

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON MONDAY, 12TH AUGUST, 2019 AT 6.00 PM
IN THE PRINCES THEATRE - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors White (Chairman), Alexander, Cawthron, Clifton, Codling, Fowler, V Guglielmi, McWilliams and M Stephenson
Also Present:	Councillors Davis, Harris and Wiggins
In Attendance:	Catherine Bicknell (Head of Planning), Lisa Hastings (Head of Governance and Legal Services), Graham Nourse (Planning Manager), Trevor Faulker (Planning Team Leader (Agency)), Keith Simmons (Head of Democratic Services and Elections)

29. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Bray (with Councillor V. Guglielmi as substitute) Placey (with Councillor Clifton as substitute) and Harris (with Councillor Stephenson as a substitute).

30. DECLARATIONS OF INTEREST

Councillors White, V. Guglielmi, Clifton and Stephenson declared that, with regards to Planning Application 18/01728/DETAIL they were not present on the original site visit for this application and therefore could not take part whilst the Committee deliberated and reached it decision.

Councillor V. Guglielmi declared a personal interest in respect of Planning Application 19/00524/OUT insofar as she was a trustee of the Lawford Housing Trust, as was Mr Stephen Rose, the managing director of Rose Builders who were the developer of the application site but were not in fact the applicants.

31. PLANNING APPLICATION 19/00524/OUT - LAND TO THE SOUTH OF THORPE ROAD, WEELEY, CO16 9AJ

Councillor V. Guglielmi had earlier declared a personal interest in respect of Planning Application 19/00524/OUT insofar as she was a trustee of the Lawford Housing Trust, as was Mr Stephen Rose, the managing director of Rose Builders who were the developer of the application site but were not in fact the applicants.

The Committee recalled that this application was in most regards a resubmission of Planning Application 17/02162/OUT which was refused by this Council on 19 November 2018.

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) Essex County Council has requested an additional planning condition be imposed to deliver enhancements to the Public Right of Way (PROW) network within the site to surface the footpaths.
- 2) Four further letters of representation had been received from Tendring Parish Council, a Local Resident, the Solicitors for the applicant and the Tendring Hundred Riding Club.
- 3) Comments from the Officers on the further letters of representation referred to above.

Derek Stebbing, a local resident, spoke against the application.

Parish Councillor Mike Brown, representing Weeley Parish Council, spoke against the application.

Councillor Peter Harris, a local Ward Member, spoke against the application.

During the item a Councillor made reference to the decision notice in respect of the previous, very similar, planning application 17/02162/OUT. The notice, a public document, was read to the Committee so that all were aware of the element of it referred to by the Councillor. The Committee was directed to consider this application de novo. If there were specific reasons familiar to identify for refusing the application Officers would advise on them. The Council had decided, following the receipt of professional legal and planning advice, to withdraw its opposition to the appeal against the previous refusal of application 17/02162/OUT and had advised the Planning Inspectorate that it would not be defending the Appeal at the Public Inquiry to be held in October.

Following a lengthy discussion by the Committee, it was moved by Councillor Alexander, 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:

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 (as amended) dealing with the following matters:

- **Affordable Housing – specific tenure and mix to be agreed at the reserved matter/s stage/s;**
- **Education – 2.1ha of land to accommodate a 2 form entry primary school and commensurate nursery; along with financial contributions towards: Primary Education for 84 places; Secondary Education for 84 places and secondary school transport;**
- **Healthcare – Financial contribution towards relocation costs for Thorpe Surgery (including its branch surgery at Kirby Cross);**

