – Land Adjacent to Cliphedge Farm, Harwich Road, Little Bentley. Great Bromley Parish Council, of which she is a member, has put in a comment in relation to this application. However, she had retired from the meeting of Great Bromley Parish Council during the discussion in relation to 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 Planning Manager (GN) in respect of the application.

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

- (1) Relevant Planning History
- (2) Representations
- (3) Additional Representations
- (4) Landscape Considerations, Biodiversity and Ecology

Mark Rodgers, a local resident, spoke against the application.

Parish Councillor Philip Suarez, representing Little Bentley Parish Council, spoke against the application.

Councillor Fred Nicholls, an adjacent local Ward Member spoke on behalf of the local ward members Councillors Coley and V. Guglielmi, in favour of the application.

Neil Napthine, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Heaney, seconded by Councillor Davis 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 due to the following reasons:-

Unsustainable on social and ecological elements which are not outweighed by the potential benefits of the financial impact.

- (1)
- (1) Adverse impact on existing landscape character
- (2) Adverse impact on neighbour amenity
- (3) Adverse impact on ecology
- (4) Design is out of character with location.

The meeting was declared closed at 8.15 pm

Chairman