

Development Committee – 24 May 2018

Minutes of the meeting of the Development Committee held on **24 May 2018** when there were present:-

Chairman: Cllr S P Smith
Vice-Chairman: Cllr Mrs L Shaw

Cllr J D Griffin
Cllr N J Hookway
Cllr Mrs D Hoy
Cllr G J Ioannou
Cllr R Milne

Cllr P J Shaw
Cllr M J Steptoe
Cllr Mrs C A Weston
Cllr A L Williams
Cllr S A Wilson

NON-MEMBERS ATTENDING

Cllr B T Hazlewood
Cllr M Hoy

OFFICERS PRESENT

A Law - Assistant Director, Legal Services
C Buckley - Team Leader (Area Team South)
M Stranks - Team Leader (Area Team North)
S Worthington - Democratic Services Officer

PUBLIC SPEAKERS

R Houghton - for items 6 and 7

107 MINUTES

The Minutes of the meeting held on 19 April 2018 were approved as a correct record and signed by the Chairman.

108 DECLARATIONS OF INTEREST

Cllrs Mrs D Hoy and M Hoy each declared a disclosable pecuniary interest in items 6 and 7, applications 18/00126/FUL and 18/00124/FUL, relating to land between Windermere Avenue, Malyons Lane and Lower Road, Hullbridge, by virtue of living in close proximity to the application site and left the Chamber during debate of those items.

Cllrs Mrs C A Weston and A L Williams each declared a non-pecuniary interest in item 7 by virtue of their daughters owning horses.

109 18/00126/FUL – LAND BETWEEN WINDERMERE AVENUE, MALYONS LANE AND LOWER ROAD, HULLBRIDGE

The Committee considered an application for variation of conditions 4 (approved plans) and 8 (roundabout) attached to approved application reference 14/00813/OUT.

Resolved

That planning permission be approved, subject to this application being incorporated into the existing agreement under Section 106 of the Act to the outline planning permission granted on 18 January 2017 under application reference 14/00813/OUT and to the issuing of a revised outline decision notice reference 14/00813/OUT/A setting out the following conditions:-

Reserved Matters

- (1) No development shall commence within any phase (Reserved Matters application site area) until plans and particulars showing precise details of the layout, scale, design and external appearance, access (save for access points to the site as shown on the approved Parameters Plan) and landscaping of the site, (herein after called the "Reserved Matters") within the phase have been submitted to and approved in writing by the Local Planning Authority. All development at the site shall be carried out in accordance with the Reserved Matters details approved.

Submission of Reserved Matters

- (2) In the case of the reserved matters, application for the first residential reserved matters application for approval shall be made no later than the expiration of two years beginning with the date of this permission. Application for the approval of the remaining "Reserved Matters" referred to in condition 1 above shall be made to the Local Planning Authority before the expiration of five years from the date of this planning permission. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the Reserved Matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Commencement

- (3) The development to which this permission relates shall be commenced not later than the expiration of two years from the approval of the first reserved matter and the remainder of the development shall be begun not later than:-
 - (i) the expiration of five years from the date of the grant of outline planning permission, or
 - (ii) within five years of the approval of the reserved matters for the phase or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

Approved Plans

- (4A) The development hereby approved shall be constructed in strict accordance with the approved plans drawing number 101 date stamped 12.11.2014, F221-102, H7485-3B-GA-1201 Rev. P6 and H7485- 3B- GA- 1202 Rev. P7

Quantum of Development

- (4) The site outlined red on drawing No. 101 date stamped 12.11.2014 save for that part to the south western corner that falls within Flood Zone 3 shall accommodate no more than 500 dwellings in total.

Submission of Public Realm Design Strategy for the Whole Site

- (5) Prior to the submission of any reserved matters application, a public realm design strategy for the whole site, including details within different areas of proposed palettes of materials for surfaces, lighting, street furniture, street trees including species and grille details if proposed, signage and boundary treatments should be submitted to and agreed in writing by the Local Planning Authority. The reserved matters submissions should then accord with the approved public realm design strategy.