- **Public Open Space, equipped play areas and Ecology Land (for Slow Worms) – to be transferred to management company and laid out before transfer;**
- **Ecology (off site) – Financial contribution towards off-site ecological mitigation – to improve access within Weeleyhall Wood SSSI;**
- **Financial Contribution towards RAMS;**
- **Highways and Transport – A financial contribution towards off-site highway improvements. These improvements relate to the A133/B1033/services and Frating roundabouts as identified in the Tendring Local Plan Highways and Transportation Modelling work;**
- **Public Rights of Way (PRoW) – Footbridge to be constructed over the railway line and transferred to Network Rail on completion with a commuted sum for future maintenance, PRoW5 to be diverted away from existing level crossing via footbridge on completion.**
- **Prior to the first occupation of any dwelling, a scheme to surface any public right of way (PRoW) contained within the site shall be submitted to and approved in writing by the Local Planning Authority (LPA), or shall be submitted with the first reserved matters application for layout, unless otherwise agreed in writing by the LPA. The submitted scheme shall also include a phasing programme for the delivery of the improvement works. The pathways shall thereafter be upgraded to the agreed surfacing specification in accordance with the approved programme of delivery unless otherwise agreed in writing.**
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Conditions and Reasons;

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the appearance, landscaping, layout and scale have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - The application as submitted does not provide sufficient particulars for consideration of these details.

4. Prior to submission of the first Reserved Matters application, a layout and phasing plan/programme to include details of market and affordable housing provision, employment provision, identification of the physical extent of each proposed phase of development, the layout and an indicative timescale for implementation of each phase, shall be submitted to and agreed, in writing, by the Local Planning Authority.

Reason – To ensure a satisfactory development programme in the interests of the occupiers of the development and in terms of local amenity.

5. The maximum number of dwellings to be contained in the development shall be 280 and the amount of employment land shall not exceed 1 hectare and the B1 office space shall not exceed 3000 sqm.

Reason – To ensure compliance with the description of development hereby approved.

6. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport approved by Essex county Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason – In the interests of reducing the need to travel by car and promoting sustainable development and transport.

7. Prior to occupation of the development, vehicular parking and turning facilities in accordance with current policy standards shall be provided for all dwellings, unless otherwise agreed in writing by the Local Planning Authority. They shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose. Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason – To ensure that vehicles can enter and leave highway in a forward gear in the interest of highway safety and to ensure adequate space for parking off the highway is provided in the interest of highway safety.

8. There shall be no discharge of surface water onto the Highway.

Reason – To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

9. No development shall take place before an Environmental Construction Management

Plan for the construction of the development hereby approved has been submitted to, Formatting
and approved in writing by, the Local Planning Authority. Works shall be carried out in accordance with the approved method statement. Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel cleaning facilities during the excavation, site preparation and construction stages of the development to prevent the deposition of mud

or other debris onto the highway network/public areas. The method statement shall also include details of safe access to/from the site, the parking and turning of vehicles of site operatives and visitors, loading and unloading of plant and materials, delivery and construction working hours, dust suppression strategy, routing of delivery vehicles, measures to control noise and lighting, the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials, means of safeguarding the public right of way during construction, the erection and maintenance of security hoarding, a scheme for recycling/disposing of waste resulting from construction, and temporary traffic management/signage.

Reason - To ensure that development is carried out in a controlled manner in the interests of highway safety, while minimising impacts on the surrounding residential properties and the natural environment.

10. No development shall take place until details of surface water drainage have been submitted to and agreed, in writing, by the Local Planning Authority. No part of the development shall be first occupied or brought into use until the agreed method of surface water drainage has been fully installed and is available for use.

Reason - To minimise the risk of flooding.

11. Prior to construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason – To prevent environmental and amenity problems arising from flooding. Formatting

12. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented as approved.

Reason - To ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Formatting

13. No development shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Reason – To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

14. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason - To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

15. No development shall take place within the application site until the applicant or developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the scheme so approved.

Reason – To allow for proper investigation and recording of the site, which is potentially of archaeological and historic significance.

16. Prior to the commencement of any work a full method statement in respect of piling works shall be submitted to and approved in writing by the Local Planning Authority, this will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

Reason - In the interests of residential amenity.

17. Other than for lighting within the public highways, each reserved matters application shall be accompanied by details of external lighting which shall be submitted to and approved in writing by the Local Planning Authority. The external lighting strategy shall consider how the use of such lighting will avoid, or minimise, harm caused by light pollution and the development shall be carried out in accordance with the approved scheme.

