

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY 14 JANUARY 2020 AT 6.00 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

Present:	Councillors White (Chairman), Bray (Vice-Chairman), Alexander, Cawthron, Codling, Fowler, Harris, McWilliams and Placey
Also Present:	Councillors Clifton, Scott and Wiggins
In Attendance:	Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer), Graham Nourse (Planning Manager), Trevor Faulkner (Temporary Planning Team Leader), Alison Newland (Planning Team Leader) (except minutes 80-81) and Katie Sullivan (Committee Services Officer)

75. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence or substitutions on this occasion.

76. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on Tuesday 17 December 2019, were approved as a correct record and signed by the Chairman.

77. DECLARATIONS OF INTEREST

Councillor Bray declared for the public record in regards to Planning Applications 19/01269/DETAIL and 19/00283/FUL that he was also a Frinton and Walton Town Councillor, however, he stated that he had not been involved in discussions on the applications at the Town Council and was not pre-determined.

Councillor Scott, who was present in the public gallery, declared for the public record that he was one of the local Ward Councillors for Planning Application 18/01884/FUL.

Councillor Wiggins, who was present in the public gallery, declared for the public record that she was one of the local Ward Councillors for Planning Application 18/01884/FUL.

Councillor Clifton, who was present in the public gallery, declared for the public record in regards to Planning Applications 19/01269/DETAIL and 19/00283/FUL that he was the local Ward Councillor and that he was also a Frinton and Walton Town Councillor.

78. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were no questions on notice on this occasion.

79. A.1 - PLANNING APPLICATION - 19/01269/DETAIL - 171 THORPE ROAD AND LAND TO REAR OF 121-183 THORPE ROAD AND 4-20 CHAPEL LANE, KIRBY CROSS, CO13 0NH

Councillor Bray had earlier declared for the public record in regards to Planning Application 19/01269/DETAIL that he was also a Frinton and Walton Town Councillor,

however, he stated that he had not been involved in discussions on the application at the Town Council and was not pre-determined.

Councillor Clifton, who was present in the public gallery, had earlier declared for the public record in regards to Planning Application 19/01269/DETAIL that he was the local Ward Councillor and that he was also a Frinton and Walton Town Councillor.

It was reported that this reserved matters application had been referred to the Committee in accordance with the request made by the Committee at the time it had determined the related outline planning application.

Members recalled that planning application 15/01710/OUT (which had sought outline planning permission for the demolition of one dwelling and outline planning permission for the erection of up to 110 no. residential units, with all matters reserved except for access) had been refused by Members contrary to the Officer recommendation.

Members were informed that the applicant had appealed that decision and in September 2016 a Planning Inspector had granted the outline permission, subject to a Section 106 legal agreement and nineteen conditions.

Members were further informed that the application now before it sought the approval of reserved matters for appearance, landscaping, layout, and scale, pursuant to condition 1 imposed upon the grant of outline planning permission. Approval was also now sought for the erection of 110 dwellings, comprising a mix of 2, 3 and 4-bedroom two-storey houses, including 8 dwellings that were to be gifted to the Council for use as Affordable Housing, in accordance with the Section 106 Agreement secured under the outline permission.

It was reported that this application represented an alternative reserved matters proposal to that approved under 18/01728/DETAIL for 105 dwellings in November 2019, following completion of the RAMS legal agreement, which in its turn followed an approval by the Planning Committee on 12 August 2019.

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

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

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

- (1) Objections raised by Network Rail which had been previously set sent to another Council in error;
- (2) One additional letter of objection; and
- (3) One additional email of objection.

Samuel Caslin on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee and advice provided by Officers, it was moved by Councillor Harris, seconded by Councillor Bray and unanimously **RESOLVED** that

the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to:

- a) The applicant submitting a revised plan showing pedestrian access to south east corner of the site being permanently blocked up and a revised dog walking route plan;
- b) removal of condition 16 as set out in the Report;
- c) 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):
 - Financial Contribution of £122.30 per dwelling towards RAMS;
- d) the following Conditions:

