

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY 9 APRIL 2019 AT 6.00 PM, IN THE COUNCIL CHAMBER,
COUNCIL OFFICES, THORPE ROAD, WEELEY, CO16 9AJ**

Present:	Councillors White (Chairman), Alexander, Baker, Bennison, M Brown, Cawthron, Everett, Fowler, V E Guglielmi, Hones and McWilliams (except minute 122)
Also Present:	Councillors Bray, Bush (except minutes 117 - part 123, part 125 - 129), Coley (except minutes 124 - 129), Raby (except minutes 117 - part 124, 127 - 129) and Watson (except minutes 117 – part 124, 127 – 129)
In Attendance:	Cath Bicknell (Head of Planning), Graham Nourse (Planning Manager), Charlotte Parker (Solicitor (Property, Planning and Governance)), Susanne Chapman-Ennos (Planning Team Leader), Alison Newland (Planning Team Leader) and Katie Sullivan (Committee Services Officer)

117. CHAIRMAN'S OPENING REMARKS

The Chairman reminded Members that this meeting was being held during the Pre-Election period and that they should be mindful of the guidance that had been issued to them by the Chief Executive.

Councillor Bray, present in the public gallery, requested a point of clarification as to the status of the meeting, to which the Chairman responded accordingly.

118. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Heaney (with Councillor V E Guglielmi as her substitute).

119. MINUTES OF THE LAST MEETING

The minutes and exempt minute of the last meeting of the Committee, held on 12 March 2019, were approved as a correct record and signed by the Chairman.

120. DECLARATIONS OF INTEREST

Councillor McWilliams declared an interest in Planning Application 18/01307/DETAIL by virtue of the fact that she was pre-determined and that she would therefore withdraw from the meeting whilst the Committee deliberated on the application and reached its decision.

Councillor Everett declared an interest in Planning Applications 19/00235/FUL by virtue of the fact the he was a local Ward Member and 19/00019/FUL by virtue of the fact that he was a candidate for the Ward in which the Application was situated. Councillor Everett confirmed that he was not pre-determined on either Planning Applications.

Councillor V E Guglielmi declared an interest in Planning Application 18/01767/OUT insofar as she was a candidate for the Ward in which the Application was situated. Councillor V E Guglielmi confirmed that she was not pre-determined.

Later on during the meeting (as mentioned in minute 125) Councillor Bush, declared a Pecuniary Interest in relation to Planning Application 19/00090/FUL by virtue of the fact that he was the local Ward Member and also a Stakeholder and a member of the Management Committee of Great Oakley Community Hub Ltd, a not for profit organisation.

121. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37

There were none.

122. A.1 - PLANNING APPLICATION - 18/01307/DETAIL - LAND TO THE EAST OF TYE ROAD, ELMSTEAD. CO7 7BB

Councillor McWilliams had earlier declared an interest in Planning Application 18/01307/DETAIL by virtue of the fact that she was pre-determined. Councillor McWilliams withdrew from the meeting whilst the Committee deliberated on the application and reached its decision.

It was reported that this application was before the Planning Committee as at the time that the outline application had been determined a request had been made by Members for the reserved matters application to be brought back to the Committee.

Members were reminded that Planning Application 16/00219/OUT had sought consent for the erection of up to 32 dwellings, land for a community facility and associated parking and infrastructure. That application had been granted at appeal in April 2017, with all matters of detail reserved. Planning Application 17/00927/DETAIL had granted consent for the reserved matters in relation to access only. The Planning Application now before Members sought consent for the remaining reserved matters: appearance, landscaping, layout and scale.

Members recalled that this application had been deferred by the Planning Committee on 12 February 2019 in order for written legal advice to be sought in respect of the need for a Habitats Regulation Assessment and the impact that that would have on the Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) contribution requested by Natural England, if any.

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.

The Chairman confirmed that there would be no public speaking on the Application as it was a deferred item.

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 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):
- Financial Contribution towards RAMS.
- 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. In accordance with approved plans.
2. Materials.
3. Turning facility to be provided prior to first occupation and retained.
4. No unbound material within 6 metres of the carriageway.
5. Details of proposed private drive.
6. Notwithstanding approved plan, gates to be inward opening only and set back at least 6 metres from footway or carriageway.
7. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splays.
8. Details of cycle parking.
9. Timing of landscaping.

123. A.2 - PLANNING APPLICATION - 18/01767/OUT - LAND EAST OF NEW ROAD, MISTLEY, CO11 2AG

Councillor V E Guglielmi had earlier declared an interest in Planning Application 18/01767/OUT insofar as she was a candidate for the Ward in which the Application was situated. Councillor V E Guglielmi had confirmed that she was not pre-determined.

It was reported that outline planning permission had been allowed at appeal on 19 February 2018 for the erection of 67 dwellings together with the formation of an access.

Members were informed that this Section 73 application sought to vary Condition 4 attached to the aforementioned outline planning permission in order to amend the approved layout.

Members were further informed that the supporting documents stated that it had become necessary to amend the approved layout in order to improve the proposed road network, thereby allowing sufficient access to the site for all emergency vehicles and servicing vehicles and to alter the housing types to include detached dwellings, semi-detached properties and apartments.

It was reported that Officers had considered that the revisions represented an improved layout over that approved previously on appeal which would enable emergency and servicing vehicles to adequately access and manoeuvre across the site, whilst proposing a more spacious appearing development allowing for better spacing between properties and larger private gardens for future residents.

It was further reported that, subject to the applicant entering into a deed of variation to update the existing Section 106 agreement to cover the provision of affordable housing and education contributions, the proposal was considered to be acceptable with no material harm to visual or residential amenity, heritage assets, or highway safety.

