

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON WEDNESDAY 29 MARCH 2017 AT 6.00 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

Present:	Councillors White (Chairman), Heaney (Vice-Chairman), Baker, Bennison, Davis, Everett (except minutes 122 (part), 123, 125, 127 (part) and 128 (part)), Fowler (except minute 129), Hones, McWilliams (except minutes 122 (part), 123, 124, and 125 (part)) and Poonian
Also Present:	Councillors Bush, Land (except minutes 130-132), Nicholls (except minutes 128-132) and Talbot (except minutes 119-125 and 132)
In Attendance:	Cath Bicknell (Head of Planning), Gary Guiver (Planning Manager) (except minutes 129-132), Charlotte Parker (Solicitor - Property, Planning and Governance), Nigel Brown (Communications and Public Relations Manager) (except minutes 129-132), Matthew Lang (Planning Officer) (except minute 132) and Katie Sullivan (Committee Services Officer)

119. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Fairley (with Councillor Poonian substituting) and Councillor Gray (with no substitute).

120. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on 28 February 2017, were approved as a correct record and signed by the Chairman.

121. DECLARATIONS OF INTEREST

Councillor McWilliams declared a non-pecuniary interest in relation to Planning Applications 16/02125/OUT, 16/02127/OUT, 16/01912/DETAIL and 16/01999/OUT by virtue of the fact that she was the local Ward Member and also a prejudicial interest by virtue of the fact that she was pre-determined on all four applications. Councillor McWilliams also declared an interest in Planning Application 16/02127/OUT by virtue of the fact that she rented land and a building, within the same ownership as the application site, for stabling her horse.

Councillor Fowler declared a non-pecuniary interest in relation to Planning Application 16/02084/OUT by virtue of the fact that she was a resident of Mayes Lane and a Trustee and part of the management team for the Harwich Society.

Councillor Everett declared a prejudicial interest in relation to Planning Applications 16/02125/OUT, 16/02127/OUT, 16/01999/OUT, 16/01797/OUT and 16/01642/OUT by virtue of the fact that he was predisposed and pre-determined due to the fact that he had served a claim for judicial review against the Council in relation to the issue of the Council's 5 year housing land supply in the context of the Local Plan which was relevant to the afore-mentioned applications.

Councillor White declared a non-pecuniary interest in relation to Planning Application 16/01611/OUT by virtue of the fact that he was a local Ward Member.

Later on in the meeting as mentioned in minute 125 below Councillor Heaney declared a non-pecuniary interest in relation to Planning Application 16/01999/OUT by virtue of the fact that she was a patient of the current Great Bentley Surgery which was supporting the application. Councillor Heaney also declared a non-pecuniary interest in relation to Planning Application 16/01797/OUT by virtue of the fact she was a local Ward Member (minute 127 below referred).

122. A.1 - PLANNING APPLICATION - 16/02125/OUT - LAND TO THE NORTH OF THORRINGTON ROAD, GREAT BENTLEY, CO7 8QD

Councillor McWilliams had earlier declared an interest in relation to Planning Application 16/02125/OUT by virtue of the fact that she was the local Ward Member and by virtue of the fact that she was pre-determined.

Councillor Everett had earlier declared a prejudicial interest in relation to Planning Application 16/02125/OUT by virtue of the fact that he was predisposed and pre-determined due to the fact that he had served a claim for judicial review against the Council in relation to the issue of the Council's 5 year housing land supply in the context of the Local Plan which was relevant to the afore-mentioned application.

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

At the meeting, an oral presentation was made by the Council's Planning Manager (GG) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of the consultation response received from Essex County Council SUDS which had resulted in Planning Officers withdrawing the second recommended reason for refusal in the Officers' report.

Peter Harry, a local resident, spoke against the application and asked that the Committee consider his comments for Planning Application 16/02127/OUT also.

Parish Councillor Kevin Plummer, representing Great Bentley Parish Council, spoke against the application.

Councillor McWilliams, in her capacity as the local Ward Member, spoke against the application and asked that the Committee consider her comments for Planning Application 16/02127/OUT also. She then withdrew from the meeting, on the grounds of pre-determination, whilst the Committee considered the application and reached its decision.