Reason - To ensure that new external lighting of the development is not harmful to biodiversity or local amenity.

18. Prior to commencement of any phase of development, details of all refuse/recycling storage and collection points required to serve that phase of development shall be submitted to and approved in writing by the Local Planning Authority. Each refuse/recycling storage and collection point so approved shall be provided prior to first occupation of any dwelling to which it relates and shall be retained thereafter as approved.

Reason – To ensure a satisfactory development in terms of appearance and functionality in the interests of amenity.

19. Each Reserved Matters application shall incorporate a detailed scheme of hard and soft landscaping works, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all

existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication 2BS 5837: 2012 Trees in relation to design, demolition and construction.

Reason – In the interests of visual amenity and character of the area.

20. All trees and hedges identified to be retained, shall be protected in accordance with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Any trees dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be agreed in writing with the Local Planning Authority, following the death of, or severe damage to the trees.

Reason - In the interests of visual amenity and the character of the area.

21. No phase of development shall commence until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in the construction of that phase have been submitted to and approved, in writing, by the Local Planning Authority. Such materials so approved shall be those used in that particular phase of development.

Reason – To ensure a satisfactory development in relation to external appearance.

22. The development hereby permitted shall be carried out in accordance with the mitigation measures set out in the Ecological Impact Assessment; Barn Owl Mitigation Report; Bat Activity Survey; Breeding Bird Survey; Reptile Survey and Outline Mitigation Strategy, unless otherwise agreed in writing by the Local Planning Authority.

Reason – To ensure the proposal does not adversely affect any protected species and to enhance the biodiversity of the site.

23. Prior to the commencement of any above ground works a Landscape and Ecology Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall specify how areas of green space are to be managed, including measures to create habitats as well as general biodiversity enhancements and safeguarding of protected species.

Reason – To ensure the areas of green space are appropriately managed and to encourage biodiversity on the site.

24. No occupation of the development, or specific phase of development in accordance with Condition 4, shall take place until the following have been completed, as necessary for each phase, in accordance with details that shall have been completed, as necessary for each phase, in accordance

with details that shall have first been submitted to and approved in writing by the Local Planning Authority:

- Barleyfields carriageway to be widened to 6.75 metres, including 1 x 3 metre footway, and 1 x 2 metre footway to continue into the site;
- Right-turn lane into Barleyfields for traffic approaching from the west to be a minimum width of 3.5 metres with running lanes of 3 metres in both directions, including lane markings and hatching, as shown in principle on drawing no. 161890-002 Rev B;
- A pedestrian refuge island to be provided to the west of Barleyfields access road with pedestrian tactile as shown in principle on drawing no. 161890-002 Rev B;
- The existing footway along the site frontage to be widened to 3 metres minimum as shown in principle on drawing no. 161890-002 Revision B;
- Adjustments to carriageway width to the east of Crow Lane and removal of the layby, to include kerbing, adjustments to levels and carriageway construction.
- vi). Right-turn lane into Crow Lane approaching from the east to be a minimum width of 3.5 metres with running lanes of 3 metres in both directions, including lane markings and hatching, as shown in principle on drawing no. 161890-002 Rev B;
- Homestead access constructed appropriate kerb radii, including dropped kerb to facilitate pedestrian crossing;
- Right-turn lane into Homestead approaching from the east to be a minimum width of 3.5 metres with running lanes of 3 metres in both directions, including lane markings and hatching, as shown in principle on drawing no. 161890-002 Rev B.

No dwelling within the development or phase of development, shall be first occupied until such time as all facilities identified above, as necessary for each phase, have been provided in accordance with details so approved.

Reason – To protect highway efficiency of movement and safety and to enable satisfactory access to the site by pedestrians, bicycles, public transport and motorised vehicles.