Conditions and Reasons

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

Site Location Plan – TW019-PL-01
Concept Development Layout – TW019-PL-02 Rev L
Detailed Layout – TW019-PL03 Rev I
Landscape Plan – TW019-PL04 Rev H
HA Location Plan – TW019-PL06 Rev G
Storey Height Plan – TW109-PL08 Rev G
Garden Areas – TW109-PL09 Rev E
Housetype Ashenford NA20a – TW019-HA-NA20a-01 Rev 00
Housetype Ashenford NA20b – TW019-HA-NA20b-02 Rev A
Housetype Coltford NA34 – TW019-HA-NA34-01 Rev 00
Housetype Byford NA32a – TW019-HT-NA32a-01 Rev A
Housetype Byford NA32b (Boarding) – TW019-HT-NA32b-02 Rev A
Housetype Manford NA44 – TW019-HT-NA44-01 Rev B
Housetype Possdale NA40a – TW019-HT-NT40a-01 Rev C
Housetype Possdale NA40c – TW019-HT-NT40c-02 Rev B
Housetype Waysdale NT42 – TW019-HT-NT42-01 Rev B
Housetype Waysdale NT42a – TW019-HT-NT42a-02 Rev C
Housetype Waysdale(Boarding) - NT42b –TW019-HT-NT42b-03 Rev B
Housetype Waysdale NT42c – TW019-HT-NT42c-04 Rev A
Housetype Canford PA25 – TW019-HT-PA25-01 Rev C
Housetype Gosford PA34a – TW019-HT-PA34a-01 Rev C
Housetype Gosford PA34b – TW019-HT-PA34b02 Rev C
Housetype Gosford PA34c – TW019-HT-PA34c-03 Rev A
Housetype Easedale PT36a – TW019-HT-PT36a-01 Rev A
Housetype Easedale PT36c – TW019-HT-PT36c-02 Rev B
Housetype Yewdale PT37a – TW019-HT-PT37a-01 Rev E
Housetype Yewdale PT37b – TW019-HT-PT37b-02 Rev B
Housetype Yewdale PT37c – TW019-HT-PT37c-03 Rev A

Garage Types – TW019-GR-01
Garage Types - TW109-GR-02
Sub-Station - Tw019-sub-01 rev a
Street Scenes – TW019-ST01 Rev.B
Soft Landscape Proposals 1 of 10 - 19.4068.01.F
Soft Landscape Proposals 2 of 10 - 19.4068.02.D
Soft Landscape Proposals 3 of 10 - 19.4068.03.E
Soft Landscape Proposals 4 of 10 - 19.4068.04.D
Soft Landscape Proposals 5 of 10 - 19.4068.05.E
Soft Landscape Proposals 6 of 10 - 19.4068.06.D
Soft Landscape Proposals 7 of 10 - 19.4068.07.D
Soft Landscape Proposals 8 of 10 - 19.4068.08.D
Soft Landscape Proposals 9 of 10 - 19.4068.09.E
Soft Landscape Proposals 10 of 10 - 19.4068.10.F
Updated Barn Owl Ecological Advice Note (SES, November 2019)
Reptile Mitigation Strategy (SES, November 2019)
Attenuation Basin Plan
Circular Dog Walking Route 19.4668.11
Pump Station Details 5793:101 Rev B
AIA 7658.D.AIA Rev A
Root Investigation 7816-D-R1
Root Investigation 2 7816-D-R1 2
Preliminary Arboricultural Method Statement Proj, 7658 Rev A
Arboricultural Monitoring Report Proj. 7816

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

2. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Updated Barn Owl Ecological Advice Note (SES, November 2019) and Reptile Mitigation Strategy (SES, Nov 2019). This may include the appointment of 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.

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

3. No development shall take place, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy for Barn Owls has 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 fully functioning biodiversity objectives of the originally approved scheme.

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

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

4. Prior to the occupation of each dwelling the internal road and footway serving that dwelling shall be provided in principal and accord with drawing number TW019-PL-02 Rev L Concept Layout Drawing.

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

5. 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, means of enclosure, lighting, 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.

6. 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.

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. Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles and each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres. All single garages should have a minimum internal measurement of 7m x 3m and all double garages should have a minimum internal measurement of 7m x 5.5m

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

9. Prior to the development above ground level the details of the number, location and design of a covered parking facility for bicycles shall be submitted to and approved in writing by the local planning authority. The approved cycle parking facility shall be provided prior to occupation of each dwelling that it will serve.