Councillor Everett withdrew from the meeting, on the grounds of being predisposed and pre-determined, whilst the Committee considered the application and reached its decision.

Following discussion by the Committee, it was moved by Councillor Bennison, seconded by Councillor Honess and unanimously **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to refuse outline planning permission for the development, for the following reasons:-

- The site lies outside the settlement development boundary for Great Bentley as defined in both the adopted and emerging Local Plans. The Council is very close to being able to identify a five-year supply of deliverable housing sites and the new Local Plan is progressing well, so the urgency to approve housing developments contrary to the Local Plan is low. The NPPF advocates a plan-led approach that actively seeks to achieve sustainable patterns of growth, but this development would add to what is already considered to be a disproportionate level of new housing development in Great Bentley. In applying the NPPF's presumption in favour of sustainable development, the adverse impacts of the proposal, both on the character of Great Bentley and on the Council's ability to manage growth through the plan-led approach, are not outweighed by the benefits. The development is unnecessary and there is no support from the local community or any overriding public benefits that might warrant the proposal being considered in an exceptional light.
- No Section 106 agreement to secure affordable housing, education contributions, health contributions and open space has been completed.

The Committee requested that if the application were to be allowed on appeal the reserved matters application should be brought to the Committee for determination.

123. A.2 - PLANNING APPLICATION - 16/02127/OUT - LAND TO THE WEST OF PLOUGH ROAD, GREAT BENTLEY, CO7 8LG

Councillor McWilliams had earlier declared an interest in relation to Planning Application 16/02127/OUT by virtue of the fact that she was the local Ward Member and by virtue of the fact that she was pre-determined. Councillor McWilliams had also declared an interest in Planning Application 16/02127/OUT by virtue of the fact that she rented land and a building, within the same ownership as the application site, for stabling her horse. Councillor McWilliams was not present for this item.

Councillor Everett had earlier declared a prejudicial interest in relation to Planning Application 16/02127/OUT by virtue of the fact that he was predisposed and pre-determined due to the fact that he had served a claim for judicial review against the Council in relation to the issue of the Council's 5 year housing land supply in the context of the Local Plan which was relevant to the afore-mentioned application. Councillor Everett was not present for this item.

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

At the meeting, an oral presentation was made by the Council's Planning Manager (GG) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of the consultation response received from Essex County Council SUDS which had resulted in Planning Officers withdrawing the second recommended reason for refusal in the Officers' report.

Peter Harry, a local resident, had earlier asked the Committee to consider his comments made against Planning Application 16/02152/OUT for this item also.

Parish Councillor Kevin Plummer, representing Great Bentley Parish Council, spoke against the application.

Councillor McWilliams, in her capacity as the local Ward Member, had earlier asked the Committee to consider her comments made against Planning Application 16/02152/OUT for this item also.

Following discussion by the Committee, it was moved by Councillor Davis, seconded by Councillor Fowler and unanimously **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to refuse outline planning permission for the development, for the following reasons:-

- The site lies outside the settlement development boundary for Great Bentley as defined in both the adopted and emerging Local Plans. The Council is very close to being able to identify a five-year supply of deliverable housing sites and the new Local Plan is progressing well, so the urgency to approve housing developments contrary to the Local Plan is low. The NPPF advocates a plan-led approach that actively seeks to achieve sustainable patterns of growth, but this development would add to what is already considered to be a disproportionate level of new housing development in Great Bentley. In applying the NPPF's presumption in favour of sustainable development, the adverse impacts of the proposal, both on the character of Great Bentley and on the Council's ability to manage growth through the plan-led approach, are not outweighed by the benefits. The development is unnecessary and there is no support from the local community or any overriding public benefits that might warrant the proposal being considered in an exceptional light.
- No Section 106 agreement to secure affordable housing, education contributions, health contributions and open space has been completed.

The Committee requested that if the application were to be allowed on appeal the reserved matters application should be brought back to the Committee for determination.

