

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,  
HELD ON TUESDAY, 13TH NOVEMBER, 2018 AT 6.00 PM  
IN THE COUNCIL CHAMBER - COUNCIL CHAMBER**

<b>Present:</b>	Councillors White (Chairman), Heaney (Vice-Chair), Alexander, Bennison, M Brown, Cawthron, Everett, Fowler, Hones and McWilliams
<b>Also Present:</b>	Councillors Turner (Except minutes 84 -85), Bray (except minutes 84 - 85), Coley (except minutes 82 - 85), Davis (except minutes 84 - 85), Land (except minutes 78 - 85), Nicholls (except minutes 78 - 85) and Talbot
<b>In Attendance:</b>	Ewan Green (Corporate Director (Planning and Regeneration Services)), Cath Bicknell (Head of Planning), Susanne Chapman-Ennos (Planning Team Leader), Matthew Lang (Planning Officer), Charlotte Parker (Solicitor (Property, Planning and Governance)) and Charlotte Cooper (Leadership Support Officer)

**73. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillor Baker, (with no substitute).

**74. MINUTES OF THE LAST MEETING**

The minutes of the last meetings of the Committee, held on 16 October 2018 and 22 October 2018, were approved as a correct record and signed by the Chairman.

**75. DECLARATIONS OF INTEREST**

Councillor White declared that, with regards to application 18/01230/FUL – 55 Colne Way, Point Clear Bay, St Osyth, Clacton-on-Sea, CO16 8LL, this is his home ward, however he would participate whilst the committee deliberated and reached its decision.

Councillor Fowler declared that, with regards to application 18/01693/FUL – 34 Low Road, Dovercourt, Harwich, CO12 3TS, the applicants are personally known to her and she therefore would not participate whilst the committee deliberated and reached its decision.

Councillor Everett declared that, in relation to application 18/01230/FUL – 55 Colne Way Point, Clear Bay, St Osyth, CO16 8LL, he is pre-determined on this application and will not participate whilst the Committee deliberated and reached its decision.

Councillor Cawthron declared that, due to the fact that he was absent when application 17/02162/OUT – Land to the South of Thorpe Road, Weeley, CO16 9AJ, was first before the committee, he would not participate whilst the Committee deliberated and reached its decision.

Councillor Brown declared that, due to the fact that he was absent when application 17/02162/OUT - Land to the South of Thorpe Road, Weeley, CO16 9AJ, was first before

the committee due to a declaration of predetermination, he would not participate whilst the Committee deliberated and reached its decision.

Councillor Heaney declared that due to the fact she was not present when application 17/01229/OUT – Land Adjacent and to the Rear of 755 and 757 St Johns Road, Clacton-On-Sea, CO16 8BJ, was first before the Committee, she would not participate whilst the Committee deliberated and reached its decision.

**76. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37**

There were no questions submitted on this occasion.

**77. A.1 - 17/02162/OUT-LAND SOUTH OF THORPE ROAD, WEELEY, CO16 9AJ**

Councillor Cawthron had previously declared that, due to the fact that he was absent when application 17/02162/OUT – Land to the South of Thorpe Road, Weeley, CO16 9AJ, was first before the committee, he would not participate whilst the Committee deliberated and reached its decision.

Councillor Brown had previously declared that, due to the fact that he was absent when application 17/02162/OUT - Land to the South of Thorpe Road, Weeley, CO16 9AJ, was first before the committee, he would not participate whilst the Committee deliberated and reached its decision.

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) Three letters of objection have been received, as well as an additional letter from Holmes and Hills, the solicitors acting on behalf of the applicant. However these letters are not considered to have raised any issues that are not dealt with in the Officer Report.

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

- Argument that the development should be granted planning permission in advance of the conclusion of the Local Plan examination can only be given limited weight due to the large number of outstanding objections to the particular policy; this is supported by 5 year housing supply being met and exceeded.
- Disproportionate scale of growth in relation to the size and character of the existing settlement in Weeley.

**78. A.2 - 17/01229/OUT-LAND ADJACENT AND TO THE REAR OF 755 AND 757 ST JOHNS ROAD, CLACTON-ON-SEA, CO16 8BJ**

Councillor Heaney had previously declared that due to the fact she was not present when application 17/01229/OUT – Land Adjacent and to the Rear of 755 and 757 St Johns Road, Clacton-On-Sea, CO16 8BJ, was first before the Committee, she would not participate whilst the Committee deliberated and reached its decision.

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 (SCE) in respect of the application.

