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Planning Committee

18 October 2016

**MINUTES OF THE SPECIAL MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY 18 OCTOBER 2016 AT 6.00 PM,
IN THE PRINCES THEATRE, TOWN HALL, CLACTON-ON-SEA, CO15 1SE**

Present:	Councillors White (Chairman) (except item 63), Heaney (Vice-Chairman) (acting as Chairman for item 63), Baker, Bennison, Everett, Fowler, Gray, Hones, Hughes, McWilliams and Nicholls
Also Present:	Councillor Michael Talbot
In Attendance:	Cath Bicknell (Head of Planning), Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer), Gary Guiver (Planning Manager), Nigel Brown (Communications Manager), Charlotte Parker-Smith (Solicitor) (Property, Planning and Governance) and Katie Sullivan (Committee Services Officer)
Also In Attendance:	Paul Drury (Heritage Consultant)

60. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Fairley (with Councillor Nicholls substituting).

61. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on Tuesday 4 October 2016, were approved as a correct record and signed by the Chairman.

62. DECLARATIONS OF INTEREST

Councillor White declared a Non-Pecuniary Interest in relation to Planning Applications 16/00656/FUL and 16/00671/FUL by virtue of the fact he was a local Ward Member for St Osyth and Point Clear, a St Osyth Parish Councillor, a resident of St Osyth and by virtue of the fact that he was pre-determined. Councillor White informed the Committee that in line with the Council's Constitution he would be handing over Chairmanship to the Vice-Chairman (Councillor Heaney) for item 4 on the Agenda.

Councillor Talbot, present in the public gallery declared in relation to Planning Applications 16/00656/FUL and 16/00671/FUL he was a local Ward Member for St Osyth and Point Clear.

63. A.1 - PLANNING APPLICATIONS - 16/00656/FUL AND 16/00671/FUL - ST OSYTH PRIORY, THE BURY, ST OSYTH, CLACTON-ON-SEA, ESSEX, CO16 8NZ

Councillor White had earlier declared a Non-Pecuniary Interest in relation to Planning Applications 16/00656/FUL and 16/00671/FUL by virtue of the fact he was a local Ward Member for St Osyth and Point Clear, a St Osyth Parish Councillor, a resident of St Osyth and by virtue of the fact that he was pre-determined. Councillor White therefore withdrew from the Committee and sat in the public gallery, whilst the Committee heard the Officer's presentation.

Councillor Talbot, present in the public gallery had earlier declared in relation to Planning Applications 16/00656/FUL and 16/00671/FUL he was a local Ward Member for St Osyth and Point Clear.

Councillor Heaney (acting as Chairman), informed the Committee that Councillor McWilliams would sit next to her so that she could note down those who wanted to speak, but that she would not be acting as Vice-Chairman.

It was reported that Planning Applications 16/00656/FUL and 16/00671/FUL were for 'enabling development' within and adjoining the grounds of St. Osyth Priory. One application comprised an estate of 72 dwellings on agricultural land to the west of the Priory (the 'West Field' development) and the other comprised 17 dwellings for either residential or holiday use located either individually or in groups, in different parts of the Priory's parkland, each of bespoke design (the 'Parkland' development).

It was reported that the purpose of enabling development was to generate funds to be utilised for the repair of a heritage asset (typically a Listed Building(s)). Enabling development, in planning terms, was development which contravened normal planning policies. The National Planning Policy Framework (NPPF) can make an allowance for such developments where the public benefits of securing the future conservation of a heritage asset outweighs the 'disbenefits'.

Members were informed that both applications were submitted on 27 April 2016 and were due for determination on 7 September 2016. The applicant had appealed to the Secretary of State against non-determination and both applications were now the subject of determination by the Planning Inspectorate. A Public Inquiry was scheduled for November 2016 for consideration of both applications and previous applications for enabling development for which the Inspectors decision to dismiss those applications was quashed.

Members were reminded that because the applications were now for determination by the Planning Inspectorate rather than the Council, the Planning Committee was asked to decide whether or not it would have granted planning permission.

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 Manager (GG) in respect of both applications.

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

- (1) Fifteen additional letters of objection in relation to Planning Application 16/00656/FUL, which had raised objections that had already been outlined in the Officer's report and two further points raised;
- (2) Sixteen additional letters of objection in relation to Planning Application 16/00671/FUL, which had raised objections that had already been outlined in the Officer's report and two further points raised; and
- (3) A Consultation response which had been received from Essex County Council SUDS in relation to Planning Application 16/00671/FUL.

Councillor Heaney (acting as Chairman), informed Members that in line with the Council's Public Speaking Scheme, she would be allowing extra time on this occasion as the item was fairly unusual by the fact it was for two applications. All speakers would be granted 6 minutes except for Ward Councillors who would be granted 10 minutes. Councillor Heaney also informed Members that she and the Monitoring Officer had given Councillor White permission to speak as a local Ward Member for St Osyth and Point Clear and that he would be invited to speak first.

Councillor White, a local Ward Member for St Osyth and Point Clear, spoke against the applications and then returned to the very back of the public gallery.

Mrs Beverley Lynn, a local resident on behalf of 'Save our St Osyth', spoke against the applications.

Councillor Sonia Grantham, Chairman of St Osyth Parish Council, spoke against the applications.

Councillor Talbot, a local Ward Member for St Osyth and Point Clear, spoke against the applications.

Following on from Councillor Talbot's speech, the Council's Head of Governance and Legal Services informed Members that their decision should be based on the applications before them and not in regards to any personal references made about the Sargeant family (the applicants). It was acknowledged that there was reference within the Report to the amount of money to be generated from the enabling development which would be directed towards the conservation deficit and this was relevant.

Members' raised questions which were answered by Officer's and the Heritage Consultant (Paul Drury) where appropriate.

For clarity, the Council's Planning Manager (GG) confirmed that the combined number of new homes for both applications was 89 in total and that the previous number quoted had been incorrect.

Some Committee members raised concerns to part B of the Officer's recommendation outlined in the report. Through the discussion, the Council's Head of Governance and Legal Services sought to address these concerns and suggested alternative wording.

Following discussion by the Committee, it was moved by Councillor Hughes, seconded by Councillor Everett and **RESOLVED** that:

(A) the Planning Committee endorses the view that the applications in their current form, based on the applicant's current approach and the latest information that has been provided, would have been REFUSED because the harm to the setting and significance of St. Osyth Priory, the registered parkland and the wider Conservation Area are not outweighed by the benefits of either proposal.

(B) the Planning Committee also endorses the view that approval of planning permission would have been agreed, in line with the advice of the Council's heritage and business planning advisors, if the applicants committed to enter into a Section 106 legal agreement to secure the following:

- 1) The preparation and subsequent approval by the Council of a medium-term (10-year) business strategy for the Priory, which should include a role for a charitable trust and appropriate public access;**
- 2) Completion of the repair and reuse of all of the principal buildings and structures within the Priory complex, in line with an agreed survey of condition and order of priority, in addition to the works already secured under the Section 106 agreement related to the Wellwick development, within 10 years namely:**

- i) Darcy House;
 - ii) The Gatehouse (completion of works);
 - iii) Abbot's Tower, chapel and 'Rivers wall';
 - iv) Brewhouse;
 - v) West Barn;
 - vi) Tithe barn, cart shed and dairy;
 - vii) Rose garden walls; and
 - viii) Northern section of wall (with gate and windows) on the west side of the Bury.
- 3) A regular review mechanism within the Section 106 agreement to allow flexibility to take into account changes in economic conditions, other potential sources of funding and other relevant changes in circumstances.

The Meeting was declared closed at 8.45 pm

Chairman