124. A.3 - PLANNING APPLICATION - 16/01912/DETAIL - LAND AT ADMIRALS FARM, HECKFORDS ROAD, GREAT BENTLEY, CO7 8RS

Councillor McWilliams had earlier declared an interest in relation to Planning Application 16/01912/DETAIL by virtue of the fact that she was the local Ward Member and by virtue of the fact that she was pre-determined. Councillor McWilliams was not present for this item.

Members were informed that this was a reserved matters application seeking approval of detailed plans for 50 dwellings. This had followed on from the approval of outline planning permission 16/00133/OUT on 28 September 2016 in line with the Committee's resolution of 19 April 2016. Outline planning permission had been granted subject to a Section 106 legal agreement and 17 planning conditions.

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 (GG) in respect of the application.

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

- (1) One additional representation from a local resident; and
- (2) Additional comments received from the Council's Principal Trees and Landscape Officer.

Peter Harry, a local resident, spoke on the application.

Following discussion by the Committee, it was moved by Councillor Baker, seconded by Councillor Hones and unanimously **RESOLVED** that consideration of this application be deferred to enable negotiations to take place with the applicant for:

1. Plots 17, 18 and 19 to have larger dwellings and gardens; and
2. A larger green gap to be created within the development to allow for views through to woodland.

125. A.4 - PLANNING APPLICATION - 16/01999/OUT - LAND EAST OF HECKFORDS ROAD, GREAT BENTLEY, CO7 8RS

Councillor McWilliams had earlier declared an interest in relation to Planning Application 16/01999/OUT by virtue of the fact that she was the local Ward Member and by virtue of the fact that she was pre-determined.

Councillor Everett had earlier declared a prejudicial interest in relation to Planning Application 16/01999/OUT by virtue of the fact that he was predisposed and pre-determined due to the fact that he had served a claim for judicial review against the Council in relation to the issue of the Council's 5 year housing land supply in the context of the Local Plan which was relevant to the afore-mentioned application. Councillor Everett was not present for this item.

Councillor Heaney declared a non-pecuniary interest in relation to Planning Application 16/01999/OUT by virtue of the fact that she was a patient of the current Great Bentley Surgery which was supporting the application.

Members were informed that this was an outline planning application which sought approval for an extension of the already approved fifty home Admirals Farm development, north of Great Bentley, to include additional land for a Doctors Surgery and for twenty five more dwellings.

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 (GG) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of a revision to the recommendations as proposed by Officers.

Peter De-Vaux Balbirnie, a local resident, spoke in support of the application.

Pippa Drew, a local resident, spoke against the application.

Parish Councillor Kevin Plummer, representing Great Bentley Parish Council, spoke in support of the application.

Councillor McWilliams, in her capacity as the local Ward Member, returned to the meeting and spoke against the application. She then withdrew from the meeting, on the grounds of pre-determination, whilst the Committee considered the application and reached its decision.

Jonathan Hills, the applicant, spoke in support of the application.

Following discussion and consideration of advice from Officers, it was moved by Councillor Fowler, seconded by Councillor Davis 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 for the following reasons:

1. Contrary to Local Plan;
2. Benefits do not outweigh harm; and
3. Intrudes into open countryside.

126. A.5 - PLANNING APPLICATION - 16/01920/FUL - HIELAND HOUSE, CROW LANE, TENDRING, CO16 9AW

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) One additional proposed condition; and
- (2) Additional representations received from the applicant.

Jane Paxton, a local resident, spoke against the application.

Parish Councillor Cronin, representing Tendring Parish Council, spoke against the application.

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

Following discussion and consideration of advice from Officers, it was moved by Councillor Heaney, seconded by Councillor Bennison 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 unacceptable impact on residential amenity from noise (Music, Car doors etc).

127. A.6 - PLANNING APPLICATION - 16/01797/OUT - LAND ADJACENT MARKET FIELD SCHOOL, SCHOOL ROAD, ELMSTEAD, CO7 7ET

Councillor Everett had earlier declared a prejudicial interest in relation to Planning Application 16/01797/OUT by virtue of the fact that he was predisposed and pre-determined due to the fact that he had served a claim for judicial review against the Council in relation to the issue of the Council's 5 year housing land supply in the context of the Local Plan which was relevant to the afore-mentioned application.