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Alexander 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 (six) months of the date of the Committee's resolution to approve **[to be revised to 'no later than 1<sup>st</sup> March 2019]**, 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 and subject to the completion of viability testing):
  - On-site Council Housing/Affordable Housing (the quantum and tenure to be agreed by the Head of Planning following the satisfactory completion of viability testing);
  - Provision of land on-site for a new healthcare facility together with a financial contribution towards its provision. [In the event that the land is not required, the financial contribution will be spent on health facilities elsewhere (to be determined by the NHS);
  - Transfer of new open space, including proposed equipped play areas to the Council or a management company;
  - Land for a new primary school and early years and childcare facility on site with financial contributions towards the provision of those facilities;
  - Financial contributions to create additional secondary school places;
  - New neighbourhood centre; and
  - Financial contributions towards off-site ecological mitigation.  
**[Also the routing of bus services through the development – as advised on the 30<sup>th</sup> May 2018 update sheet]**
- 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 first reserved matters application (which can thereafter be submitted in phases to reflect the phasing of the development).
  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. Compliance with approved access plans.
  6. Development to be in accordance with the approved parameters plans.
  7. Development to contain up to (but no more than) 950 dwellings and quantum of non-residential development specified.
  8. Highways conditions (as recommended by the Highway Authority) relating to:
    - detailed junction arrangements on St. Johns Rd and Jaywick Lane;
    - cycleway/footway across St. Johns Rd and Jaywick Lane frontages;
    - bus services to be routed through the development;
    - residential travel plans;
    - improvements at existing St. John's Rd/Jaywick Lane junction;
    - signals at the Bockings Elm junction of St. John's Rd and Cloes Lane;
    - improvements to St. Johns Rd/Peter Bruff Avenue junction;
    - improvements at St. John's roundabout;
    - road safety assessments to be completed for all the above measures;
    - no discharge of surface water onto the highway;
    - wheel cleaning facilities; and
    - car parking spaces and garages.
- [The Highway Authority's recommended conditions are revised to cover:**
- **The need for a construction management plan;**
  - **The new junction onto St. John's Road – to be delivered prior to first occupation of Phase 1;**
  - **The new junction onto Jaywick Lane – to be delivered prior to occupation of phase 2A, 3 or 4;**
  - **The completion of the St. John's Road to Jaywick Lane link road – to be completed prior to occupation of phase 3 or 4;**
  - **The completion of a cycleway/footway along Jaywick Lane frontage prior to phase SA, 3 or 4;**
  - **Improvements to St. John's Road/Jaywick Lane and St. Johns Road/Cloes Lane junctions – to be delivered prior to occupation of 250 dwellings;**
  - **Improvements to St. Johns Road/Peter Bruff Avenue junction and the St. John's Roundabout – to be delivered prior to occupation of 500 dwellings;**
  - **Improvements to existing bus stops in St. John's Road and provision of pedestrian access to those stops;**
  - **Provision of a high quality bus service through the development via the link road or £500,000 contribution towards its delivery (as being secured the s106 agreement);**
  - **Provision of a pedestrian link between the proposed primary school and neighbourhood centre in advance of the link road being completed; and**
  - **Residential travel plan and residential travel pack.]**
9. Construction methods statement.

10. Surface water drainage scheme and management arrangements.
11. Foul water drainage strategy.
12. Archaeological assessment/trial trenching.
13. Contaminated land investigation and remediation.
14. Piling restrictions.
15. Details of levels, lighting, boundary treatments, materials and refuse storage/collection points.
16. Hard and soft landscaping plan/implementation.
17. Tree protection measures.
18. Construction Environmental Management Plan.
19. Landscape and ecology mitigation/management plan.
20. Details of dog walking routes (part of ecological mitigation).
21. Broadband connection.
22. Local employment arrangements.
23. Details of water, energy and resource efficiency measures.

- 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 (six) months, or further period as agreed, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

**79. A.3 - 17/01181/OUT-LAND TO SOUTH OF LONG ROAD AND WEST OF CLACTON ROAD, MISTLEY, CO11 2HN**

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 (SCE) in respect of the application.

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

- (1) An additional letter has been received from Councillor Baker, Bradfield Parish Council retain an objection to the application, and Lawford Parish Council reiterate its objection to the proposed development. However the issues identified have been dealt with in the Officer Report and do not raise any further issue.
- (2) Amendment to Report – Paragraphs 1.2 and 6.11 should refer to 485 dwellings rather than 500
- (3) Amendment to Recommendation – it is advised that Section A of the recommendation is amended in respect of on-site Council Housing / Affordable housing to 18 gifted units and 55 affordable homes. This also updates the information provided at paragraph 6.63.

Parish Councillor Frances Fairhall, representing Mistley Parish Council, spoke against the application.

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

Councillor Turner, spoke on behalf of Councillor Baker (the local ward member for the adjacent ward), against the application.

Sam Brampton, 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 Brown 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:-

- Increase in density results in harm to landscape and out of character with surrounding area.
- Insufficient affordable housing not in accordance with Policy LP5 of the Emerging Plan which requires 30%.

**80. A.4 - 18/01230/FUL- 55 COLNE WAY POINT, CLEAR BAY, ST OSYTH, CO16 8LL**

Councillor White had previously declared that, with regards to application 18/01230/FUL – 55 Colne Way, Point Clear Bay, St Osyth, Clacton-on-Sea, CO16 8LL, this is his home ward, however he would participate whilst the committee deliberated and reached its decision.

