

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 17TH DECEMBER, 2019 AT 6.00 PM
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

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| Present: | Councillors White (Chairman), Bray (Vice-Chairman), Alexander, Cawthron, Codling, Fowler, Harris, McWilliams and Placey |
| Also Present: | Councillors Land and Scott (except items 72 – 74) |
| In Attendance: | Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer), Ian Ford (Committee Services Manager & Deputy Monitoring Officer), Graham Nourse (Planning Manager), Alison Newland (Planning Team Leader) and Michael Pingram (Planning Officer) |

67. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence or substitutions on this occasion.

68. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on Tuesday 19 November 2019, were approved as a correct record and were then signed by the Chairman.

69. DECLARATIONS OF INTEREST

Councillor Scott, who was present in the public gallery, declared for the public record that he was one of the local Ward Members for planning application 19/00791/DETAIL.

Councillor Land, who was present in the public gallery, declared for the public record that he was the local Ward Member for planning application 19/01527/FUL.

70. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were no questions on notice on this occasion.

71. A.1 - PLANNING APPLICATION - 19-00791-DETAIL - LAND EAST OF SCHOOL ROAD, ELMSTEAD, CO7 7ET

It was reported that this application had been referred to the Planning Committee at the request of Councillor Scott, a local ward member due to his concerns about the negative impact on urban design/street scene, highways impact and other traffic issues.

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 was circulated to the Committee prior to the meeting with details of corrections and updates to paragraphs 6.3 and 6.4 of the Officer report.

Councillor Scott, a local Ward Member, spoke on the application.

Following discussion by the Committee, it was moved by Councillor Alexander, 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 following conditions and informatives:-

Conditions

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

Location Plan – 4177-0002 Rev P01
Site Plan – 4177-0001 Rev P18
House Type 1 – 4177-0101 Rev P05
House Type 2 – 4177-0201 Rev P03
House Type 3 – 4177-0301 Rev P03
House Type 5 – 4177-0501 Rev P03
House Type 7 – 4177-0701 Rev P04
House Type 7A – 4177-0701A Rev P05
House Type 8 – 4177-0801 Rev P04
House Type 9 – 4177-0901 Rev P04
House Type 10 – 4177-1101 Rev P02
House Type 15 – 4177-1501 Rev P03
House Type 16 – 4177-1601 Rev P03
House Type 17 – 4177-1701 Rev P03
House Type 24 – 4177-2901 Rev P01
House Type 25A – 4177-3001 Rev P01
House Types 10 & 11 (General Arrangement Plans & Elevations) – 4177-1001 Rev P04
House Types 10, 11 & 19 (General Arrangement Plans & Elevations) – 4177-2501 Rev P02
House Types 14 & 19 (General Arrangement Plans & Elevations) – 4177-2701 Rev P02
House Types 14 & 19 (Reduced) (General Arrangement Plans & Elevations) – 4177-2801 Rev P02
Garage Type 1 – Single Garage – 4177-1901 Rev P03
Garage Type 2 – Double Garage – 4177-2001 Rev P03
Cart Lodge – Triple – 3522-2101 Rev P03

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 the occupation of any of the proposed development the internal road and footway layout shall be provided in accordance with drawing no. 4177-0001 Rev P18.

Reason – To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

4. Prior to the commencement of development, details of the estate roads and footpaths (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 that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

5. 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.

6. Notwithstanding the details shown on the submitted site plan , no development shall take place until:
 - (a) There has been submitted to and approved in writing by the Local Planning Authority, a more detailed 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 of the site. 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.

7. A landscape implementation and management plan, including planting schedules and long term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas, other than small, privately owned, domestic gardens, 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.

8. 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.

9. No development shall take place until precise details of the provision, siting, design and materials of screen walls and fences have been submitted to and approved in writing by the Local Planning Authority. The approved screen walls and fences shall be erected prior to the dwellings to which they relate being first occupied and thereafter be retained in the approved form.

Reason – To protect the amenities and privacy of occupiers of each plot and in the interests of wider visual amenities.

10. No development shall take place until precise details of the provision, siting, surface treatment of children's play space together with details of the equipment to be provided and a timetable for the provision of the facility has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided in their entirety and be made available for use in accordance with the agreed timetable and thereafter retained for public use.

Reason – The need for play space close to dwellings is essential to help meet the needs of the development.

11. No development shall take place until precise details of the provision of a parcel of land close to the northern boundary of the site, to be dedicated to the adjoining Market Field School for use for horticultural educational purposes (i.e. allotments/poly-tunnel(s)), to include a timetable for the provision of the agreed site, has been submitted to and approved in writing by the Local Planning Authority. The approved dedication of the agreed parcel of land to the school shall be in accordance with the agreed timetable and thereafter retained for such purposes.

Reason – To accord with details agreed as part of the planning application submission.

