

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 8TH AUGUST, 2017 AT 6.05 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors White (Chairman), Heaney (Vice-Chairman), Alexander, Baker (except item 35), Bennison, Cawthron, Everett, Fowler, V E Guglielmi, Hones and McWilliams (except item 41)
Also Present:	Councillors Bray (except items 37 – 43), M Brown (except items 37 – 43), Bush (except items 40 – 43), Chapman (except items 38 – 43), G V Guglielmi (Items 33 to 35 only), Newton, Nicholls (except items 38 – 43), Pemberton (except item 43) and Whitmore (except item 43)
In Attendance:	Cath Bicknell (Head of Planning), Ian Ford (Committee Services Manager), Charlotte Parker (Solicitor (Property, Planning and Governance)), Susanne Ennos (Planning Team Leader) and Nigel Brown (Communications and Public Relations Manager)(except items 41 – 43)

29. CHAIRMAN'S OPENING REMARKS

The Chairman announced that items A.1 (Planning Application 15/01787/FUL), A.7 (Planning Application 16/01985/FUL) and A.8 (Planning Application 16/02107/FUL) were deferred items from previous meetings of the Committee and that therefore there would be no public speaking on those items.

He also announced that item A.7 would be the first planning application to be considered at this meeting.

30. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Fairley (with Councillor V E Guglielmi substituting).

31. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on 11 July 2017, were approved as a correct record and signed by the Chairman.

32. DECLARATIONS OF INTEREST

Councillor V E Guglielmi declared an interest in relation to Planning Application 17/00955/FUL insofar as she was associated with the applicant through the Lawford Housing Trust.

Councillor Baker declared an interest in relation to Planning Application 17/00534/OUT insofar as he was predetermined. He informed the Committee that he would withdraw from the meeting whilst the application was being considered.

Councillor McWilliams declared an interest in relation to Planning Application 17/00456/FUL insofar as she was the local Ward Member. She informed the Committee that she would withdraw from the meeting whilst the application was being considered.

Councillor Fowler declared an interest in Planning Application 17/01009/FUL insofar as she was a local Ward Member.

33. A.7 - PLANNING APPLICATION - 16/01985/FUL - 138 COLNE WAY, POINT CLEAR BAY, ST OSYTH, CO16 8LU

The Committee recalled that at its meeting held on 13 June 2017 it had considered the original plans and had requested that the application be deferred in order to enable Officers to negotiate a building of less bulk in order to improve its appearance within the street scene and to reduce the impact upon neighbours. Consequently, amended plans had been received which showed a building of much reduced bulk incorporating the significant inset of the second floor element. The amended plans ensured that the building would be less prominent in street scene views and would lessen the impact upon neighbours in terms of loss of outlook and light. The amended plans were therefore considered by Officers to have overcome Members previous concerns.

Members were reminded that this application had been referred to the Committee as the applicant was an elected Councillor of 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 Team Leader (SE) in respect of the application.

Councillors Baker and V E Guglielmi took no part in the discussion of this item or the voting thereon as they had not been present when the application had first been considered by the Committee on 13 June 2017.

Following discussion by the Committee, it was moved by Councillor Hones, seconded by Councillor Everett and **RESOLVED** (a) 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:-

- Design/bulk and massing out of character.
- Overdevelopment lack of useable amenity space.

(b) that an informative be sent to the applicant to inform them that the principle of a replacement dwelling that provides flood risk betterment is acceptable.

34. A.1 – PLANNING APPLICATION - 15/01787/FUL - SITE TO THE SOUTH OF POUND CORNER, HARWICH ROAD, MISTLEY, CO11 2DA

The Committee recalled that, on 7 September 2016, it had resolved to grant planning permission subject to the completion of a Section 106 legal agreement within six months of the date of the Committee's resolution to approve (the latest date was 7 March 2017)

and subject to conditions; otherwise the Head of Planning had the delegated authority to refuse the application if necessary.

The Committee was informed that since the date of the previous resolution discussions regarding the completion of the Section 106 legal agreement had been ongoing. The agreement was now agreed with the applicant. The Head of Planning therefore sought the Committee's agreement to an extension of time until 30 September 2017 in order to complete that legal agreement. The agreement should be completed before this date but an extension until 30 September 2017 was being sought to ensure that the deadline could be met on this occasion. The original Officer's report and the update presented at the 7 September 2016 Planning Committee was reproduced for information only with the revisions to the recommendation in both sections highlighted in bold text and underlined in order to reflect the requested extension of time for the completion of the legal agreement.