Submission of Design Brief Prior to Submission of Reserved Matters

- (6) Prior to the submission of each application under the reserved matters, a design brief for that phase of the site to which the reserved matters application relates, shall be submitted to and approved in writing by the Local Planning Authority. The design brief shall include scaled plans and details of:-
- a) Identification of distinctive character areas with details submitted in relation to each to incorporate details of items b) to o) below with regard to design principles contained within the Essex Design Guide 2005 and context of the site.
 - b) The street hierarchy, including the principles of adopting highway infrastructure, and typical street cross-sections including relationships of new buildings to the street.
 - c) How the design of the streets and spaces takes into account mobility and visually impaired users.
 - d) Block principles to establish density and building typologies. In addition, design principles including primary frontages, pedestrian access points, fronts and backs and perimeter of building definition.
 - e) Information about height, scale, form and building style, level and type of enclosure/boundary treatments, building materials and

design features.

- f) Landmarks and legibility, vistas and views and types of spaces and their proposed use.
- g) Approach to parking and accommodating the car.
- h) Approach to provision of sustainable urban drainage.
- i) The conceptual design and approach to the treatment of the public realm within the residentially developable area of the site to include materials, utilities and street furniture.
- j) Approach to incorporation of ancillary infrastructure such as pipes, vents, meter boxes etc, required by statutory undertakers.
- k) Details of the approach to cycle parking including distribution, type and design of storage facilities.
- l) Approach to the character and treatment of structural planting within the residentially developable area.
- m) Approach to the treatment of footpaths/footways within the residentially developable area.
- n) The conceptual design and approach to the lighting strategy.
- o) Details of measures to minimise opportunities for crime.

Provision of Site Access Roundabout

- (8A) Prior to commencement of the development, the proposed site roundabout access on Lower Road shall be provided as shown in principle on drawing nos. H7485-3B-GA-1201 Rev. P6 and H7485- 3B-GA- 1202 Rev. P7 by messrs. structa (as amended) with clear to ground visibility splay. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times.

Provision of Malyons Lane Alteration/Works

- (9) No more than 200 units shall be occupied from the Lower Road junction until such time as the proposed secondary site vehicle access on Malyons Lane is provided as shown in principle on CCE drawing F221-102.

Submission of Timescale for Pedestrian and Cycle Access Points

- (10) Prior to commencement of the layout for the residential element of the new development approved details of and timescale for the provision of the proposed access for pedestrian/cyclists at The Priors, Harrison Gardens and Windermere Avenue shall be submitted to and agreed by the Local Planning Authority. The development shall be implemented in accordance with such details as may be agreed.

Pedestrian Visibility Splays

- (11) Prior to occupation of each dwelling hereby approved a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular accesses serving the dwelling. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Gradient to Parking Access Areas

- (12) The gradient of any proposed vehicular access/garage drive/hard standing shall be not steeper than 4% (1 in 25) for the first 6 metres from the highway boundary and not steeper than 8% (1 in 12.5) thereafter.

Surface Water Drainage Details for Parking Areas

- (13) Prior to the commencement of the layout for the residential element of the new development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

Additional Note:

With reference to the above condition, the applicant's attention should be drawn to the recent alterations to householder "permitted development" in so far as there is now the need to provide a permeable solution (SUDS) for the hardstanding to reduce the cumulative impact of surface water run off and overloading of sewers.

Surface Water Treatment of Parking and Access Areas

- (14) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Construction Method Statement

- (15) No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:-
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and underbody washing facilities

Highway Boundary Planting Set Back

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

Parking Space Size

- (17) Each vehicular parking space shall have minimum dimensions of 2.9 metres width x 5.5 metres depth.

Garage Space Size

- (18) All single garages should have a minimum internal measurement of 7m depth x 3m width. All double garages should have a minimum internal measurement of 7m depth x 5.5m width. All tandem garages should have minimum internal measurements of 12m depth x 3m width.