25. Prior to commencement of any phase of development, details of cycle storage required to serve each dwelling within that phase of development shall be submitted to and approved in writing by the Local Planning Authority. All cycle storage so approved shall be provided prior to first occupation of the dwelling to which it relates and shall be retained thereafter as approved.

Reason – To ensure a satisfactory development in terms of appearance and functionality and sustainability, so that cycling is encouraged as a sustainable means of transport.

26. Each Reserved Matters application shall include precise details of the provision, siting, design and materials of screen walls and fences. The approved screen walls and fences shall be erected prior to the dwellings to which they relate being first occupied and thereafter be retained in the approved form.

Reason – To protect the amenities and privacy of occupiers of adjoining properties and in the interests of visual amenity.

27. As part of the first Reserved Matters application, details of any conversion of redundant listed buildings and/or demolition of non-curtilage listed buildings shall be submitted to and approved, in writing, by the Local Planning Authority.

Reason – To protect the special character and setting of the listed building(s).

28. Prior to commencement of any phase of development, details of existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed scheme.

Reason – To protect existing vegetation and to protect the amenities and privacy of adjoining properties and in the interests of visual amenity.

29. Prior to commencement of any phase of development the precise location and specification (to include wooden shelters, raised kerbs, flag and timetable frames) of two new bus stops located to the east of Barleyfield's access on either side of Thorpe Road shall be submitted to and agreed, in writing, by the Local Planning Authority in consultation with the Local Highway Authority. The approved bus stops shall be provided prior to occupation of any dwelling and thereafter be retained in the approved form.

Reason - To ensure a satisfactory development in terms of appearance and functionality and sustainability, so that bus usage is encouraged as a sustainable means of transport.

30. The site access to Crow Lane as shown in principle on the planning application drawings shall include but not be limited to a visibility splay with dimensions of 2.4 metres by 75 metres to the west and 2.4 metres by 75 metres to the east, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.

Reason – To protect highway efficiency of movement and safety.

31. The site access to Barleyfields as shown in principle on the planning application drawings shall include but not be limited to a visibility splay with dimensions of 2.4 metres by 66 metres to the west and 2.4 metres by 66 metres to the east, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.

Reason – To protect highway efficiency of movement and safety.

32. The site access to Homestead as shown in principle on the planning application drawings shall include but not be limited to a visibility splay with dimensions of 2.4 metres by 75 metres to the west and 2.4 metres by 75 metres to the east, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.

Reason - To protect highway efficiency of movement and safety.

33. A new gateway traffic calming feature(s) shall be provided on the approaches to Weeley on the B1033 to enhance the existing 30mph speed limits, scheme details to be submitted to and agreed in writing by the Local Planning Authority and implemented prior to first occupation.

Reason – To protect highway efficiency of movement and safety.

34. Prior to commencement of any phase of development, a soil survey of the site shall be undertaken and the results provided to the Local Planning Authority. The survey shall be taken at such points and to such depth as the Local Planning Authority may stipulate. Where contamination is identified, a scheme for decontamination of the site shall be submitted to and approved by the Local Planning Authority in writing and the scheme as approved shall be fully implemented and completed before any dwelling hereby permitted is first occupied.

Reason – To ensure that any contamination is identified and addressed in the interests of the health and safety of site operatives during the construction phases and the future occupiers of the development.

35. Details of acoustic measures to minimise noise disturbance to occupiers of dwellings in close proximity to the existing railway line shall be submitted to and agreed in writing by the local planning authority prior to commencement of development or if phased that part of the site closest to the railway. The agreed acoustic measures shall be fully implemented and completed before the dwellings identified for this mitigation are first occupied.

Reason – To protect the amenities of future occupiers.

36. 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 be 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;
 - b) full details of the long-term maintenance and management of the green space;
 - c) a program 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 pressures 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.

37. The hereby permitted development shall not be occupied until a fibre optic broadband connection installed on an open access basis and directly accessed from the nearest exchange, incorporating the use of resistant tubing, has been installed at the site, in accordance with details that shall be submitted and approved, in writing, by the Local Planning Authority. If the applicant is unable to achieve this standard of connection, and can evidence through consultation that it would not be possible, practical or economically viable an alternative superfast (i.e. will provide speeds greater than 24mbps) wireless service will be considered acceptable.

