

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON WEDNESDAY 19 APRIL 2017 AT 6.00 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

Present:	Councillors White (Chairman), Baker (acting as Vice-Chairman for this meeting), Bennison, Davis, Fairley (except minute 136), Fowler, Hones and McWilliams (except minute 136)
Also Present:	Councillors Bray (except minutes 140-142), M Brown (except minutes 140-142), Everett (except minutes 140-142), Land (except minutes 140-142), Pemberton (except minutes 140-142), Turner (except minutes 141-142) and Whitmore (except minutes 140-142)
In Attendance:	Gary Guiver (Planning Manager), Charlotte Parker (Solicitor - Property, Planning and Governance), Nigel Brown (Communications and Public Relations Manager) (except minute 142), Susanne Ennos (Planning Team Leader), Michael Pingram (Planning Officer) and Katie Sullivan (Committee Services Officer)

133. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Everett and Heaney (with no substitutions).

Councillor Gray was absent from the meeting (with no substitute).

134. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on 29 March 2017, were approved as a correct record and signed by the Chairman.

135. DECLARATIONS OF INTEREST

Councillor Fairley declared a non-pecuniary interest in relation to Planning Application 16/01912/DETAIL and confirmed that she would leave the meeting for this item.

Councillor McWilliams declared a non-pecuniary interest in relation to Planning Application 16/01912/DETAIL by virtue of the fact that she was the local Ward Member and also by virtue of the fact that she was pre-determined. Councillor McWilliams confirmed that she would leave the meeting for this item.

136. A.1 - PLANNING APPLICATION - 16/01912/DETAIL - LAND AT ADMIRALS FARM, HECKFORDS ROAD, GREAT BENTLEY, CO7 8RS

Councillor Fairley had earlier declared a non-pecuniary interest in relation to Planning Application 16/01912/DETAIL and was not present for this item.

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 recalled that this reserved matters application had been considered by the Committee on 29 March 2017 when it had been resolved that consideration of the 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. Larger green gap for views through woodland.

Members were informed that Officers had discussed those matters with the applicant and revised plans had now been submitted.

The Committee had before it the published Officer report, with all relevant updates highlighted by the Officer in bold text, 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.

The Chairman confirmed that there would not be any public speaking on this item as it had already been before the Committee at its last meeting held on 29 March 2017.

Following discussion by the Committee, it was moved by Councillor Hones, seconded by Councillor Bennison 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 condition:-

1. Accordance with approved plans.

137. A.2 - PLANNING APPLICATION - 16/01847/OUT - LAND NORTH OF COLCHESTER ROAD, WEELEY, CO16 9AG

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 withdrawal of an objection made by Natural England.

Carol Bannister, a local resident, spoke in support of the application.

Parish Councillor Jeff Bray, representing Weeley Parish Council, spoke against the application.

Councillor M Brown, a local Ward Member, spoke against the application.

Steven Brown, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee and advice provided by the Council's Solicitor (Property, Planning and Governance), it was moved by Councillor Davis, seconded by

Councillor Hones 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 Weeley 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, recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it. This development would, in isolation, be physically separate from the established built up area, would be poorly related to the settlement pattern of the village and would represent an illogical intrusion into the countryside that would have an unnecessary adverse impact upon the character of the area. The development also prejudices the effective and coordinated delivery of infrastructure through the plan-making process because ahead of the completion of the Local Plan, the cumulative impact of potentially multiple developments on highways, schools and health provision is uncertain and the measures needed to mitigate such impacts, and which bodies will be responsibility for their delivery, cannot be clearly established at this time. The adverse impacts of the development are not significantly and demonstrably outweighed by the benefits and the proposal does not constitute sustainable development.
- Essex County Council in its capacity as the highway authority has not accepted the findings of the submitted transport assessment. It has not yet been demonstrated that the development, when considered in combination with other potential developments in the area, would not bring about a residual cumulative impact on the capacity and safety of the highway network.
- Essex County Council in its capacity as the local education authority has advised that existing primary schools in the Weeley and wider area have limited available capacity and that a two-form entry primary school would be required to meet the needs arising from this development and potentially others in the area. The applicants are only making provision for a one-form entry primary school, contrary to the local education authority's advice so it is uncertain whether or not the impact of this development upon school places will be adequately addressed.
- No Section 106 agreement to secure affordable housing, education facilities/contributions, health facilities/contributions and open space has been completed.

138. A.3 - PLANNING APPLICATION - 16/02131/OUT - LAND SOUTH OF COLCHESTER ROAD, WEELEY, CO16 9AG

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:

- (1) The withdrawal of the SuDS objection received from Essex County Council's Drainage Team; and
- (2) A letter of objection received from Mrs. Bannister.

Carol Bannister, a local resident, spoke against the application.

Councillor M Brown, a local Ward Member, spoke against the application.