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 Heaney, seconded by Councillor Alexander and **RESOLVED** that the Head of Planning be authorised to grant planning permission for the development subject to Officers checking whether the ecology studies need to be updated and further subject to –

a) By no later than 30 September 2017 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):

- On-site Council Housing/Affordable Housing;
- Transfer of land for allotments and extension to playing fields
- New bus stop (westbound) in the vicinity of the junction with Harwich Road
- New bus stop (eastbound) in the vicinity of the junction with Harwich Road

b) 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 their discretion considers appropriate) –

(i) Conditions:

1. Standard time limit
2. Development in accordance with submitted plans
3. Retention of existing hedges and trees
4. External facing and roofing materials
5. Works to be carried out outside bird breeding season
6. Screen walls/fences.
7. Full method statement for approval by Pollution and Environmental Control.
8. Hard and soft landscaping
9. Landscape planting period
10. Landscape management plan

11. Existing and proposed site levels
12. Construction of carriageway of estate roads
13. All off-street parking provided in accordance with adopted standards
14. Residential Travel Plans
15. Removal of Permitted Development Rights for dormer windows and rooflights.
16. Driveways and parking areas constructed of porous materials, or provision made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellings
17. Highways conditions (as recommended by the Highway Authority);
18. SUDS conditions as requested by Essex County Council;
19. Ecological mitigation as set out in Bat Activity and Reptile Survey by Geosphere Environmental dated 2nd September 2015
20. Tree protection measures;
21. Environmental Health conditions;

- c) that the Head of Planning be authorised to refuse planning permission in the event that such legal agreement has not been completed by no later than 30 September 2017, as the requirements necessary to make the development acceptable in planning terms had not been secured through a Section 106 planning obligation.

35. A.2 – PLANNING APPLICATION - 17/00534/OUT – LAND TO THE SOUTH OF LONG ROAD AND TO THE WEST OF CLACTON ROAD, MISTLEY, CO11 2HN

Councillor Baker had earlier declared an interest in relation to this Planning Application insofar as he was predetermined. He therefore withdrew from the meeting whilst the application was being considered and determined.

Members were reminded that this land off Long Road and Clacton Road, Mistley already had outline planning permission for 300 homes and 2 hectares of employment land. That planning permission had been granted subject to a number of planning conditions including that any detailed plans for the site needed to be in general conformity with the submitted parameter plans which identified, broadly, the location of housing, commercial development and open space as well as the proposed height of development.

The Committee was informed that the planning application now before it sought to vary the parameter plans in order to allow the development to take place in a different way to that originally envisaged. The revised plans sought to:

- Reduce the overall amount of open space;
- Enlarge the area of land on which homes will be built;
- Apply a height limit across the whole site of 2.5 storeys or 13 metres;
- Change the position of the proposed employment land; and
- Move the proposed access point onto Clacton Road further north.

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.

Parish Councillor Frances Fairhall, representing Mistley Parish Council, spoke against the application.

Councillor G V Guglielmi, a local Ward Member, spoke against the application.

Sam Bampton, on behalf of the applicant, spoke in support of the application.

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

- Impact on rural setting/landscape due to inadequate landscaping and potential for 2 ½ storey/13m buildings anywhere on site.

36. A.3 - PLANNING APPLICATION - 17/00507/FUL - LAND TO THE SOUTH OF GUTTERIDGE HALL LANE, WEELEY, CO16 9AS

It was reported that this application had been referred to the Planning Committee at the request of Councillor M Brown, 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 Head of Planning (CB) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of eleven letters of support from local businesses and individuals submitted by the applicant's agent.

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

Parish Councillor Christine Hamilton, representing Weeley Parish Council, spoke against the application.

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

Dr Simon Ruston, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Baker and seconded by Councillor McWilliams that the application be approved, subject to planning conditions, which motion on being put to the vote was declared **LOST**.

Councillor Hones then moved and Councillor Alexander seconded that the application be refused on the grounds of sufficient existing local provision for gypsies/travellers; concerns about the supply of utility services and the loss of agricultural land. However,

having received and considered the advice of Officers, Councillor Hones then **WITHDREW** his motion.

It was then again 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. Temporary permission for 2 years, and after that period all structures etc. to be removed and site re-instated to paddock
2. Personal to the applicant
3. Occupation only by persons meeting Gypsy Definition
4. Development in accordance with plans
5. No more than 1 pitch, and no more than 2 caravans one of which can be a Mobile Home complying with Caravan Sites Act
6. No occupation until following details approved:-

Landscaping scheme and timetable for implementation

Hardstanding/parking provided

Foul and surface water drainage installed in accordance with details

Refuse storage details agreed

7. No businesses to be carried out from the site
8. No vehicles to be stored at the site in excess of 3.5tonnes unladen weight
9. No external lighting

37. A.4 - PLANNING APPLICATION - 17/00306/FUL - 2 SPRING ROAD, BRIGHTLINGSEA, CO7 0PJ

It was reported that this application had been referred to the Planning Committee at the request of Councillor Chapman, 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 Head of Planning (CB) in respect of the application.