Reason – To ensure the development is able to be equipped with high speed broadband to enable opportunities for web-based communication and homeworking.

38. Prior to commencement or at a later date agreed in writing by the Local Planning Authority, the applicants shall submit to the Local Planning Authority, in writing, a Local Recruitment Strategy to include details of how the applicant/developer shall use their reasonable endeavours to promote and encourage the recruitment of employees and other staff in the locality of the application site, for the construction of the development and for the uses of the development thereafter. The approved Local Recruitment Strategy shall be adhered to therein after.

Reason – To promote and encourage the recruitment of employees and other staff in the locality of the application site.

39. Prior to the first occupation of any dwelling, a scheme to surface any public right of way (PRoW) contained within the site shall be submitted to and approved in writing by the Local Planning Authority (LPA), or shall be submitted with the first reserved matters application for layout, unless otherwise agreed in writing by the LPA. The submitted scheme shall also include a phasing programme for the delivery of the improvement works. The pathways shall thereafter be upgraded to the agreed surfacing specification in accordance with the approved programme of delivery unless otherwise agreed in writing.

Reason – To ensure existing footpaths across the application site are adequately upgraded to address the increased footfall from the development.

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.

2. The Local 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.
3. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorized interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpaths 3, 4 and 5 (Weeley) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.
4. The granting of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.
5. Any signal equipment/structures/non-standard materials/trees/public rights of way through the site proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction.
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

7. The application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement.

NOTE; Pursuant to the provisions of Council Procedure Rule 19.5 (Right to Require Individual Vote to be Recorded), Councillors Cawthron, Codling and M E Stephenson each requested that it be recorded in the minutes that they had voted against the above motion.

32. CHAIRMAN OF THE MEETING

The Chairman (Councillor White) then vacated the Chair in view of the interest in the next item as declared at the commencement of the meeting. in the absence of the Chairman and the Vice-Chairman the Committee considered nominations for a Chairman for the remainder of this meeting. upon it being moved by Councillor Fowler, seconded by Councillor Cawthron it was **RESOLVED** that Councillor McWilliams be elected as Chairman for the remainder of the meeting.

33. PLANNING APPLICATION - A.2 - 18/01728/DETAIL - 171 THORPE ROAD AND LAND TO THE REAR OF 121-183 THORPE ROAD AND 4-20 CHAPEL LANE, KIRBY CROSS, CO13 0NH

Councillors White, V. Guglielmi, Clifton and Stephenson had earlier declared that, with regards to Planning Application 18/01728/DETAIL they were not present on the original site visit for this application and therefore could not take part whilst the Committee deliberated and reached it decision.

Members recalled that this application was considered by the Committee at its meeting on 30 July 2019, where it was deferred for further information to be sought regarding the overhead powerlines.

The Committee had before it the updated 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 one additional neighbour objection received and the officer comments on that additional objection.

The Committee was advised that it was the applicant's intention for the overhead powerlines for the site to be placed under ground.

Following discussion by the Committee, it was moved by Councillor Fowler, seconded by Councillor Cawthron 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 £122.30 per new dwelling towards RAMS.**
2. Subject to the conditions stated below.
 3. That the Head of Planning 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 s106 planning obligation.

