

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,  
HELD ON TUESDAY 26TH JUNE 2018 AT 6.00 PM  
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

<b>Present:</b>	Councillors White (Chairman), Alexander, Baker, Bennison, M Brown, Cawthron, Everett, Fowler, Hones and McWilliams
<b>Also Present:</b>	Councillors Land (except minutes 25 - 28) and Nicholls
<b>In Attendance:</b>	Cath Bicknell (Head of Planning), Graham Nourse (Planning Manager), Susanne Chapman-Ennos (Planning Team Leader) (except minutes 26-28), Charlotte Parker (Solicitor (Property, Planning and Governance)), Charlotte Cooper (Leadership Support Officer) and Katie Sullivan (Committee Services Officer)

**20. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillor Heaney (with no substitute).

**21. MINUTES**

The minutes of the meetings of the Committee, held on 30 May and 6 June 2018, were approved as correct records and signed by the Chairman.

**22. DECLARATIONS OF INTEREST**

Councillor Everett requested some guidance from the Council's Solicitor (Property, Planning and Governance) in regards to Planning Application 18/00861/DETAIL. Councillor Everett asked if it could be perceived that the Committee was pre-determined on this item due to the fact that it had been involved in the previous determination of this planning application which was now re-submitted to Committee for determination

The Council's Solicitor confirmed that the application now before the Committee sought an amendment to the previously approved application. However, it was a new application in that new information had been submitted by the applicant and consultees that formed the basis of a new report by the Planning Officer; there had also been another site visit undertaken; a further opportunity for public speaking and if planning permission was granted it would be a new permission and, as such, this application should be considered on its own individual merits. If any member of the Committee now felt that they were pre-determined on the application they should not take part in the determining of the application but they were, in the opinion of the Solicitor, capable of coming to the application with an open mind; it was for the Members to decide if that was the case and how their involvement may be perceived.

Councillor Bennison declared an interest in Planning Application 18/00320/FUL insofar as she was a resident of Holland-on-Sea. Councillor Bennison confirmed that she was not pre-determined.

Councillor White declared an interest in Planning Application 18/00194/FUL insofar as his daughter owned an existing property on Tokely Road. Councillor White confirmed that he was not pre-determined.

23. **A.1 - PLANNING APPLICATION - 18/00194/FUL - LAND NORTH OF TOKELY ROAD, FRATING, CO7 7GA**

Councillor White had earlier declared an interest in Planning Application 18/00194/FUL insofar as his daughter owned an existing property on Tokely Road. Councillor White had confirmed that he was not pre-determined.

The Committee was informed that under Planning Application 14/01371/OUT this site had been granted planning permission at appeal for 49 dwelling houses, in conjunction with areas of open space.

The Committee was further informed that the current proposal sought to increase the site density to provide 67 dwelling houses, without significant reduction in the extent of open space 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 Manager (GN) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of a consultation response received from Essex County Council's SUDS Team.

Parish Councillor Paula Bland, representing Frating Parish Council, spoke against the application.

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

Marcus Nelson, the agent on behalf of the applicant, spoke in support of the application.

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

- a) Within 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):
  - Affordable housing.
  - Open space and open space maintenance contributions.
  - Children's play space contribution.
  - Education Contribution.
  - NHS Contribution.
- 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. Time limit for commencement of development (Full permission);
2. Details – Compliance with all plans;
3. Landscaping details submission and approval;
4. Landscaping implementation and retention;
5. Tree protection/replacement;
6. Landscape Management Plan;
7. Levels;
8. Principal and secondary means of access;
9. Access/carrageway specification;
10. Details and provision of bicycle storage;
11. Permeable surfacing;
12. Walls fences and boundary treatments;
13. Sustainable Urban Drainage (Where SUDS required and scheme not agreed);
14. Foul water strategy;
15. Lighting Scheme;
16. Materials;
17. Access for the disabled;
18. Garage/car spaces (to be retained);
19. Glazing – obscured (flank wall windows);
20. Construction Management Plan;
21. Parking provision – prior to occupation; and
22. Permitted Development Rights restriction.

**24. A.2 - PLANNING APPLICATION - 17/01909/OUT - GREENFIELD FARM, MAIN ROAD, HARWICH, CO12 4LT**

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 (GN) in respect of the application.

Michael Aronson, 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 M Brown and unanimously **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant outline planning permission for the development, subject to:

- a) Within 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 required):
  - Affordable housing;
  - Health;
  - Education;
  - Public Open Space;
  - Highways Fund – Traffic Regulation Order; and

- Open Space – Maintenance Responsibilities.
- b) Planning conditions in accordance with those set out 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).