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

- (1) Additional comments received from Essex County Council Highways Authority; and
- (2) One further letter of objection received in response to the amended scheme

John Pearce, agent acting on behalf of a neighbour, spoke against the application.

Parish Councillor Jayne Chapman, representing Brightlingsea Town Council, spoke against the application.

Simon Redfearn, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Everett, seconded by Councillor V E Guglielmi and **RESOLVED** that the Head of Planning (or equivalent

authorised officer) be authorised to grant planning permission for the development, subject to the following planning conditions –

1. Time Limit
2. Approved Plans
3. Removal of permitted development rights for extensions, additions or alterations to the roof, outbuildings and walls / fencing / enclosures
4. Removal of permitted development rights for the conversion of the garage.
5. Restriction of construction working hours
6. Hard and soft landscaping scheme
7. Details of boundary walls and enclosures
8. Materials
9. Any block paving / hardstanding to be permeable or porous
10. Visibility Splays provided prior to occupation and retained
11. Pedestrian visibility splays provided prior to occupation and retained
12. Parking provided prior to occupation and retained
13. No unbound materials
14. No vehicular access gates
15. Slab level to be as low as possible
16. Velux window to be obscure glazed

38. A.5 – PLANNING APPLICATION - 17/01009/FUL - CHURCHILL COURT, PARKESTON ROAD, DOVERCOURT, CO12 4NU

Councillor Fowler had earlier declared an interest in this Application insofar as she was a local Ward Member.

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

Members were informed that this application was an amendment to a previous application under reference 16/01946/FUL which had been approved by the Committee on 31 January 2017.

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 amended plans submitted by the Agent on 28 July 2017.

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 planning conditions as set out below –

1. Time Limit
2. Approved Plans
3. Opening Hours of Community Liaison Office

4. Restrict Construction Working Hours

39. A.6 - PLANNING APPLICATION - 17/00587/FUL - GREAT OAKLEY LODGE, HARWICH ROAD, GREAT OAKLEY, CO12 5AE

It was reported that this application had been referred to the Planning Committee at the request of Councillor Bush, 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 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:

- (1) Additional comments received from Great Oakley Parish Council; and
- (2) Two additional letters of objection.

David Munro, a local resident, spoke against the application.

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

Malcolm Barnett, Operations Manager for Galloper Windfarm, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor V E Guglielmi, 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 the following planning conditions –

1. Temporary Permission for 2 years only or until relocated commencing 1st November 2017 after which the site shall be reinstated to its former condition.
2. Accordance with approved plans.
3. Accordance with Flight Avoidance Plan (version dated 12th June 2017). A copy of the Flight Avoidance Plan shall be installed prominently in the cabin/office/club house and in Pilot's Handbook.
4. Use of Helicopters to accord with protocol in the Great Oakley Airfield Pilot Handbook, (2012).
5. No more than 310 Galloper Offshore Wind Limited helicopter movements per month (1st Aug – 31st May) with the daily maximum being 20 movements.
6. No more than 45 Galloper Offshore Wind Limited helicopter movements per month (1st June – 31st July) with the daily maximum being 20 movements.
7. Times of flight operations being in accordance with the table included at section 1.2.4 of the submitted Planning Application Supporting Statement (updated June 2017).
8. No additional lighting installed other than that stipulated on approved plans.
9. No helicopter with a higher noise rating than a Bell 206 Long Ranger shall be used at any time.
10. Other than for necessary routine/servicing and maintenance the site shall not be used as a base for serving, maintenance or repair of helicopters.

11. Records of take-offs/landings of helicopters shall be kept and made available to LPA upon request.
12. Permitted use shall not include helicopter/gyroplane flying training.
13. Programme of monitoring helicopter flight impacts on SPAs in liaison with RSPB.
14. Signage/fence between public right of way and the helipad.

40. **A.8 - PLANNING APPLICATION - 16/02107/FUL – BRAMCOTE, THORPE ROAD, CLACTON-ON-SEA, CO16 9SA**

The Committee recalled that this application had been deferred at its meeting held on 13 June 2017 in order to enable the applicant to undertake an up-to-date habitat assessment and to consider the provision of footpaths within the development.