Conditions and Reasons

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

Site Location Plan - 1370/P/01
 Master Plan - 1370/P/02 Rev **P8**
 Block Plan – 1370/P/03 Rev P7
 Amenity Plan - 1370/P/05 Rev P8
 Heights Plan - 1370/P/08 Rev P7
 Parking Plan - 1370/P/10 Rev P7
 Tenure Plan - 1370/P/11 Rev P7
 Highways Plan - 1370/P/12 Rev P7
 TPO Reference Plan and Protection - 1370/P/15 P6
 Circular Dog Walking Route 1 - 1370/P/16 Rev P1
 Circular Dog Walking Route 2 - 1370/P/17
 Circular Dog Walking Route 3 – 1370/P18
 Housetype A - 1370/P/A/01
 Housetype B - Affordable - 1370/P/B/01 Rev P1
 Housetype C - 1370/P/C/01 – Rev P1
 Housetype C1 - 1370/P/C1/01
 Housetype C1 - Affordable - 1370/P/C1/01/A
 Housetype D - 1370/P/D1/01 Rev P1
 Housetype D1 - 1370/P/D1/01
 Housetype D2 - 1370/P/D2/01
 Housetype E - 1370/P/E/01
 Housetype E1 - 1370/P/E1/01
 Housetype F - 1370/P/F/01
 Apartment Block 1 – Floor Plans and Elevations - 1370/P/APT1/01 Rev P2
 Apartment Block 2 – Affordable - Floor Plans and Elevations - 1370/P/APT2/01 Rev P3
 Apartment Block 3 Elevations - 1370/P/APT3/02 Rev P3
 Apartment Block 3 Floor Plans - 1370-P-APT3-01 Rev P3
 Garage Types - 1370-P-G-01
 Sub-Station - 1370/P/S/01 Rev P2
 Street Scenes Sheet 1 of 3 - 1370/P/30 Rev P5
 Street Scenes Sheet 2 of 3 – 1370/P/31 Rev P2
 Street Scenes Sheet 3 of 3 - 1370/P/32 Rev P1
 Soft Landscape Proposals 1 of 3 - MC/1511/18/02 A

Soft Landscape Proposals 2 of 3 - MC/1511/18/03 A
Soft Landscape Proposals 3 of 3 - MC/1511/18/01 A
Barn Owl Ecological Advice Note (SES, March 2019)

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

2. Prior to commencement of any development, including demolition, groundworks and vegetation clearance, the on-site mitigation and pre-demolition survey shall be carried out in full accordance with the details contained in the Barn Owl Ecological Advice Note (SES, March 2019). The works shall be undertaken by an appropriately competent person e.g. a suitably qualified ecologist holding a Natural England Barn Owl Licence, to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details in the Barn Owl Ecological Advice Note.

Reason: To conserve Protected species and allow the LPA to discharge its duties under the Wildlife and Countryside Act 1981 as amended and s17 Crime & Disorder Act 1998 (wildlife crime).

3. Prior to commencement of any development, including demolition, groundworks and vegetation clearance, a biodiversity monitoring strategy for Barn Owls shall have been submitted to, and approved in writing by, the Local Planning Authority. The purpose of the strategy shall be to monitor the success of the replacement nest box for Barn Owls. The content of the Strategy shall include the following.
 - a) Aims and objectives of monitoring to match the stated purpose.
 - b) Identification of adequate baseline conditions prior to the start of development.
 - c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
 - d) Methods for data gathering and analysis.
 - e) Location of monitoring.
 - f) Timing and duration of monitoring.
 - g) Responsible persons and lines of communication.
 - h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the Local Planning Authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the Local Planning Authority, and then implemented so that the development still delivers the biodiversity objectives of the originally approved scheme.

The monitoring strategy will be implemented in accordance with the approved details.

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended.

4. Prior to installation of the new Barn Owl nest box, as detailed within the Barn Owl Ecological Advice Note (SES, March 2019), fencing to restrict public access shall have been erected in accordance with details to have been previously approved in writing by the Local Planning Authority. The fencing shall restrict public access within the application site a minimum of 75 metres from the new Barn Owl nest box. The fencing as approved shall be retained and maintained for the lifetime of the new Barn Owl nest box.

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended.

5. Prior to the occupation of each dwelling the internal road and footway serving that dwelling shall have been provided in precise accord with drawing numbers 1370/P/03 Rev P7 and 1370/P/12 Rev P7.

Reason: To ensure acceptable vehicle and pedestrian access to each dwelling.