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

John Spencer, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor McWilliams, 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 Weeley as defined in the adopted Local Plan and whilst it forms part of a larger site specifically allocated for mixed-use development in the emerging Local Plan, that allocation is proposed for deletion. 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, recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it. This development would introduce built development into an undeveloped and visually exposed agricultural field that is currently separated from the main built up area of Weeley village by the bypass road, which acts a strong and defensible boundary to the settlement edge. The development would represent a piecemeal intrusion into the countryside that would have an unnecessary adverse impact upon the character of the area. The development also prejudices the effective and coordinated delivery of infrastructure through the plan-making process because ahead of the completion of the Local Plan, the cumulative impact of potentially multiple developments on highways, schools and health provision is uncertain and the measures needed to mitigate such impacts, and which bodies will be responsibility for their delivery, cannot be clearly established at this time. The adverse impacts of the development are not significantly and demonstrably outweighed by the benefits and the proposal does not constitute sustainable development.
- Essex County Council in its capacity as the highway authority has not accepted the findings of the submitted transport assessment. It has not yet been demonstrated that the development, when considered in combination with other potential developments in the area, would not bring about a residual cumulative impact on the capacity and safety of the highway network.
- The Environment Agency has issued a holding objection to the proposal on flooding risk and drainage grounds that is yet to be resolved.

- The applicant's Phase 1 Ecological Assessment from 2014 recommends further surveys to assess the potential impacts on nearby statutory wildlife sites, reptiles, great crested newts, nesting birds, bats, dormouse and badger which, in line with Natural England guidelines should be undertaken before a planning decision is made.
- No Section 106 agreement to secure affordable housing, education facilities/contributions, health facilities/contributions and open space has been completed.

139. A.4 - PLANNING APPLICATION - 16/01520/FUL - 82 JAYWICK LANE, CLACTON-ON-SEA, CO16 8BB

It was reported that this application had been referred to the Planning Committee at the request of Councillor Whitmore, 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 Manager (GG) in respect of the application.

Councillor Bray spoke against the application, on behalf of Councillor Whitmore, a local Ward Member.

Councillor Everett, a local Ward Member of the adjacent Rush Green Ward, spoke against the application.

Trevor Dodkins, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee and advice provided by the Council's Solicitor (Property, Planning and Governance), it was moved by Councillor Hones, seconded by Councillor Bennison and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to:

- a) Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning in her discretion considers appropriate).
- (i) Conditions:
 1. Standard 3 year time limit;
 2. Restriction on use of C2 element for the purpose of supported living apartments only;
 3. Highways conditions (as recommended by the Highway Authority);
 4. SUDS and draining (surface water and foul drainage) conditions;
 5. Hard and soft landscaping plan/implementation;
 6. Ecological mitigation – wildlife/tree protection measures;
 7. Construction methods plan;

8. Details of lighting, materials and refuse storage/collection points;
9. Archaeological investigation and report works;
10. Site lighting strategy;
11. Broadband;
12. Noise assessment including but not limited to an assessment of acoustic fencing being provided in the access from Jaywick Lane to the site;
13. Restricting the occupancy of some of the 21 bungalows until such time as the assisted living apartments are completed; and
14. Removal of Permitted Development Rights in respect of loft conversions and dormers.

140. A.5 - PLANNING APPLICATION - 16/02031/FUL - LAND REAR OF 138 CONNAUGHT AVENUE, FRINTON-ON-SEA, CO13 9AD

It was reported that this application had been referred to the Planning Committee at the request of Councillor Turner, 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 Team Leader (SE) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of additional proposed conditions.

Alan Gyford, a local resident, spoke against the application.

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

Following discussion by the Committee, it was moved by Councillor Fairley, seconded by Councillor Hones 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:-

- Statutory presumption to preserve conservation area (S61 of the Planning (Listed Buildings and Conservation Areas) Act 1990).
- No clear and convincing justification for harm to the conservation area (Para 132 NPPF).
- Public benefits of the additional parking spaces do not outweigh the harm caused to the conservation area by the development (Para 134 NPPF).

141. A.6 - PLANNING APPLICATION - 17/00261/FUL - FORMER PUBLIC TOILETS, STATION STREET, WALTON-ON-THE-NAZE, CO14 8DE

It was reported that this application had been referred to the Planning Committee as the land was owned by Tendring District Council and was to be leased to 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 Planning Team Leader (SE) in respect of the application.

Paul Hepworth, the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Bennison 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. Commence within 3 years;
2. Development in Accordance with Approved Plans;
3. Parking to be retained;
4. Opening times 09.00 – 17.00hrs (in any one day) Monday – Saturday and at no time on Sunday or Bank Holidays;
5. Use of Building restricted to Recording Studio only and no other use (including those within Use Class B1/B2/B8);
6. The rating level of noise emitted from the installed sound equipment shall not exceed the background levels prior to the change of use of the building. The background noise level assessment shall be made in accordance with B.S 4142. The noise levels shall be determined at all boundaries near to noise-sensitive premises; and
7. The use hereby approved shall not commence until the building has been modified to provide sound insulation against internally generated noise in accordance with a scheme approved in writing by the local planning authority.

142. A.7 - PLANNING APPLICATION - 17/00294/FUL - THE GROVE FLATS, GROVE AVENUE, WALTON-ON-THE-NAZE, CO14 8QY

It was reported that this application had been referred to the Planning Committee as the land was owned by Tendring District Council.

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.

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Bennison 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; and
2. Approved plans.

The meeting was declared closed at 8.55 p.m.

Chairman