Reason: To ensure appropriate bicycle parking is provided in accordance with the Council's adopted Parking Standards.

10. 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.

11. The garage hereby permitted on Plots 1, 16, 17, 20, 23, 27, 28, 31, 32, 33, 86, 87, 92, 93, 101, 102 and 110 shall only be used for the parking of vehicles or for domestic storage associated with the dwelling and not used for living accommodation.

Reason: To ensure adequate parking and garage space is provided within the site in accordance with the standards adopted by the local planning authority.

12. The bathroom window on the west facing elevation on Plot 2 shall be glazed with obscure glass and shall be so maintained at all times.

Reason: In order to safeguard the privacy of adjoining occupiers.

13. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no additional windows, doors, rooflights, or dormer windows, as permitted by Classes A, B and C of Part 1 of Schedule 2, other

than those indicated on the approved plans shall be constructed on the western elevation/roof slope of the dwelling hereby permitted on Plot 2 without first obtaining planning permission from the local planning authority.

Reason: In order to safeguard the privacy of adjoining occupiers.

14. Prior to occupation of Plots 36, 37, 38, 39, 40 or 41 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.

15. Prior to occupation of Plots 54, 55, 56 or 57 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.

16. 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 approved 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.

17. The scheme of landscaping as shown on the approved Soft Landscape Proposals Plans, 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.

18. 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.

19. Prior to the first occupation of the development hereby approved, a strategy to ensure that there is a boundary fence between the proposed development and the railway line which conforms to Network Rail design standards, shall be submitted to and approved in writing by the Local Planning Authority. The strategy will include full details of the location, construction and condition of the current boundary fence on the railway boundary and in the event that the part or all the existing fence does not conform to current Network Rail standards, details of how an appropriate boundary fence will be provided. Any works specified in the approved strategy shall be carried out in accordance with the approved strategy prior to the first occupation of the development.

Reason: To ensure that the increase in public activity resulting from the development does not result in an increase in trespass or anti-social behaviour on the railway line that would be detrimental to the safety of member of the public and railway users.

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) Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy. If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team.

Foul water drainage strategy will need to include a feasible drainage strategy agreed with Anglian Water detailing the discharge solution including:

Development size; Proposed discharge rate (Should you require a pumped connection, please note that our minimum pumped discharge rate is 3.8l/s); Connecting manhole discharge location (No connections can be made into a public rising main); Notification of intention to connect to the public sewer under S106 of the Water Industry Act.

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.

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

80. A.2 - PLANNING APPLICATION - 18/01884/FUL - LAND TO THE WEST OF CHURCH ROAD, ELMSTEAD, CO7 7AR

Councillor Scott, who was present in the public gallery, had earlier declared for the public record that he was one of the local Ward Councillors for Planning Application 18/01884/FUL.

Councillor Wiggins, who was present in the public gallery, had earlier also declared for the public record that she was one of the local Ward Councillors for Planning Application 18/01884/FUL.

It was reported that, following the approval of planning application 14/01292/OUT on this site for 20 units, a community hall, playing field and allotments, a further housing development at Charity Field, Elmstead Market, had been allowed on appeal which had also made provision for a new community hall, allotments and public open space. Therefore, following the Charity Field approval the applicant had approached the local Parish Council to ascertain which location would be preferable for the new community hall and playing field. Consequently, the Parish Council had formed a sub-committee which advised the applicant that the Charity Field site would be the preferred option and as a result the Charity Field applicant had advised this Council that it would be their intention to develop a new community hall as part of their development alongside an area of open space.

It was further reported that it was the applicant's intention to include a financial contribution of £400,000 to assist in the delivery of a fully functioning community hall on the Charity Field site, whilst utilising the remaining land for the provision of additional housing.

Members were informed that Officers were content that subject to the imposition of reasonable planning conditions and Section 106 planning obligations that the general principle of this level of development on the site was acceptable. It was in keeping with both the site's location on the edge of the village along with the need to facilitate on-site strategic landscaping, open space and the retention of existing landscape features. Furthermore, the proposal would ensure that the living conditions of existing and future

residents would be protected from any materially detrimental impacts whilst significantly boosting housing supply within the District in line with the Council's own emerging Local Plan.