Conditions:

1. Reserved Matters (Appearance, Landscaping, Layout, Scale);
2. Standard 3 year time limit for submission of reserved matters application;
3. Standard 2 year limit for commencement of development following approval of reserved Matters;
4. Local recruitment strategy;
5. Provision of broadband;
6. Contamination Report;
7. Foul Water Strategy;
8. Turning/Parking Areas Prior to first occupation;
9. No unbound materials in first 6m of any access;
10. Access to be in accordance with submitted plans;
11. Porous driveways;
12. Residential travel pack;
13. Ecological mitigation plan including details of receptor site;
14. Ecological enhancement plan;
15. Full details of the sustainable drainage system;
16. Maintenance details of sustainable drainage system;
17. Submission of yearly maintenance logs for sustainable drainage system; and
18. A construction method statements including but not limited to:
  - Routing of delivery vehicles and measures to control noise.
  - Details of construction parking vehicles/materials storage/wheel washing facilities.
  - Air pollution and avoiding discharges to watercourses/ditches.
  - Hours of construction.

- 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 six months, as the requirements necessary to make the development acceptable in planning terms had not been secured through Section 106 planning obligation.

That any reserved matters application submitted in relation to this site be referred to the Planning Committee for its determination.

**25. A.3 - PLANNING APPLICATION - 18/00861/DETAIL - LAND TO THE EAST OF TYE ROAD, ELMSTEAD, CO7 7BB**

It was reported that Planning Application 16/00219/OUT had sought consent for the erection of up to 32 dwellings, land for a community facility and associated parking and infrastructure. That application was granted at Appeal in April 2017, with all matters of detail reserved. Following approval, reserved matters application 17/00927/DETAIL for details of access was submitted. That application had been approved by the Planning

Committee on 27 February 2018, subject to a condition requiring the footpath and highway works to be provided prior to development commencing.

The Committee was informed that the application now before it was a resubmission of Planning Application 17/00927/DETAIL which sought permission to amend the wording of Condition No. 2. The change proposed that the footpath and highway works would be provided prior to any dwelling being occupied rather than development commencing. All other aspects of the proposal had remained unchanged.

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 Team Leader (SC-E) in respect of the application.

Parish Councillor Mike Kirby, representing Elmstead Parish Council, spoke against the application.

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

Following discussion by the Committee, and detailed advice from Planning Officers and the Council's Solicitor regarding material considerations and the planning balance and/or judgement being a matter for the Committee as decision makers, it was moved by Councillor Everett, seconded by Councillor Hones 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 reason:-

- Highway danger to pedestrians using Tye Road caused by construction traffic to be generated by the development represents a health and safety concern that can only be overcome by the footpath works being completed prior to such construction traffic being present and therefore the timing of the condition must be prior to development.

**26. A.4 - PLANNING APPLICATION - 18/00320/FUL - CLIFF SLOPE BETWEEN HAZELMERE ROAD AND QUEENSWAY (PRIORITY AREA 1 AND 2) AND ANGLEFIELD AND VICTORIA ROAD (PRIORITY AREA 3 AND 4), HOLLAND-ON-SEA.**

Councillor Bennison had earlier declared an interest in Planning Application 18/00320/FUL insofar as she was a resident of Holland-on-Sea. Councillor Bennison had confirmed that she was not pre-determined.

It was reported that this application had been referred to the Planning Committee as Tendring District Council 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:

- (1) a plan showing priority areas 3 and 4; and
- (2) additional information provided by the Applicant in relation to fencing and Beach Huts.

Following discussion by the Committee, it was moved by Councillor Alexander, 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. Standard 3 year time limit for commencement;
2. Accordance with approved plans;
3. Phase 2 surveys for reptiles and terrestrial invertebrates prior to commencement of development within each of the phased priority areas;
4. Secure recommendations of the Preliminary Ecological Appraisal;
5. Construction Management Plan; and
6. Implementation of soft landscaping.

**27. A.5 - PLANNING APPLICATION - 18/00613/FUL - BARNES HOUSE, 92 PIER AVENUE, CLACTON-ON-SEA, CO15 1NJ**

It was reported that this application had been referred to the Planning Committee as Tendring District Council 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 a revised application description.

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Hones 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 – 3 yrs;
2. Materials to match Barnes House; and
3. Approved Plans.

**28. A.6 - PLANNING APPLICATION - 18/00659/FUL - MARCH HOUSE, CLACTON ROAD, THORRINGTON, CO7 8JW**

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

Parish Councillor Andy Sandler, representing Thorrington Parish Council, spoke against the application.

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

Ron Cross, the agent 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 M Brown 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. 3 Year Time Limit;
2. Approved plans; and
3. Building shall only be occupied as a residential annexe ancillary to March House.

The meeting was declared closed at 9.47 pm

**Chairman**