Councillor Everett had previously declared that, in relation to application 18/01230/FUL – 55 Colne Way Point, Clear Bay, St Osyth, CO16 8LL, he is pre-determined on this application and will not participate whilst the Committee deliberated and reached its decision.

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 refusal.

At the meeting, an oral presentation was made by the Council's Head of Planning (CB) in respect of the application.

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

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

**Reason for Refusal:** The proposed removal of the condition sought would be contrary to national and local planning policy as;

1. It would effectively allow the creation of a new dwelling in Environment Agency Flood Zone 3. As such in the absence of a Flood Risk Assessment the flood risk resulting from the proposed development cannot be fully assessed and no sequential test or exception test can be performed to show the proposed all year round use of the chalet would be safe for its lifetime. In the light of the advice from the Environment Agency that the property is in an area at high risk of flooding due to its situation within Flood Zone 3 the proposal would be contrary to Paragraph 155 of the National Planning Policy Framework ("the NPPF") as development in an area at risk of flooding which is not safe whether now or in the future and which cannot be directed away to an area of lower risk.

2. The property is also in an area where climate change is likely to result in rising sea levels and the proposal cannot be guaranteed to be safe for its lifetime again contrary to Paragraph 155 of the NPPF and in the light of the advice in the UK Marine Policy Statement and paragraph 166 of the NPPF the proposal would leave future occupiers vulnerable to the additional risk of flooding and coastal change resulting from climate change and rising sea levels.

3. Policy QL3 of the saved Tendring District Local Plan 2007 provides that flood risk is to be taken into account in all stages in the planning process to avoid inappropriate development in areas at risk of flooding. Development will only be permitted in areas of flood risk when there are no reasonably available sites in areas of lower flood risk and the benefits of development outweigh the risks of flooding.

4. The entire surrounding area is at high risk of flooding as the holiday dwelling and its area is entirely within Flood Zone 3 and in relation to the removal of the condition its use as a dwelling all year round would give rise to a use which was "highly vulnerable" under the Environment Agency's use system. This would therefore be contrary to policy QL3 of the saved Tendring District Local Plan 2007.

**81. A.5 - 18/01281/DETAIL- LAND AT THE JUNCTION OF HEATH ROAD AND PARSONAGE LANE TENDRING, CO16 ODE**

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 Officer (ML) in respect of the application.

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

- (1) Amended set of recommended conditions.

Parish Councillor Ted Edwards, representing Tendring Parish Council, spoke against the application.

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

Following discussion by the Committee, it was moved by Councillor Fowler, seconded by Councillor Hones 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:-

- Juliet balconies and colour out of character with surrounding area.
- Juliet balconies poor design contrary to Policy QL9.

82. **A.6 - 18/01489/FUL - LAND ADJACENT TO 28 ASHLYNS ROAD, FRINTON-ON-SEA, CO13 9EU**

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 Officer (ML) in respect of the application.

Alan Eldret, a local resident, spoke against the application.

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

Peter Le Grys (on behalf of Zoe Manning), 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 Everett 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:-

- Contrary to Policies FW5 and PPL11 – out of character with the area.

83. **A.7 - 18/01571/OUT - LAND EAST OF PORK LANE, GREAT HOLLAND, CO13 0JE**

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 (SCE) in respect of the application.

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

- (1) Additional representation – a letter of objection and comments from the Council's Public Open Space Team have been received. The recommendation has been amended accordingly.
- (2) Additional letter of objection received, the majority of the points raised have been addressed within the main body of the report. An additional flood related issue has been raised, however the site does not fall within a recognised flood zone.

Ian Taylor, a local resident, spoke against the application.

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

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

- Contrary to Policy QL1 and Policy HG13 of the Saved Local Plan and LP8 of the Emerging Plan..
- Lack of Ecology Survey.

**84. A.8 - 18/00379/OUT - 820 ST JOHNS ROAD, CLACTON-ON-SEA, CO16 8BS**

Members were made aware that this application had been removed from the agenda prior to the meeting. This is due to the fact that the applicant has withdrawn their amended proposals as they have decided to revert back to a previously approved proposal for 14 dwellings on the site, subject to a section 106 legal agreement, for affordable housing and public open space.

**85. A.9 - 18/01693/FUL- 34 LOW ROAD, DOVERCOURT, CO12 3TS**

Councillor Fowler had previously declared that, with regards to application 18/01693/FUL – 34 Low Road, Dovercourt, Harwich, CO12 3TS, the applicants are personally known to her and she will not participate whilst the committee deliberated and reached its decision.

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 Officer (ML) in respect of the application.

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

- (1) Additional comments from the applicant in response to the objections raised have been received.

Sharon Wotton, a local resident, spoke against the application.

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Hones to approve this application as set out in the officer report.

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

The meeting was temporarily suspended during the debate while one of the Members left the Council Chamber for a comfort break; it resumed immediately on his return.

Following further discussion by the Committee, it was moved by Councillor Everett and seconded by Councillor Cawthron 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:-

- Contrary to Policy HG14.

The meeting was declared closed at 11.00 pm

**Chairman**