

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 2ND JULY, 2019 AT 6.00 PM
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors White (Chairman), Alexander, Cawthron, Codling, Fowler, V Guglielmi, Harris, McWilliams and Placey
Also Present:	Councillor Gary Scott, Councillor Nick Turner and Councillor Ann Wiggins
In Attendance:	Cath Bicknell (Head of Planning), Lisa Hastings (Head of Governance and Legal Service & Monitoring Officer), Graham Nourse (Planning Manager), Trevor Faulkner (Planning Team Leader (Agency)) and Charlotte Cooper (Committee Services Officer)

13. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Bray, with Councillor V. Guglielmi as substitute.

14. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on 11 June 2019, were approved as a correct record and signed by the Chairman.

15. DECLARATIONS OF INTEREST

There were none on this occasion.

16. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37

There were none on this occasion.

17. A.1 - PLANNING APPLICATION - 18/01888/FUL - MULLEYS FARM, BENTLEY ROAD, LITTLE BROMLEY, MANNINGTREE, CO11 2PL

This item had been deferred by the Chairman of the Planning Committee (Councillor White) prior to the commencement of the meeting pending the likely receipt of a further consultation response from the Essex County Council Highways Department.

18. A.2 - PLANNING APPLICATION - 18/01800/DETAIL - OAKWOOD PARK, LAND TO THE EAST OF THORPE ROAD, CLACTON-ON-SEA, CO15 4TL

It was reported that this application was before the Committee as at the time that the outline application had been approved a request had been made by Members for the reserved matters application to be brought to the Committee for its determination.

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 Temporary Planning Team Leader (TF) in respect of the application.

Martin Robeson, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Fowler, 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:-

- (1) 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 matter:
 - Financial Contribution of £112.30 per new dwelling towards RAMS; and
- (2) the following conditions and informatives –

Conditions and Reasons

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Drawing numbers:

1232/AL/702 F

6054/1001 B

OPC/101 REV C

PH-144-002 REV C; 003 REV B; 004 REV B; 005 REV B; 006 REV B; 007 REV B; 010 REV B; 011 REV B; 012 REV B; 013 REV B; 014 REV B; 015 REV C; 017 REV B; 018 REV B; 019 REV B; 020 REV B; 021 REV B; 022 REV B; 023 REV B; 025 REV B; 027 REV A; 028 REV B; 029 REV B; 031 REV B; 031 REV B (Alternative External); 032 REV B; 033 REV B; 034 REV C; 035 REV A; 040 REV A; 041 REV A; 050 REV B; 051 REV B; 052 REV B; 053 REV B; 054 REV B; 055 REV B; 056 REV B; 057 REV A; 058 REV A and 059 REV A.

JBA 18/263-SK01 REV B

JBA 18/263-01 REV B; 02 REV B; 03 REV B; 04 REV B; 05 REV B; 06 REV B; 07 REV B; 08 REV B and 09 REV B.

HYBRID 1 – Plan illustrating circular walk

Documents:

Shadow Habitat Regulations Assessment 09/05/2019 ref 3022/HRA/vf

Amenity Space Breakdown dated 15th March 2019
Measured Works Schedule: Detailed Soft Landscape Proposals for Plots JBA
18/263-03-09
Aboricultural Implications Assessment: Addendum October 2018
Utilities Statement October 2018 Version 1.0

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The internal roads and footways shall be delivered in line with the Phasing in Ph-144-050 Rev B. no individual dwelling shall be occupied until such time as the estate road(s) providing means of vehicular and pedestrian access to and from the roundabout in Thorpe Road to that dwelling has been provided in accordance with approved plans.

Reason: to ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

3. Prior to the commencement of any above ground works, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: to ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

4. No dwelling shall be occupied until such time as its car parking and turning area to serve that dwelling and a means of access to Thorpe Road has been provided in accordance with the approved plans. The car parking and turning area shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

Reason: to ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

5. Prior to occupation details of covered and secure provision for the storage of bicycles for each dwelling without a garage shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided before the dwelling to which they relate is occupied and shall thereafter be retained

Reason: to ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

6. Prior to commencement of any above ground works a scheme for the on-site mitigation of the recreational impact of the development on protected Essex Coast European sites shall have been submitted to and approved in writing by the Local Planning Authority. This mitigation scheme shall comprise:

- a) A circular walking route; dog off lead area; dog waste bins; and residents information leaflets as indicated within the Shadow Habitat Regulations Assessment and Plan titled Hybrid 1;
- b) Full details of the long-term maintenance and management of the green space;
- c) A programme for implementation

Development shall be undertaken in strict accordance with the approved mitigation scheme and program and thereafter managed and retained as approved. Any approved information leaflet shall be included within the new residents welcome pack to every dwelling.

Reason: To encourage the future residents to remain on-site for day to day recreation/dog walking, so as to minimise pressure upon Hamford Water SPA and Ramsar, Colne Estuary SPA and Ramsar, Blackwater Estuary SPA and Ramsar, Dengie SPA and Ramsar, and Essex Estuaries SAC, Hamford Water SPA and Ramsar site, pursuant to the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy.

Informatives

1. All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway by the ECC.
2. The temporary bus route shall conform to drawing no. Ph-144-059 Rev a (Temporary bus route) until such time as the eastern development joins up with Oakwood Park in accordance with the bus service obligation from the s106 Agreement.
3. Prior to occupation, the development shall be served by a system of operational street lighting of design approved from the Highway Authority along the Primary route, which shall thereafter be maintained in good repair.
4. The areas directly adjacent to the carriageway(s) in which the trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway.
5. In paved areas, whether or not the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.

6. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

7. This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

19. **A.3 - PLANNING APPLICATION - 18/02012/FUL - LAND ADJACENT TO 8 THE CRESCENT, FRINTON-ON-SEA, CO13 9AP**

It was reported that this application had been referred to the Committee by Councillor Turner, a local Ward Member, as he considered the proposed development to be "garden grabbing", not in keeping, not maintaining a heritage asset and reducing that heritage asset by changing its setting in the street.

The Committee was aware that a Section 106 Legal Agreement had already been completed to secure a financial contribution towards RAMS of £122.30 for the dwelling proposed and a contribution towards the improvement of the pathways at Crescent Gardens, Frinton-on-Sea.

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;

Councillor Turner, 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 V. Guglielmi, seconded by Councillor Cawthron 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:-

- Design is out of character with the locality and adjoining dwellings

The meeting was declared closed at 7.13 pm

Chairman