

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,  
HELD ON TUESDAY, 24TH SEPTEMBER, 2019 AT 6.00 PM  
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,  
CO16 9AJ**

<b>Present:</b>	Councillors White (Chairman), Bray (Vice-Chairman), Alexander, Cawthron, Codling, Fowler, Harris, McWilliams and Placey
<b>Also Present:</b>	Councillor Alan Coley, Councillor Chris Griffiths, Councillor Valerie Guglielmi and Councillor Daniel Land
<b>In Attendance:</b>	Cath Bicknell (Head of Planning), Graham Nourse (Planning Manager), Trevor Faulkner (Planning Team Leader), Matthew Lang (Planning Officer), Lisa Hastings (Head of Governance and Legal Services), Charlotte Cooper (Committee Services Officer)

**40. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were none on this occasion.

**41. MINUTES OF THE LAST MEETING**

The minutes of the last meeting of the Committee, held on 28 August 2019, were approved as a correct record and signed by the Chairman.

**42. DECLARATIONS OF INTEREST**

Councillor Alexander declared that, in relation to Planning Application 19/01044/FUL, he was pre-determined on this application and he would vacate to the public gallery whilst the Committee deliberated on the application and reached its decision.

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

There were none on this occasion.

**44. A.1 - PLANNING APPLICATION - 19-00978-OUT - LAND TO THE EAST OF NEW ROAD, MISTLEY, CO11 2AL**

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) Correspondence from the applicant's agent addressing objections received.
- (2) Additional comment from Mistley Parish Council.
- (3) One additional representation from a local resident objecting to the development

Will Vote, agent acting on behalf of local residents, spoke against the application.

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

Andy Black, the agent acting on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Harris, seconded by Councillor Bray, 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:-

- Inadequate amenity space.

**45. A.5 - PLANNING APPLICATION - 19-00909-FUL - MULBERRY, HARWICH ROAD, BEAUMONT, CO16 0AU**

With the approval of the Chairman of the Committee, Planning Application 19/00909/FUL was moved to be considered at an earlier stage in the agenda, the meeting would then proceed as normal.

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 (TF) in respect of the application.

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

(1) Amendments to paragraphs 1.3 and 6.4

Marilyn Peck, a local resident, spoke against the application.

Parish Councillor Trudy Carr, representing Beaumont Parish Council, spoke against the application.

Councillor Daniel Land, a local Ward Member, spoke against the application.

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

Following discussion by the Committee, it was moved by Councillor Bray, seconded by Councillor McWilliams 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, 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) the conditions stated below, subject to a correction to condition 9 to include the word 'not'.
- c) That the Head of Planning be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a Section 106 planning obligation.

#### Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason – To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents; Drawing No. BHR-101 Revision A, Block Plan – Demolition Plan scanned 6<sup>th</sup> August and Planning Statement dated June 2019.

Reason – for the avoidance of doubt and in the interests of proper planning.

3. There should be no obstruction above ground level within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic for the three residential dwellings and retained free of any obstruction at all times.

Reason – To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety.

4. No unbound material shall be used in the surface treatment of the existing vehicular access within 6 metres of the highway boundary.

Reason – To avoid displacement of loose material onto the highway in the interests of highway safety.

5. Prior to the occupation of the proposed dwellings, the existing private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of the Highway Boundary.

Reason – To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.

6. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason – To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

7. Prior to the commencement of any above ground works, a scheme of hard and soft landscaping works for the site shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute Publication “BS 5837: 2012 Trees in relation to design, demolition and construction.

Reason – To obscure views of the site from Public Right of Way Network to the south west of the application site.

8. 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 arrangements 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 a similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason – To ensure that the landscaping scheme is suitably implemented within an appropriate timescale.

9. The proposed dwelling shown on drawing no. BHR-101 Revision A hereby permitted shall not be occupied until all of the existing agricultural buildings as shown on Drawing Block Plan – Demolition Plan scanned 6<sup>th</sup> August, have been demolished and the resulting demolition materials removed from the site.

Reason – In the interests of protecting and enhancing the rural character and appearance of the area.

10. Notwithstanding the provisions of Classes A, B, C, D and E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or the equivalent provisions of any order revoking and re-enhancing that Order), the dwelling shown on drawing no. BHR-101 Revision A hereby permitted shall not be extended or ancillary buildings or structures shall be erected within the curtilage, without the prior written approval of the local planning authority.

Reason – In the interests of protecting and enhancing the rural character and appearance of the area.

#### Informatives

#### Positive and proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

#### Legal Agreement Informative – Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with regulation 63 of the Conservation of Habitat and Species Regulations 2017.

#### Building Control and Access

Fire Service access is required in accordance with B5.