Non Obstruction of Public Footpath

- (19) The public's rights and ease of passage over public footpath No. 7 shall be maintained free and unobstructed at all times.

Submission of Detailed Drainage Strategy

- (20) Prior to the commencement of the layout for the residential element of the new development a detailed drainage strategy shall be submitted for approval to the Local Planning Authority. Such details shall be based on the principles of sustainable drainage, in line with the approved Flood Risk Assessment undertaken by Cannon Consulting Engineers referenced: CCE/F221/FRA-03 and dated October 2014 by this planning permission. The detailed drainage scheme should follow mitigation measures detailed within the FRA including:-

- o Limiting the discharge from the site to 3.5l/s/ha for all events up to the 1 in 100 year storm plus a 30%.
- o Providing attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change and urban creep.
- o Ensuring the appropriate level of treatment for all run off leaving the site, in line with table 3.3 of the CIRIA SuDS guide.
- o Providing information about exceedance routes to indicate what route flows would take should a feature become blocked and cause surface water flooding.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Submission of Scheme to Minimise Surface Water Flooding from Construction Works

- (21) Prior to the commencement of the layout for the residential element of the new development hereby approved a scheme to minimise the risk of off site flooding caused by surface water run off and ground water during construction works shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as may be approved.

Submission of surface water drainage management plan

- (22) Prior to the commencement of the layout for the residential element of the new development the applicant shall submit to the Local Planning Authority a Maintenance Plan detailing the maintenance arrangements for the surface water drainage system. Such details shall include who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies.

Suds Maintenance Logs

- (23) The applicant shall keep yearly maintenance logs of maintenance undertaken to the surface water drainage system which should be carried out in accordance with any approved Maintenance Plan.

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment undertaken by Cannon Consulting Engineers Referenced: CCE/F221/FRA-03 and dated October 2014 and the following

mitigation measures detailed within the Flood Risk Assessment (FRA).

Finished ground floor levels shall be set no lower than 7.17 metres above Ordnance Datum (AOD); 300mm above the design 1% Annual Event Probability (AEP) flood level.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Archaeological

- (24) Archaeological evaluation by trial trenching shall be undertaken prior to the submission of any detailed layout proposals, with a report submitted with the reserved matters application. This work shall be undertaken to the standards required and specified in an archaeological brief issued by the Local Planning Authority acting through its historic environment advisers.
- (25) An archaeological mitigation strategy detailing the excavation strategy shall be agreed with the Local Planning Authority through its historic environment advisers and submitted with the reserved matters applications.
- (26) No development or preliminary ground works can commence until the satisfactory completion of field work, as detailed in the mitigation strategy, and signed off by the Local Planning Authority through its historic environment advisers.
- (27) The applicant will submit to the Local Planning Authority a post-excavation assessment (to be submitted within six months of the completion of field work, unless otherwise agreed in advance with the Local Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at a registered museum, and submission of a publication report (to be completed within two years of the completion of field work, unless otherwise agreed in advance with the Local Planning Authority, through its historic environment advisers).

Control over Imported Fill Material (Contamination)

- (28) Prior to the importation of any material brought onto the site for use as subsoil, topsoil or backfill, a compliance certificate for that material proposed to be imported to the site shall be submitted to and agreed in writing by the Local Planning Authority.

Contamination

- (29) In the event that contaminated material or asbestos is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the following requirements and a report submitted to and approved in writing by the Local Planning Authority to include:-
- (i) a survey of the extent, scale and nature of contamination
 - (ii) an assessment of the potential risks to:-
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o ground waters and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with Defra and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Where remediation is necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works and must complete the remediation works in accordance with the scheme approved. Following completion of measures identified in the approved remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority.

Prior to occupation of any property hereby permitted the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in the approved remediation scheme.

