

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON WEDNESDAY, 28TH AUGUST, 2019 AT 6.00 PM
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors White (Chairman), Bray (Vice-Chairman), Alexander, Cawthron, Clifton, Codling, Fowler, Harris and McWilliams
Also Present:	Councillor Gary Scott and Councillor Ann Wiggins
In Attendance:	Cath Bicknell (Head of Planning), Lisa Hastings (Head of Governance and Legal Services), Graham Nourse (Planning Manager), Michael Pingram (Planning Officer), Charlotte Cooper (Committee Services Officer)

34. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Placey (with Councillor Clifton as her substitute).

35. MINUTES OF THE LAST MEETING

The minutes of the previous meetings of the Committee, held on 30 July 2019 and 12 August 2019, were approved as a correct record and signed by the Chairman.

36. DECLARATIONS OF INTEREST

Councillors Scott and Wiggins, present in the public gallery, declared that, with regards to Planning Application 18/00163/FUL Land to the West of Edwards Drive, Thorrington, CO7 8FE, they are the ward councillors for Thorrington.

37. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37

There were none on this occasion.

38. A.1 - PLANNING APPLICATION - 18-00163-FUL - LAND TO THE WEST OF EDWARDS DRIVE THORRINGTON, CO7 8FE

Councillors Scott and Wiggins, present in the public gallery, had earlier declared that, with regards to Planning Application 18/00163/FUL Land to the West of Edwards Drive, Thorrington, CO7 8FE, they are the ward councillors for Thorrington.

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:

- (1) A further two letters of objection have been received, and the Officer response.
- (2) The bungalow positions set closest to Clover Drive are marginally closer than shown on the original layout. However Officers consider that the proposed back to back distances remain acceptable.

Tim Snow, 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 McWilliams 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 (as amended) dealing with the following matters:**
 - **Mechanisms to ensure restrictions on occupation for those over 60, and / or those with, or supporting someone with a disability**
 - **Affordable Housing – the provision of 1 on-site 'gifted' unit and a financial contribution of £300,000 towards the construction or acquisition of property for use as council housing equivalent to delivering the remainder of the 30% requirement.**
 - **Public Open Space – towards local open space and/or public tennis court enhancements.**
 - **Financial contribution towards RAMS**
- b) Subject to the conditions stated below
- c) 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 begun before the expiration of three years from the date of this permission.

Reason – To comply with the requirements of Section 91 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 carried out in accordance with the following approved plans:
 - Drawing number 812-200Q (Block Plan)
 - Drawing number 812-202B (Plot 1 Heather (2 bed bungalow))
 - Drawing number 812-203B (Plots 2 & 3 Heather – Link (2 bed bungalow))
 - Drawing number 812-204B (Plots 20 & 24 Lily (2 bed bungalow))

Drawing number 812-205B (Plots 5 & 6, 23 & 22 Camelia (2 bed semi))
Drawing number 812-206B (Plot 12 Azalea (3 bed bungalow))
Drawing number 812-207B (Plot 8 Hibiscus (3 bed bungalow))
Drawing number 812-208B (Plots 9 & 17 Wisteria (3 bed bungalow))
Drawing number 812-209B (Plots 28 & 29 Camelia (2 bed semi))
Drawing number 812-210B (Plot 7 Jasmine (3 bed bungalow))
Drawing number 812-211B (Plot 18 Jasmine (3 bed bungalow))
Drawing number 812-212B (Plots 13 & 27 Camelia (2 bed bungalow))
Drawing number 812-213B (Plot 19 Chamomile (2 bed bungalow))
Drawing number 812-214B (Plot 16 Juniper (4 bed bungalow))
Drawing number 812-215B (Plot 21 Orchid (3 bed bungalow))
Drawing number 812-216B (Plot 10 Jasmine (3 bed bungalow))
Drawing number 812-217A (Single Garage)
Drawing number 812-218A (Double Garage)
Drawing number 812-219B (Plots 4 & 11 Lily (2 bed bungalow))
Drawing number 812-220A (Plots 14 & 15, 25 & 26 Jasmine (3 bed bungalow))

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

3. The development shall not be occupied until such time as car parking and turning area has been provided in accordance with approved drawing 812-200 G. 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.

4. The development hereby permitted shall be carried out in strict accordance with the Preliminary Ecological Appraisal Version 1.0 Dated 25 October 2018.

Reason – To preserve and enhance the biodiversity of the site.

5. No above ground works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority, a scheme of hard and soft landscaping works for the site, 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 “BS 5837:2012 Trees in relation to design, demolition and construction.” The scheme shall incorporate the recommendations set out within the accompanying Preliminary Ecological Appraisal and Protected Species Survey dated 5 January 2018.