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.

An update sheet had been circulated to the Committee prior to the meeting with details of amendments to Conditions 12 and 22.

Mr Fairweather, on behalf of the Community Centre Committee, spoke in support of the application.

Councillor Paul Beard, the Chairman of Elmstead Market Parish Council, spoke on the application.

Councillor Scott, a local Ward Member, spoke on the application.

Robert Pomery, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Bray, seconded by Councillor Alexander and unanimously **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):
 - Financial Contribution towards RAMS
 - Affordable Housing Provision 20% (8 units)
 - Education contribution - £172,307
 - Community Hall at Charity Field - £400,000
 - Open Space/Allotments – Transfer to management company or Elmstead Parish Council

- b) the following Conditions:

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. No above ground works shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

Reason - The development is publicly visible and therefore sympathetic materials are a visually essential requirement.

3. 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."

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

4. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details 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 and the character of the area.

5. No above ground works shall take place until precise details of the provision, siting, design and materials of screen walls and fences have been submitted to and agreed in writing by the Local Planning Authority. The approved screen walls and fences shall be erected prior to the first occupation of the approved dwelling and shall be retained thereafter in the approved form.

Reason - In the interests of visual and residential amenity.

6. Prior to the first occupation of the development, the proposed road junction at its bell mouth junction with Church Road shall be constructed at right angles to the highway boundary and to the existing carriageway as previously approved and shown on, drawing no. J62 1/ 09 to a carriageway width of 5.5 metres with 2 metre width footways on both sides on both sides of the junction.

Reason - To ensure that all vehicular traffic using the junction may do so in a controlled manner and to provide adequate segregated pedestrian access, in the interests of highway safety.

7. Prior to the occupation of any of the proposed development the internal road and footway layout shall be provided in accord with Drawing numbers:

- X571-PL-SK-002 Rev P02 - Internal Road Layout Swept Path Analysis.
- 17/28/03 Rev F - Proposed Site Plan

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

8. Prior to the commencement of development, 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.

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

9. Prior to first occupation of the site the provision of the following is required:

A footway as per CCE Drawing X571-PL-SK-003 Rev P04 (Proposed Site Access) associated drop kerbs and tactile paving to the specifications of the Highway Authority.

Reason - To make adequate provision within the highway for the additional pedestrian traffic generated within the highway as a result of the proposed development and to provide a link with the existing footway within Church Road.

10. Prior to occupation of the proposed dwelling, 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 free of charge.

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

11. No phase of development shall commence until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority for that particular phase. The statement shall include:

i) the parking of vehicles of site operatives and visitors;
ii) the loading and unloading of plant and materials;
iii) storage of plant and materials used in constructing the development;
iv) details of noise, dust, emission and lighting control measures;
v) wheel and under-body washing facilities; and
vi) hours of construction.

The development shall be carried out in accordance with the statement so approved.

Reason - To ensure that the development takes place in a satisfactory manner with regard to its impact on amenity and highways in the local area.

12. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Survey Report (as prepared by MHE Consulting LTD), as submitted with the planning application and agreed in principle with the local planning authority. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) 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.

Reason - To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

13. Prior to any works above slab level being commenced a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.”

Reason - To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

14. Prior to first occupation a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance

with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason - To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

15. 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 hydro geological 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:
- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure. This testing should be located at all locations of proposed infiltration.
 - 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.
 - Demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 100 year event plus climate change.
 - Final modelling and calculations for all areas of the drainage system.
 - The appropriate level of treatment for all runoff 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, FFL and ground 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. 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.

16. 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 should clearly show how surface water will be managed and discharged during construction. The scheme shall subsequently be implemented as approved.

Reason - The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

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 long term funding arrangements should be provided. If features are to be maintained by homeowners, they should be given clear instructions on what needs doing, how it is to be done, and they can have maintenance done on their behalf by a maintenance company.

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.

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 the 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.

20. Prior to the commencement of the development details of the safety netting to be providing along the southern boundary of the site shall be submitted to and approved, in writing, by the Local Planning Authority. The approved safety netting shall be erected prior to the first occupation of the development and retained as approved thereafter.