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 these 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.

Highways 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 all-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 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: 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 3: 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 carriageway. 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 services.

Informative 4: 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.

Other Informatives

Essex Police provide a free impartial service to any applicant who wishes to incorporate Crime Prevention through Environmental Design and apply for the police preferred 'Secured by Design' accreditation. The applicant is invited to contact Essex Police via designingoutcrime@essex.pnn.police.uk

- (c) That the Head of Planning be authorised to refuse planning permission in the event that such legal argument 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.

It was then moved by Councillor Bray, seconded by Councillor Alexander and:-

RESOLVED that the Planning Policy and Local Plan Committee be requested to give consideration to the introduction of a planning policy for the District that will require future new builds to have, as a standard installation, charging points for electric vehicles or other similar environmental measures.

72. A.2 - PLANNING APPLICATION - 19/00283/FUL - LAND EAST OF HALSTEAD ROAD, KIRBY CROSS, FRINTON-ON-SEA, CO13 0LR

It was reported that this application had been deferred by the Chairman of the Committee (Councillor White) prior to the commencement of the meeting following the Chairman's Briefing. This was due to the fact that consultation comments on the application were still awaited from Essex County Council's Sustainable Drainage Systems section.

73. A.3 - PLANNING APPLICATION - 19/00610/FUL - LAND AT OAKMEAD ROAD, ST OSYTH, CO16 8NW

It was reported that this application had been deferred by the Chairman of the Committee (Councillor White) prior to the commencement of the meeting following the Chairman's Briefing. This was following concerns raised by the Planning Manager that some of the amended plans submitted by the applicant were incorrect and that St Osyth Parish Council had not been consulted on the amended plans.

74. A.4 - PLANNING APPLICATION - 19/01527/FUL - OWL LODGE, VICARAGE LANE, THORPE-LE-SOKEN, CO16 0EH

It was reported that this application was before the Planning Committee as it had been called in by Councillor Land on the grounds that the proposal would negatively impact the street scene, result in a detrimental highways impact, and would be harmful to neighbours' amenity.

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 (MP) in respect of the application.

Bill Marshall, a member of the public, spoke in favour of the application.

Kevin Marsden, a member of the public, spoke against the application.

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

Oliver Burfoot 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 Cawthron and unanimously **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:-

1. The site lies outside of any Settlement Development Boundary as defined within both the adopted Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. These sentiments are carried forward in emerging Policy SPL1 of the Publication Draft.

The National Planning Policy Framework 2019 (NPPF) requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

At the time of this report, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination in Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

Whilst it is recognised that there would be conflict with Saved Policy QL1 (as recognised by the Inspector) and Emerging Policy SPL1 in terms of the site being sited outside the

settlement development boundary, as stated above, in the context of the 5 year housing land supply paragraph 11 d) of the NPPF requires applications for housing development to be assessed on their merits, whether sites are allocated for development in the Local Plan or not and it is important to consider whether any circumstances outweigh this conflict. Development should be plan led unless material considerations indicate otherwise. However, in line with Paragraph 8 of the National Planning Policy Framework (2019), achieving sustainable development means meeting an economic objective, a social objective and an environmental objective.

Paragraph 8 of the National Planning Policy Framework 2019 (NPPF) sets out the overarching objectives for achieving sustainable development, one being the environmental objective which requires the planning system to contribute to protecting and enhancing our natural, built and historic environment. Furthermore, Paragraph 127 of the NPPF requires that development should respond to local character and history, and reflect the identity of local surroundings. It goes on to say that local distinctiveness should be promoted and reinforced. Saved Policy QL9 and EN1 of the Tendring District Local Plan (2007) and Policy SPL3 and PPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to ensure that development is appropriate in its locality and does not harm the appearance of the landscape.

The application site is located behind the strong existing frontage running east to west along Vicarage Lane. Consequently the proposal would result in a localised change to the immediate surrounding area, appearing out of character and resulting in a negative and harmful visual impact. The proposal would therefore fail the environmental dimension of sustainable development, while the small public benefits of three dwellings at a time when the Council is unable to demonstrate a five year housing land supply does not outweigh this identified harm.

2. Paragraph 109 of the National Planning Policy Framework (2019) states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy TR1a of the Adopted Local Plan 2007 states proposals for development affecting highways will be considered in relation to the road hierarchy to reducing and preventing hazards and inconvenience to traffic and to the effects on the transport system including the physical and environmental capacity to accommodate the traffic generated.

The proposed development, combined with that previously approved to the east under planning reference 16/01386/OUT, will cumulatively result in significant harmful impacts upon the local highway network, in particular the bridleway running north to south along St Michael's Road. The intensification to this highway would cause danger, obstruction and congestion, contrary to the interests of highway safety.

The meeting was declared closed at 7.45 pm

Chairman