

PLANNING COMMITTEE

30 NOVEMBER 2016

URGENT REPORT OF THE HEAD OF PLANNING

A.11 PLANNING APPEALS – LAND NORTH OF RUSH GREEN ROAD, CLACTON-ON-SEA

1. The Planning Committee will recall the refusal of the following outline planning applications for development on land north of Rush Green Road, Clacton on Sea:
 - 1) 15/00904/OUT: Outline planning application for up to 240 dwellings with areas of landscaping and open space and associated infrastructure (considered by the Committee on 20th October 2015).
 - 2) 16/00208/OUT: Outline planning application for up to 220 dwellings with areas of landscaping and open space and associated infrastructure (considered by the Committee on 14th June 2016).
 - 3) 16/00209/OUT: Outline planning application for up to 276 dwellings with areas of landscaping and open space and associated infrastructure (considered by the Committee on 14th June 2016).
2. All three applications are now the subject of a joint planning appeal for which a Public Inquiry is scheduled to commence on Tuesday 13th December 2016.
3. For the first application for up to 240 dwellings, the Committee's reasons for refusal related to the Local Green Gap, impact on school provision, impact on health provision and lack of public transport. For the second and third applications for up to 220 and 276 dwellings respectively, the sole reason for refusal related to the Local Green Gap – this followed Officers' advice that impacts on school and health provision would be adequately addressed through s106 legal agreement and that lack of public transport would not be reasonably defensible on appeal.
4. The Council has appointed a Barrister and an experienced Planning Consultant to present the Council's case at the forthcoming Public Inquiry who have prepared evidence to defend the Council's case for protecting the Local Green Gap. External solicitors have been appointed to review and advise upon the content of the s106 legal agreements that will be submitted to the Inspector and that the scheme(s) will be subject to if the Inspector resolves to allow the appeal.
5. Whilst it is implicit from the Committee's decision in respect of the second and third applications that impacts on schools and health and lack of public transport are no longer part of the Council's case (subject to an acceptable s106 legal agreement), the Council's Barrister has advised Officers to formally confirm the Committee's agreement to the withdrawal of these reasons in respect of the first application. This is to avoid any ambiguity and any risk of challenge on procedural grounds.

Recommendation: That the Planning Committee formally confirms the withdrawal of reasons for refusal 2, 3 and 4 in respect of planning application 15/00904/OUT (Outline planning application for up to 240 dwellings with areas of landscaping and open space and associated infrastructure on land north of Rush Green Road, Clacton on Sea) which related to impact on school provision, impact on health provision and lack of public transport.