Submission and Implementation of Landscaping Details

- (30) The development shall provide a minimum of 6.2 hectares of strategic open space or localised and landscaping within the site. Details of the proposed hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include (where applicable) details and plans (at an appropriate scale) of:-
- o Schedule of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;
 - o Grassland areas and the use of grassland seed mixes in these;
 - o A full plan (to scale) that clearly shows the locations of new trees to be planted including planting method statement and after care plan;
 - o Existing trees to be retained;
 - o Provision of bird and bat boxes;
 - o Areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
 - o A long-term maintenance schedule and specifications including timetable for monitoring and maintenance;
 - o Location and material details of paved or otherwise hard surfaced areas/paths within the public open space;
 - o Long-term design objectives in respect of the public open space area;
 - o Location of lighting including details of lighting to be installed which shall be low pressure sodium lighting at levels kept as low as possible (between 1 and 3 lux where possible), directed to where it is needed, away from hedgerows with lighting columns kept as short as possible (ideally 3 metres or less);
 - o Means of enclosure and other boundary treatment including materials to be used and location of these shown on a plan;

- o Minor artefacts and structures (e.g. benches, bins, signs, etc.); and
- o Surfacing to provide cycling, walking and bridleway routes.

The soft landscaping agreed within the residentially developable areas shall be planted/provided in its entirety during the first planting season (October to March inclusive) following commencement of the development within the phase (reserved matters application site area) to which the landscaping relates or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective within five years of planting shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed in the first available planting season following removal. The hard landscaping within the residentially developable areas as agreed shall be completed in accordance with a phased arrangement to be submitted to and agreed in writing by the Local Planning Authority or prior to final occupation within the phase, whichever is earlier and retained in the approved form.

Protection of Existing Trees

- (31) Prior to commencement of development within each phase (reserved matters application) a scheme for the protection of trees/hedgerows to be retained within or immediately adjacent to the site associated with that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- a. A plan that shows the accurate position, crown spread and root protection area in accordance with paragraph 5.2.2 of BS5837 of every retained tree on the site and on neighbouring or nearby ground to the site. The accurate positions of all trees to be removed shall also be indicated on the plan.
 - b. Details of each retained tree in a separate schedule in accordance with paragraph 4.2.6 of BS5837.
 - c. A schedule of tree works for all the retained trees specifying pruning and other remedial or preventative work. All tree works shall be carried out in accordance with BS3998, 1989, 'Recommendations for Tree Work'.
 - d. Details and positions of the Ground Protection Zones in accordance with section 9.3 of BS5837.
 - e. Details and positions of Tree Protection Barriers.

- f. Details and positions of the Construction Exclusion Zones in accordance with section 9 of BS5837.
- g. Details and positions of the underground service runs in accordance with section 1 1.7 of BS5837.
- h. Details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area of any retained tree, including those on neighbouring or nearby ground in accordance with paragraph. 5.2.2 of BS5837.
- i. Details of any special engineering required to accommodate the protection of retained trees (e.g. in connection with foundations, bridging, water features, surfacing) in accordance with section 10 of BS5837.
- j. Details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction. Details of the working methods to be employed for the access and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.
- k. Details of the working methods to be employed for site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.

Details of the method to be employed for the stationing, use and removal of site cabins within any root protection areas in accordance with paragraph 9.2.3 of BS5837.

- m. Details of tree protection measures for the hard landscaping phase in accordance with sections 13 and 14 of BS5837.
- n. The timing of the various phases of the works or development in the context of the tree protection measures.

Development shall proceed in accordance with the approved tree protection scheme with the agreed Tree Protection Barriers erected prior to commencement of development within the phase to which they relate and will remain in place, and undamaged for the duration of construction within that phase.

Retention of Hedgerows

- (32) Existing hedgerows and trees to remain shall remain and not be felled or removed. Those sections of existing hedgerow and trees indicated to be felled/removed shall only be felled/removed/managed outside of

the bird nesting season (March to August inclusive) unless otherwise agreed in writing with the Local Planning Authority in which case details justifying works outside these times shall be submitted to and approved in writing by the Local Planning Authority.