Reason – In the interests of health and safety due to the presence of a cricket pitch to the south of the site.

21. Each dwelling with on-plot garage parking shall be provided with a vehicle charging point. The charging point shall be provided prior to occupation of each such dwelling.

Reason - To enhance the sustainability of the proposed development.

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

- 17/28/13/B
- 17/28/03/F
- X571-PL-SK-002 P01
- X571-PL-SK-002 P02
- X571-PL-SK-003 P4
- 1809-211-ST003
- 1809-211-ST004 REV A
- 1809-211-ST001 REV B
- 17/28/06 Rev A
- 17/28/07
- 17/28/08
- 17/28/09
- 17/28/10
- 17/28/11 Rev A
- 17/28/04

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

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.

Highway Informative

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.

Prior to the commencement of any work on the site a joint inspection of the route to be used by construction vehicles should be carried out by the applicant and the Highway Authority, to include photographic evidence. The route should then be inspected again, after completion of the development, and any damage to the highway resulting from traffic movements generated by the application site should be repaired to an acceptable standard and at no cost to the Highway Authority. The Highway Authority may also wish to secure a commuted sum for special maintenance to cover the damage caused to the existing roads used as access by vehicles servicing the application site.

The construction vehicle route to the site should be clearly signed and a strict regime of wheel washing and street cleaning should be in place.

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.

S106 Informative

The applicant is reminded that this permission is linked to a planning obligation under Section 106 of the Town and Country Planning Act 1990.

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

81. A.3 - PLANNING APPLICATION - 19/00283/FUL - LAND EAST OF HALSTEAD ROAD, KIRBY CROSS, CO13 0LR

Councillor Bray had earlier declared for the public record in regards to Planning Application 19/00283/FUL that he was also a Frinton and Walton Town Councillor, however, he stated that he had not been involved in discussions on the application at the Town Council and was not pre-determined.

Councillor Clifton, who was present in the public gallery, had earlier declared for the public record in regards to Planning Application 19/00283/FUL that he was the local Ward Councillor and that he was also a Frinton and Walton Town Councillor.

It was reported that this application had been referred to the Planning Committee at the request of Councillor Clifton, due to his concerns relating to affordable housing provision, the design and street scene impact, poor layout and density, highway safety and parking.

Members were informed that outline consent for the erection of up to 240 dwellings with a community hub including either a 40 bed space care home (Class C2) or a healthcare facility (Class D1) together with access from Halstead Road, Woburn Avenue and Buckfast Avenue; a parking area for up to 30 vehicles; green infrastructure provision including children's play area, kick-about area, footpaths, structural landscaping and biodiversity enhancement; a sustainable drainage system including detention basin and swales and other related infrastructure and services provision had been granted at appeal on 6 September 2016. Phases 1 and 2 of the development had already been approved and were currently under construction. Phase 3 situated towards the south-west of the site, to the east of Phase 1 of the development had been recently granted permission.

Members were further informed that the land subject of this application was shown as a community hub with either a 40 bedroom care home or a medical facility under the original outline permission 15/01234/OUT. The applicant had provided evidence that there was no interest in the provision of a care home and it had similarly been confirmed by NHS England that they were not in a position to agree to the land option for a healthcare facility on the site and would prefer to receive the alternative financial contribution (£389.67 per dwelling) secured through the Section 106 Agreement attached to the site-wide outline planning permission in order to support improvements to existing local medical facilities.

It was reported that this application had been amended and now sought full planning permission for 13 dwellings with associated landscaping and infrastructure.

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.

Steve Brown, a local resident, spoke against the application.

Councillor Paul Clifton, the local Ward Member, spoke against the application.

Following discussion by the Committee and advice provided by Officers, it was moved by Councillor Bray, seconded by Councillor Alexander and unanimously **RESOLVED** that consideration of this application be deferred in order to allow negotiations to take place with the applicant with a view to securing amendments to the scheme with respect to plots 1-4 inclusive, with these plots being pushed southwards and plots 1 and 2 being reduced to bungalows. It was also requested that a landscaping scheme be provided to the northern boundary of the site.

The meeting was declared closed at 8.17 pm

Chairman