### Highways

Informative 1: As per the information contained in The Planning Statement, under item 2.5 it will be necessary to undertake some maintenance to the existing hedgerow and cut back any overhanging trees adjacent to Harwich Road to ensure that a 2.4 metres parallel band visibility splay will be provided for the entire site frontage.

Informative 2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 3: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 – Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

**46. A.2 - PLANNING APPLICATION - 19-00539-DETAIL - LAND SOUTH OF LONG ROAD, AND TO THE 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 (TF) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of amended proposed conditions; namely: Condition 1, Condition 6, and Condition 8,

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

Following discussion by the Committee, it was moved by Councillor Fowler, seconded by Councillor Bray 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, 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) the conditions stated below.
- c) That the Head of Planning be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a Section 106 planning obligation.

#### Conditions and Reasons

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan – CC011-PL-01 Rev A  
Development Layout – CC011-PL-05 Rev C  
Detailed Layout – CC011-PL-03 Rev C  
Parking Layout – CC011- PL04 Rev C  
Storey Heights – CC011-PL-08 Rev C  
Landscape Masterplan – CC011-PL-07 Rev C  
Walking Route Mitigation Plan – CC011-PL-09 Rev A  
Emergency Drive-over Strip Detail – CC011-PL-10  
House Type HT3Bd – 212  
House Type HT2B – 203 Rev A  
House Type HT3Ba – 205 Rev A  
House Type HT3Bc – 206 Rev A  
House Type HT3Bb – 207 Rev A  
House Type HT4Ba – 208 Rev A  
House Type HT4Bb – 209 Rev A  
House Type HT4Bc – 210 Rev A  
House Type HT4Bd – 211 Rev A  
House Type HT4Be – 213 Rev 00  
Garages Floor Plans & Elevations – CC011-GR  
Garages SG1 and SG2 – CC011-GR-01  
Garage SG3 – CC011-GR-02  
Garage SG3 – CC011-GR-03  
Street Elevations – CC011-ST-01 Rev B  
Commercial Block 'A' Proposed Plans – CC011-CB-A1  
Commercial Block 'A' Proposed Elevations – CC011-CB-A2  
Commercial Block 'B' Proposed Plans – CC011-CB-B1  
Commercial Block 'B' Proposed Elevations – CC011-CB-B2  
Commercial Block 'C' Proposed Plans – CC011-CB-C1  
Commercial Block 'C' Proposed Elevations – CC011  
Commercial Block 'D' Proposed Plan – C011-CB-D1  
Commercial Block 'D' Proposed Elevations – C011-CB-D2

Reason – for the avoidance of doubt and in the interests of proper planning.

2. No development shall commence until details of existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed scheme prior to occupation.

Reason – To ensure a satisfactory form of development having particular regard to drainage and the provision of level access.

3. Prior to commencement of development, details of the estate roads, parking courts and footways, (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

Reason – To ensure roads/parking courts/footways are constructed to an appropriate standard in the interests of highway safety.

4. The proposed estate roads shall be constructed prior to the commencement of the erection of any residential development proposed to have access from such road and the proposed road and turning space, where applicable shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced carriageway between the dwellings and the existing highway. The footways and footpaths commensurate with the frontage of each dwelling shall be constructed and completed within twelve months from the date of occupation of the dwelling; and a management plan, including management responsibilities and maintenance schedules for all parking areas other than those forming part of the public highway, or on private domestic property shall be submitted to and approved, in writing, by the Local Planning Authority prior to the first occupation of the development. The management plan shall be carried out as approved in accordance with the details and timescales in the plan.

Reason – In the interests of highway safety, to ensure satisfactory access at all stages of development and to ensure the maintenance of shared vehicular surfaces.

5. No development shall take place until:
  - a) There has been submitted to and approved in writing by the Local Planning Authority, a scheme of hard and soft landscaping works for the site, to include all areas of open space, all play areas, all amenity areas, all street trees, all verges and all other planted or open areas excluding private residential curtilages. The scheme shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication “BS 5837 :2012 Trees in relation to design, demolition and construction. The development shall be carried out in accordance with the approved details.



- b) Existing trees on the site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping (above), have been protected by the erection of temporary protective fences of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Any trees dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with trees of appropriate size and species during the first planting season or in accordance with such other arrangement as may be agreed in writing with the Local Planning Authority.

Reason – To ensure a satisfactory standard of landscaping and the protection of retained trees.

6. A landscape implementation and management plan for all public areas of the site, including planting schedules and long term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas within public areas of the site, shall be submitted to and approved, in writing, by the Local Planning Authority prior to the first occupation of the development. The landscape implementation and management plan shall be carried out as approved in accordance with the details and timescales in the plan.

Reason – To ensure the timely implementation, management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

7. No street lighting or lighting of common area shall be installed until details of an illumination scheme have been submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details.

Reason – in the interests of amenity to reduce the impact of night time illumination on the character of the area.