6. Prior to the commencement of any above ground works, details of the estate roads and footways, including the three footway links proposed to Thorpe Road and Chapel Lane (including layout, levels, gradients, surfacing, **soft landscaping**, **bollards** 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.

7. Prior to the commencement of any above ground works, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been completed in full accordance with the approved scheme.

Reason: To prevent environmental and amenity problems arising from flooding.

8. Prior to the commencement of any above ground works, details of the number, location and design of a covered parking facility for bicycles for each dwelling without a garage shall have been submitted to and approved in writing by the Local Planning Authority. The approved facility shall be provided prior to the first occupation of each respective unit and retained as approved thereafter.

Reason: To ensure appropriate cycle parking is provided to encourage cycling as a means of sustainable transport.

9. No dwelling shall be occupied until such time as its car parking/garaging and turning area as shown on the approved plans has been provided.

These facilities 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.

10. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

11. Prior to occupation of Plots 26, 27, 28 or 29 the pedestrian link between the estate road and Thorpe Road, and running between no. 155 Thorpe Road and no. 159 Thorpe Road, shall have been constructed in accordance with the approved details and shall be available for public access and thereafter retained and maintained in the approved form.

Reason: To ensure footways are constructed to an acceptable standard and available for the public to use, to encourage more sustainable modes of transport and to reduce reliance on the private car.

12. Prior to occupation of Plots 49, 50 or 51 the pedestrian link between the estate road and Thorpe Road, and running between no. 129 Thorpe Road and no. 127 Thorpe Road, shall have been constructed in accordance with the approved details and shall be available for public access and thereafter retained and maintained in the approved form.

Reason: To ensure footways are constructed to an acceptable standard and available for the public to use, to encourage more sustainable modes of transport and to reduce reliance on the private car.

13. Prior to occupation of Plots 58, 59, 60, 61, 62, 63 or 64 the pedestrian link between the estate road and Chapel Lane, running between no. 22 Chapel Lane and no. 24 Chapel Lane, shall have been constructed in accordance with the approved details and be available for public access and thereafter retained and maintained in the approved form.

Reason: To ensure footways are constructed to an acceptable standard and available for the public to use, to encourage more sustainable modes of transport and to reduce reliance on the private car.

14. The Residential Travel Packs that are to be provided pursuant to Condition no.12 of planning permission 15/01710/OUT, shall include the following;
 - a) Information regarding the safe use of level crossings over the railway lines and the dangers of failing to use them properly.

- b) Details of the three circular walking routes to and from the site, which can be used by residents along with specific encouragement for dog walkers to use these routes.

As required by condition no.12 of planning permission (15/01710/OUT) the Residential Travel Information Packs shall have been previously submitted to and approved in writing by the local planning authority, and shall be provided to the first occupant of each new dwelling.

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

15. The scheme of landscaping as shown on drawing numbers MC/1511/18/02 A, MC/1511/18/03 A and MC/1511/18/01 A, or such other scheme as may be agreed in writing by the local planning authority, shall be carried out during the first available planting season after the commencement of the development. Any trees or plants which die, are removed or become seriously damaged, or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any variation.

Reason: To ensure a satisfactory scheme of hard and soft landscaping to enhance the appearance of the development.

- 16. Prior to the commencement of any above ground works, full details of the route of the underground power line 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: As insufficient information has been provided with the application, in the interests of visual and residential amenity, and the Grade II listed building Mill House at 127 Thorpe Road.

Informatives

- 1) 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.

2) 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.

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) Any tree planting proposed within the highway must be agreed with the Highway Authority. Trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme. All proposed tree planting must be supported by a commuted sum to cover the cost of future maintenance, to be agreed with the Highway Authority.

5) Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

6) Anglian Water advise that they have assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

7) Given the close proximity to the operational railway line, if and before any works are undertaken the developer would need to engage with the ASPRO team (AssetProtectionAnglia@networkrail.co.uk) to ensure the protection of the railway line.

8) Legal Agreement Informative - Recreational Impact Mitigation

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.

The meeting was declared closed at 8.33 pm

Chairman