It was reported that the habitat assessment had been carried out on 22 June 2017 and had found the site to still be of low ecological value with no requirement for species specific surveys. The applicant had declined to amend the layout to provide additional footpaths within the site as this would result in a loss of units and there was no objection from the Highway Authority to the current level of footpath provision.

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:

- (1) Amended plans;
- (2) A letter from the Applicant's Agent;
- (3) An email received from the County Highways Authority (Adam Garland); and
- (4) A letter received from the Applicant's Chartered Civil Engineer.

Councillors Baker and V E Guglielmi took no part in the discussion of this item or the voting thereon as they had not been present when the application had first been considered by the Committee on 13 June 2017.

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Alexander 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):

- Education contribution of £93,116.
- Three gifted dwellings for affordable housing.
- Provision of shared use cycleway/footway on eastern side of Thorpe Road
- between the existing facilities located at the two roundabouts to the north and south.
- On site public open space provision to LAP standard and maintenance.

b) 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 (or the equivalent authorised officer) in their discretion considers appropriate) -

(i) Conditions:

1. Standard 3 year time limit for commencement
2. Accordance with approved plans
3. Details of construction materials
4. Highways conditions (as recommended by the Highway Authority)
5. Hard and soft landscaping plan/implementation
6. Details of public open space equipment
7. Construction method statement
8. Details of boundary treatments
9. Tree protection as detailed in tree report
10. Erection of bird and bat nest boxes and hedgehog friendly fencing and homes as detailed within Ecological Scoping Survey
11. Four conditions as required by ECC Suds
12. Raised Pavers

c) That the Head of Planning (or the equivalent authorised officer) 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.

41. A.9 - PLANNING APPLICATION - 17/00456/FUL - STURRICKS FARM, STURRICK LANE, GREAT BENTLEY, CO7 8PT

Councillor McWilliams had earlier declared an interest in relation to this Application insofar as she was the local Ward Member. Councillor McWilliams withdrew from the meeting whilst the application was being considered and determined.

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.

Following discussion by the Committee, it was moved by Councillor Baker, seconded by Councillor Heaney and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following planning conditions –

1. Standard 3 year time limit for commencement
2. Accordance with approved plans
3. Details of construction materials
4. Vehicular parking and turning as shown to be provided prior to occupation
5. No unbound materials to be used within 6 metres of highway boundary
6. Hard and soft landscaping plan/implementation

7. Construction method statement
8. Details of boundary treatments
9. Retained buildings to be made good as shown prior to occupation of dwellings
10. Tree protection as detailed in tree report
11. Submission of Arboricultural Method Statement
12. Phase 2 contamination assessment
13. Demolition and construction restricted to 08:00 - 18.00hrs Monday to Friday, 08.00 - 13.00hrs Saturdays and no permitted works on Sundays and Bank Holidays.
14. Signage regarding the Bridleway

42. A.10 - PLANNING APPLICATION - 17/01081/OUT - 96 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 Members.

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 comments received from the County Highways Authority.

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

Peter Le Grys, 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 Everett and **RESOLVED** (a) that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following planning conditions –

- 1 Submission of Reserved Matters
- 2 Timescale For Submission of Reserved Matters
- 3 Timescale for Commencement of Development
- 4 Single-storey only
- 5 Archaeology
- 6 SUD's drainage
- 7 Broadband
- 8 Highway Conditions as advised by Highway Authority

(b) that any Reserved Matters Application for this site be submitted to the Committee for its determination.

43. A.11 - PLANNING APPLICATION - 17/00955/FUL - LAND ADJACENT CARBRIA, TENDRING ROAD, LITTLE BENTLEY, CO7 8SH

Councillor V E Guglielmi had earlier declared an interest in relation to this Application insofar as she was associated with the applicant through the Lawford Housing Trust.

It was reported that outline planning permission for 3 dwellings had been refused on 7 June 2016 (16/00532/OUT), and a later application for the outline erection of 2 dwellings – all matters reserved - had been approved by the Committee on 2 November 2016 (Ref 16/01373/OUT). The current application before Members was a full application [rather than a reserved matters submission], however it was clear that the Committee had wanted to review the detailed application following the approval of the outline application.

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.

Will Vote, 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 Baker and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following planning conditions –

1. 3 Year Time limit
2. Approved plans
3. Visibility splays
4. Vehicular parking and turning facility
5. No unbound materials in first 6m of access
6. Private drive constructed to a width of 5.5 metres
7. Soft landscaping scheme
8. Vegetation clearance to be undertaken outside of the bird nesting season
9. Continued grazing or regular cuts to grassland undertaken at a low sward height
10. Replacement of any lost hedgerows within the development

The meeting was declared closed at 10.32 pm

Chairman