8. Prior to the first occupation of the dwellings, details of cycle storage required to serve each dwelling shall be submitted to and approved in writing by the Local Planning Authority. All cycle storage so approved shall be provided prior to first occupation of the dwelling to which it relates and shall be retained thereafter as approved.

Reason – To ensure a satisfactory development in terms of appearance and functionality and sustainability, so that cycling is encouraged as a sustainable means of transport.

9. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visible splay.

Reason – To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

10. Notwithstanding the provision of Article 3, Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), the commercial buildings hereby approved shall be used as offices and for no other purpose including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory instrument and re-enacting that Order with or without modification).

Reason – To protect the amenities and privacy of occupiers of adjoining properties and in the interests of visual amenity.

#### Informatives

**Informative 1:** All housing developments in Essex which would result in the creation of a new street more than five dwelling units communally served by a single purpose access) will be subject to the Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must be provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway by the ECC.

**Informative 2:** The applicant has advised that it is intended that the roads will be privately maintained and not put forward for adoption.

**Informative 3:** Prior to occupation, the development shall be served by a system of operational street lighting of design approved from the Highway Authority along the Primary route, which shall thereafter be maintained in good repair.

**Informative 4:** the areas directly adjacent to the carriageway(s) in which the trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriage way.

In paved areas, whether or not the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground service.

**Informative 5:** On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

**Informative 6:** All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 – Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester,  
CO4 9YQ

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

**47. A.3 - PLANNING APPLICATION- 19/00283/FUL - LAND EAST OF HALSTEAD ROAD KIRBY CROSS FRINTON ON SEA CO13 0LR**

With the approval of the Chairman of the Committee (Councillor White) Planning Application 19/00283/FUL, Land East of Halstead Road, Kirby Cross, Frinton On Sea, CO13 0LR, had been deferred prior to the commencement of this meeting to be considered at a later date for the following reasons;

- Amended Plans had been received regarding highway/parking layout which need to be subject of further consultation with County Highways;
- Further supporting evidence for application being sought from the applicant's (Linden Homes)

**48. A.4 - PLANNING APPLICATION - 19-00738-FUL - LAND REAR OF 1 & 2 THE PADDOCKS, WINDMILL ROAD, BRADFIELD, CO11 2QR**

With the approval of the Chairman of the Committee (Councillor White) Planning Application 19/00738/FUL, Land to the Rear of 1 & 2 The Paddocks, Windmill Road, Bradfield, CO11 2QR, had been deferred prior to this meeting to allow for the site plan and application form to be updated to accurately reflect the application as amended and to allow time for re-consultation before determination.

**49. A.6 - PLANNING APPLICATION - 19-01157-FUL - LAND ADJACENT TO LITTLE THATCH MILL LANE THORPE LE SOKEN, CO16 0ED**

With the approval of the Chairman of the Committee (Councillor White) Planning Application 19/01157/FUL, Land Adjacent to Little Thatch, Mill Lane, Thorpe Le Soken, CO16 0ED, had been deferred prior to this meeting to allow the Planning Officers more time to provide a full ecology survey to the Committee.

**50. A.7 - PLANNING APPLICATION - 19-01044-FUL - 108A PIER AVENUE, CLACTON ON SEA, CO15 1NJ**

Councillor Alexander had previously declared that, with regards to Planning Application 19/01044/FUL, he was predetermined on this application. He therefore vacated to the public gallery 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.

Councillor Alexander, speaking in his capacity as a local ward Councillor, spoke against the application.

Councillor Griffiths, a local ward Councillor, spoke against the application.

Ronald Cross, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Cawthron, 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:-

- Contrary to Policy QL11
- Contrary to Policy QL9

## **51. REPORT OF THE HEAD OF PLANNING - PLANNING COMMITTEE APPEALS REPORT**

The Committee had before it a report of the Head of Planning, this report informed Members of the number of appeals that had been received and determined over the past 24 months and analysed the Council's performance in terms of decisions made by the Planning Inspectorate.

The Committee was informed that a total of 78 appeals had been determined between September 2017 and August 2018 of which 39% had been allowed. A total of 79 appeal decisions had been received between September 2018 and August 2019 of which 31% had been allowed. The Planning Inspectorate currently allowed 28% of appeals on average nationally. The national performance measure, which local authorities were required to meet, required that no more than 10% of all planning applications determined in the past two years were allowed on appeal. At present during the period April 2016 – March 2018, a total of 5.78% of major application decisions had been allowed on appeal within Tendring, well within the 10% target. For non-major applications the figure was 2.21%.

The Council's performance in dealing with appeals was set out in Appendix A of the report.

A summary of appeal cost decisions was set out in Appendix B of the report.

After deliberation by the Committee, it was **RESOLVED** that the Committee noted the contents of the report.

The meeting was declared closed at 9.11 pm

**Chairman**