Wheelchair Accessible Designs

- (33) At least 3 per cent of new dwellings within each phase (reserved matters application area) shall be built to wheelchair accessibility standards as required by policy H6 of the Council's adopted Core Strategy until such time as the proposed access changes to the Approved Document M on access to and use of buildings volume 1 dwellings standards forming part of the Building Regulations come into force, after which time at least 3 per cent of new dwellings within each phase (reserved matters application area) must be built to meet the optional standard M 4(3) set out in Approved Document M Building Regulations Category 3b (as consulted on by national Government in the Housing Standards Review Technical Consultation Approved Document M dated September 2014 (DCLG) or as amended when formally adopted). Prior to or concurrent with each reserved matters application, details of compliance with the above requirement for the area to which the reserved matters application relates, shall be submitted to and approved in writing by the Local Planning Authority.

Code for Sustainable Homes – Water Efficiency

- (34) All new dwellings shall achieve Code for Sustainable Homes Code Level 4 as a minimum in respect of water efficiency until such time as Approved Document G on water efficient standards forming part of the Building Regulations (as consulted on by national Government in autumn 2014 or any subsequent further amendment or variation to the autumn 2014 consultation draft technical standard) comes into force after which all new dwellings shall achieve water efficiency equivalent to the proposed optional standard set out in the Approved Document G Building Regulation Building Regulations standard as a minimum, i.e. that new dwellings are designed so that their estimated average water consumption would be no more than 110 litres per person per day. Concurrent with each reserved matters application, details of compliance with the above requirement for all dwellings within the area to which the reserved matters application relates shall be submitted to and approved in writing by the Local Planning Authority. Dwellings shall be constructed to the agreed details.

Code for Sustainable Homes – Energy Efficiency

- (35) All new dwellings shall achieve Code for Sustainable Homes Code Level 4 as a minimum in respect of energy efficiency. Prior to or concurrent with each reserved matters application, details of compliance with the above requirement for all dwellings within the area

to which the reserved matters application relates, shall be submitted to and approved in writing by the Local Planning Authority. Dwellings shall be constructed to the agreed details.

10% Renewable Energy

- (36) Prior to the occupation of any dwelling within each phase (reserved matters application site) details shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how at least 10 per cent of the energy from the development within the phase would be provided from de-centralised and renewable or low carbon sources unless this is not feasible or viable or unless provision of such would be at the expense of provision of a higher specification energy efficient building fabric, in which case a report demonstrating the case and the amount (decentralised/low carbon/renewable energy) that would be provided shall be submitted to and agreed in writing by the Local Planning Authority. The measures as agreed shall be implemented prior to the occupation of the dwellings to which the measures relate.

Provision of Play Space

- (37) A minimum area of 0.06 hectares for play space shall be provided to the development. Details of equipment proposed shall be submitted to and agreed in writing by the Local Planning Authority prior to provision on site. At least one of the play spaces shall be provided as a local equipped area for play (LEAP).

Submission of Details for Bridle Path in Reserved Matters

- (38) The reserved matters referred to in condition 1 above shall include the submission of details for the provision of a bridle path and landscaping to be provided around the overall site to which the development relates. The development shall be implemented in accordance with such details as may be approved.

Protection of Reptiles

- (39) Prior to the commencement of the development (and including ground works) in each phase, a mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority for the protection of reptiles during the construction period. The development shall be implemented in accord with such details as may be agreed. (ADP&RS)

(Note: Cllr S A Wilson wished it to be recorded that he had voted against the above decision).

110 18/00124/FUL – LAND BETWEEN WINDERMERE AVENUE, MALYONS LANE AND LOWER ROAD, HULLBRIDGE

The Committee considered an application for the removal of condition 38 (bridleway) attached to approved application reference 14/00813/OUT.

Resolved

That the application be approved, deleting condition 38 and the requirements for a bridle path to be provided in the development and that a revised outline permission be issued without condition 38 and that being incorporated into the existing legal agreement to the outline permission. (ADP&RS)

The meeting closed at 8.32 pm.

Chairman

Date

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