Councillor Heaney declared a non-pecuniary interest in relation to Planning Application 16/01797/OUT by virtue of the fact that she was a local Ward Member.

It was reported that this application had been referred to the Planning Committee at the request of Councillor Nicholls, a local Ward Member.

Members were informed that the applicant had referred this matter to appeal against non-determination and therefore the Council could no longer determine the application.

The Officers' report detailed why Officers considered that the application would have been recommended for refusal and Members were invited to endorse the Officers' recommendation as the basis for defending the forthcoming appeal.

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 the application.

Gary Smith, the Head Teacher of Market Field School and a local resident, spoke in support of the application.

Parish Councillor Ron Fairweather, representing Elmstead Market Parish Council, spoke against the application.

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

Jonathan Hills, the applicant, spoke in support of the application.

Councillor Everett withdrew from the meeting, on the grounds of being predisposed and pre-determined, whilst the Committee considered the application and reached its decision.

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Heaney and unanimously **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to defend the forthcoming planning appeal and argue that outline planning permission for the development should be refused for the following reasons:

- The site lies outside the settlement development boundary for Elmstead Market as defined in both the adopted and emerging Local Plans. The Council is very close to being able to identify a five-year supply of deliverable housing sites and the new Local Plan is progressing well, so the urgency to approve housing developments contrary to the Local Plan is low. The NPPF advocates a plan-led approach that actively seeks to achieve sustainable patterns of growth, but this development would add to what is already considered to be a disproportionate level of new housing development in Elmstead Market. In applying the NPPF's presumption in favour of sustainable development, the adverse impacts of the proposal, both on the character of Elmstead Market and on the Council's ability to manage growth through the plan-led approach, are not outweighed by the benefits. The development is unnecessary and there is no support from the local community or any overriding public benefits that might warrant the proposal being considered in an exceptional light.
- No Section 106 agreement to secure affordable housing, education contributions, health contributions and open space has been completed.

128. A.7 - PLANNING APPLICATION - 16/01642/OUT - GREAT OAKLEY LODGE, HARWICH ROAD, GREAT OAKLEY, CO12 5AE

Councillor Everett had earlier declared a prejudicial interest in relation to Planning Application 16/01642/OUT by virtue of the fact that he was predisposed and pre-determined due to the fact that he had served a claim for judicial review against the Council in relation to the issue of the Council's 5 year housing land supply in the context of the Local Plan which was relevant to the afore-mentioned application.

It was reported that this application had been referred to the Planning Committee at the request of the former Ward Member, former Councillor Howard.

Members were informed that the applicant had referred this matter to appeal against non-determination and therefore the Council could no longer determine the application.

The Officers' report detailed why Officers considered that the application would have been recommended for refusal and Members were invited to endorse the recommendation as the basis for defending the forthcoming appeal.

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 the application.

Councillor Everett returned to the meeting, and in the capacity as a member of the public, spoke in favour of the recommendation of refusal but against the Council's reasons given for that recommendation. He then withdrew from the meeting, on the grounds of being predisposed and pre-determined, whilst the Committee considered the application and reached its decision.

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Baker and unanimously **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to defend the forthcoming planning appeal and argue that outline planning permission for the development should be refused for the following reasons:-

- The site lies outside the settlement development boundary for Great Oakley as defined in both the adopted and emerging Local Plans. The Council is very close to being able to identify a five-year supply of deliverable housing sites and the new Local Plan is progressing well, so the urgency to approve housing developments contrary to the Local Plan is low. The NPPF advocates a plan-led approach that actively seeks to achieve sustainable patterns of growth, but this development would add to what is already considered to be a disproportionate level of new housing development in Great Oakley. In applying the NPPF's presumption in favour of sustainable development, the adverse impacts of the proposal, both on the character of the Great Oakley and on the Council's ability to manage growth through the plan-led approach, are not outweighed by the benefits. The development is unnecessary and there is no support from the local community or any overriding public benefits that might warrant the proposal being considered in an exceptional light.
- No Section 106 agreement to secure affordable housing and open space has been completed.

The Committee also requested that if the application were to be allowed on appeal the reserved matters application should be brought back to the Committee for determination.