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 had been circulated to the Committee prior to the meeting with details of one additional Condition.

Will Vote, a local resident, spoke against the application.

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

Rebecca Rogers, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor V E Guglielmi, seconded by Councillor Alexander 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:-

- Loss of green buffer to boundary with Green Lane and the nearby park and impact on landscape character of the area, supported by the comments of the Council's Tree and Landscape Officer;
- Loss of outlook from public footpath due to position of proposed apartment blocks; and
- Failure to submit completed Section 106 agreement.

124. A.3 - PLANNING APPLICATION - 18/01585/OUT - LAND REAR OF 62-66 HOLLAND ROAD, LITTLE CLACTON, CO16 9RS

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 Team Leader (AN) in respect of the application.

An update sheet had been circulated to the Committee prior to the meeting with details of a revised recommendation that had been received from Public Realm following a request from Little Clacton Parish Council regarding plans to provide a MUGA at the existing playing field.

Parish Councillor John Cutting, representing Little Clacton Parish Council, spoke against the application.

Councillor Bray, a local Ward Member, 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 Everett, seconded by Councillor M 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:-

- Impact on, and loss of, Green Gap;
- Impact on character of the area and therefore contrary to environmental sustainability;
- Outside settlement development boundary; and
- Failure to submit completed Section 106 agreement for open space and RAMS.

125. A.4 - PLANNING APPLICATION - 19/00090/FUL - RED HOUSE, HIGH STREET, GREAT OAKLEY, HARWICH, CO12 5AQ

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

It was reported that, previously, planning application 18/01046/FUL had been refused for a similar scheme. Proposed amendments to that scheme included the car parking area being reduced to accommodate 12 vehicles, the removal of the recycling container and the vehicular access point adjacent to 'Elberns' had been reduced to pedestrian access only.

It was further reported that a Structural Report had also been undertaken, while changes to the design of the replacement building had been incorporated by replacing the previous UPVC windows and modern door with timber joinery in a painted finish, and smaller dormers. Further, the dining room had been reduced from being able to seat 40 people to 20 people, with the additional area to be utilised as a community and social area.

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 Planning Team Leader (AN) in respect of the application.

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

- (1) An email that had been received from the agent; and
- (2) Changes to the reasons for refusal contained in the Officer's report.

Tom Howard, a local resident, spoke in support of the application.

Councillor Bush, declared a Pecuniary Interest in relation to Planning Application 19/00090/FUL by virtue of the fact that he was the local Ward Member and also a Stakeholder and a member of the Management Committee of Great Oakley Community Hub Ltd, a not for profit organisation.

Councillor Bush spoke in favour of the application and then withdrew from the meeting whilst the Committee deliberated on the application and reached its decision.

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 Everett, seconded by Councillor V E Guglielmi and **RESOLVED** that consideration of this application be deferred for the following reasons:

- Need for improved design, particularly relating to the street scene; and
- Full Structural Appraisal required to provide evidence of compliance with Policy EN20.

126. A.5 - PLANNING APPLICATION - 15/01745/OUT - FORMER PUTTING GREEN, GARDEN ROAD, JAYWICK, CO15 2RT

The Chairman reminded Members who had not been present at the start of the meeting that this meeting was being held during the Pre-Election period and that they should be mindful of the guidance that had been issued to them by the Chief Executive.

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 had been circulated to the Committee prior to the meeting with details of:

- (1) Four additional letters of objection; and
- (2) Contact made by a third party in regards to a planning agreement dated 1936 which related to the application site.

Mike Garrard, a local resident, spoke against the application.

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

Following discussion by the Committee and advice provided by Officers, it was moved by Councillor Bennison, 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:-

- Adverse impact on the residential amenity of the area and neighbours;
- Loss of designated open space;

- Out of character with surrounding area; and
- Failure to submit a completed Section 106 Agreement.

127. A.6 - PLANNING APPLICATION - 19/00235/FUL - RUSH GREEN BOWL, RUSH GREEN ROAD, CLACTON-ON-SEA, CO16 7BQ

Councillor Everett had earlier declared an interest in Planning Application 19/00235/FUL by virtue of the fact the he was a local Ward Member, however, he had confirmed that he was not pre-determined.

It was reported that this application had been referred to the Planning Committee as the land was owned by 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 Planning Team Leader (AN) in respect of the application.

Following discussion by the Committee, it was moved by Councillor Alexander, 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:

- a) The expiration of the neighbour's consultation period which expires on 18 April 2019.
- 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 Time Limit.
2. Approved Plans.
3. In accordance with Flood Light Report specifications.
4. Time limit for flood lighting usage – not later than 10pm daily.

128. A.7 - PLANNING APPLICATION - 19/00019/FUL - 78 NORTH ROAD, CLACTON-ON-SEA, CO15 4DF

Councillor Everett had earlier declared an interest in Planning Application 19/00019/FUL by virtue of the fact that he was a candidate for the Ward in which the Application was situated. Councillor Everett had confirmed that he was not pre-determined.

It was reported that this application had been referred to the Planning Committee as 78 North Road was a Council owned property and the applicant was an Officer of 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 Planning Team Leader (AN) in respect of the application.

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor V E Guglielmi 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.
2. Approved Plans.
3. Highways – construction of access.
4. Highways – no unbound material.
5. Highways – no discharge of surface water.

129. CHAIRMAN'S CLOSING REMARKS

The Chairman expressed his thanks to Officers and the members of the Planning Committee for all the help and assistance that they had given him over the past four years.

The meeting was declared closed at 9.14 pm

Chairman