Reason – In the interest of visual amenity, the design quality of the development and biodiversity gain.

6. All changes in ground levels, hard landscaping, planting, seeding or turfing which have been submitted to and approved, in writing, by the Local Planning Authority under condition 5 above, shall be carried out during the first planting and seeding season (October – March inclusive) following the commencement of the

development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason – in the interest of visual amenity, the design quality of the development and biodiversity gain.

7. No above ground level works shall take place until precise details of the provision, siting, design and materials of all screen walls and fences have been submitted to and approved in writing by the Local Planning Authority. The approved screen fences shall be erected prior to the occupation of the development and thereafter be retained in the approved form unless otherwise agreed in writing by the Local Planning Authority. the scheme shall incorporate the recommendations set out within the accompanying Preliminary Ecological Appraisal and Protected Species Survey dated 5 January 2018.

Reason – To ensure that the development is appropriate within its setting in the interests of visual amenity and biodiversity gain.

8. Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no provision of fences, walls or means of other enclosures erected forward of the dwellings.

Reason – In the interests of visual amenity and the design quality of the development.

9. Prior to any above ground works, an ecological mitigation and enhancement scheme in line with the recommendations set out within the accompanying Preliminary Ecological Appraisal and Protected Species Survey dated 5 January 2018 shall be submitted to and approved in writing by the Local Planning Authority. The scheme, which shall include a timetable for its implementation, shall be implemented in accordance with the approved works prior to the occupation of the hereby approved development unless otherwise agreed in writing by the Local Planning Authority.

Reason – To preserve and enhance the biodiversity of the site.

10. No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Local Planning Authority prior to the occupation/use of the site. Any external lighting that is installed shall accord with the details so approved.

Reason – To ensure lighting is sensitively designed and minimises light spillage in order to preserve and enhance the biodiversity of the site.

11. The removal of any vegetation for site access/site clearance shall only be carried out outside of the bird nesting season (March to August inclusive)

Reason – To ensure the protection of birds potentially nesting on site.

12. No development shall take place before a Demolition/Construction Management Plan for the construction of the development hereby approved has been submitted to 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 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, the erection and maintenance of security hoarding, and a scheme for recycling/disposing of waste resulting from construction.

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.

13. 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.

14. No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:

- If following further infiltration testing this is found to be unviable, discharge rates should be limited to the 1 in 1 year greenfield rate for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change;
- Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event;
- Final modelling and calculations for all areas of the drainage system;
- The appropriate level treatment for all run-off leaving the site, in line with the CIRIA SuDS Manual C753;
- Detailed engineering drawings of each component of the drainage scheme;
- A final drainage plan which details exceedance and conveyance routes, finished floor levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason – to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation of SuDS features over the lifetime of the development; to provide mitigation of any environmental harm which may be caused to the local water environment; and failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

15. No works shall take place until a scheme to minimise the risk of off-site 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.

16. 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.

17. No works 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. should any part be maintainable by a maintenance company, details of the long-term funding arrangements should be provided.

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

18. 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.

19. Prior to any above ground works details of all refuse/recycling storage and collection points required to serve the 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.

20. 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.

21. 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.

22. 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.

23. Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A, B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwellings shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing by the Local Planning Authority.

Reason – Given the specialist nature of the dwellings and having regard to the size of the approved plots.

Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways Specific

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.manangement@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 developers 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.

The applicant should be advised to contact the Essex County Council travel plan team on travelplanteam@essex.gov.uk to make the necessary arrangements for the provision of the Residential Travel Information Packs.

Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk

Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

As 'Secured by Design' is referenced within the Design & Access Statement, Essex Police is able to support the applicant to achieve appropriate consideration of the requirements and is invited to contact Essex Police via designingoutcrime@essex.pnn.police.uk

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:

- Restrictions on Occupation
- Affordable Housing
- Public Open Space
- RAMS

4. Additional Considerations

Public Sector Equality Duty (PSED)

- 4.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:
 - 4.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - 4.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
 - 4.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 4.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 4.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.

- 4.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 4.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 4.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 4.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

- 4.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 4.12 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

5. Background Papers

None.

39. A.2 - PLANNING APPLICATION - 19/00685/FUL - LAND AT HARWICH ROAD, WIX, CO11 2SA

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Officer (MP) in respect of the application.

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

- (1) Removal of call in by Councillor Bush
- (2) Additional letter of objection received and the Officers response.

Steve Harmer, the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Bray, seconded by Councillor Harris 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:-

- (1) Overdevelopment
- (2) Loss of Privacy

The meeting was declared closed at 7.15 pm

Chairman