129. A.8 - PLANNING APPLICATION - 16/02084/OUT - 21 MAYES LANE, RAMSEY, HARWICH, CO12 5EJ

Councillor Fowler had earlier declared a non-pecuniary interest in relation to Planning Application 16/02084/OUT by virtue of the fact that she was a resident of Mayes Lane and a Trustee and part of the management team for the Harwich Society. She withdrew from the meeting, whilst the Committee considered the application and reached its decision.

It was reported that this application had been referred to the Planning Committee at the request of Councillor Land, the local Ward Member of the adjacent Beaumont and Thorpe Ward.

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 Head of Planning (CB) in respect of the application.

Following discussion by the Committee, it was moved by Councillor Baker, 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 the following conditions:-

- 1) Time Limit – Outline;
- 2) Time Limit – Submission of Reserved Matters;
- 3) No Development until Reserved Matters (access, appearance, layout, landscaping and scale) submitted with such Reserved Matters to come before the Committee;
- 4) Single storey dwellings only;
- 5) Materials;
- 6) Boundary treatments;
- 7) Submission of hard/soft landscaping scheme including tree protection details/scheme;
- 8) Implementation of landscaping scheme;
- 9) The access road being constructed as a 6m wide shared use route with 8m radii kerbs at the bellmouth;
- 10) Visibility splays measuring 2.4mx43m to the north and south;
- 11) No unbound materials in first 6m of accesses;
- 12) All parking and turning facilities including garages and parking space dimensions in accordance with current policy standards;
- 13) Details of communal refuse store to be provided;
- 14) Timing of vegetation clearance and bat survey as set out in Phase 1 Habitat Survey;
- 15) Lighting details; and
- 16) Surface water drainage scheme as part of reserved matters application.

130. A.9 - PLANNING APPLICATION - 16/01611/OUT - LAND ADJACENT TO OAKMEAD ROAD, ST OSYTH, CO16 8NW

Councillor White had earlier declared a non-pecuniary interest in relation to Planning Application 16/01611/OUT by virtue of the fact that he was a local Ward Member.

It was reported that this application had been referred to the Planning Committee at the request of Councillor Talbot, 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 Officer (ML) in respect of the application.

Mr Belcher, a local resident, spoke against the application.

Councillor Talbot, a local Ward Member and also representing St Osyth Parish Council, spoke against the application.

Tim Snow, the agent on behalf of the applicant, spoke in support of the application.

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 the following conditions:-

- 1) Time Limit – Outline;
- 2) Time Limit – Submission of Reserved Matters;
- 3) No Development until Reserved Matters (access, appearance, layout, landscaping and scale) submitted with such Reserved Matters to come before the Committee;
- 4) Materials;
- 5) Boundary treatments;
- 6) Visibility splays of site maximum by 2.4m by 17m;
- 7) Type 3 turning head shall be provided;
- 8) Details of communal refuse store provided;
- 9) Off-street parking in accordance with current parking standards;
- 10) Timing of vegetation clearance;
- 11) Lighting details;
- 12) Biodiversity mitigation and enhancement provision;
- 13) Removal of PD rights for fencing, walls and means of enclosure on the perimeter of the site boundary; and
- 14) Surface and floor water strategy.

The Committee requested that the reserved matters application be brought back to the Committee for determination.

131. A.10 - PLANNING APPLICATION - 17/00028/FUL - MISTLEY CHURCH HALL, NEW ROAD, MISTLEY, CO11 1ER

The Chairman informed the Committee that this application had been withdrawn by the applicant.

132. A.11 - PLANNING APPLICATION - 17/00190/FUL - PUBLIC CONVENIENCES, THE QUAY, HARWICH

It was reported that this application had been referred to the Committee as Tendring District Council owned the building and was the applicant.

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 Head of Planning (CB) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of the consultation response received from Harwich Town Council who supported the application.

Following discussion by the Committee, it was moved by Councillor Baker, 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 the following conditions:-

- 1) Time limit for commencement – 3 years; and
- 2) Development in accordance with submitted plans.

The meeting was declared closed at 11.00 p.m.

Chairman