

**CIRCULATED
BEFORE THE
MEETING**



**REPORT of
CHIEF EXECUTIVE**

**to
NORTH WESTERN AREA PLANNING COMMITTEE
27 NOVEMBER 2017**

MEMBERS' UPDATE

AGENDA ITEM NO. 5

Application Number	OUT/MAL/17/01034
Location	Land to the Rear of Strawberry Lane Tolleshunt Knights Essex
Proposal	Outline planning to erect up to 27 dwellings and form access road onto Brook Close
Applicant	Mr C Newenham - Wilkin & Sons Ltd
Agent	Mr Phillip McIntosh - Melville Dunbar Associates
Target Decision Date	12 December 2017
Case Officer	Yee Cheung,
Parish	TOLLESHUNT KNIGHTS
Reason for Referral to the Committee / Council	Member Call In Major Application

7 CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC SUDs Team	The team's comment will remain the same as previous planning application 17/00364/OUT	In the previous application 17/00364/OUT, the SUDs Team had raised no objection to the proposal subject to conditions and informatives to be imposed should the application be approved

7.4 Representations received from Interested Parties (*summarised*)

Letters were received **objecting** to the application from the following and the reasons for objection are summarised as set out in the table below:

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- Constance Porter, 10 D'arcy Road, Tolleshunt Knights, Essex

Objection Comment	Officer Response
<ul style="list-style-type: none"> • Little changes from the last refusal and also the planning application made in 1993 • No services and facilities • No safe route to bus stops • Poor access to the site • Poor visibility splay from the junction of Strawberry Lane onto D'Arcy Road • Traffic congestion • The width of the pavement do not meet Highway guidelines • The woodland where the footpath will go has a TPO • There is ecology on site i.e. water voles, bats, owls • The Council has a 5YHLS 	<p>Noted in the report</p>

Additional information submitted by the Applicant dated 20 November 2017 in relation to the following:-

Location Plan

The 'location plan' presented on the first page of the report does not reflect the site edge red. The site edge red is based on the registered title and is therefore, correct.

Officer Response: The location plan on the first page of the report is to identify the site and for illustrative purposes only

Cycle / Pedestrian Bridge and Footpath

The report advises that the bridge would be outside the land edged red and blue and therefore, could not be secured through the s106 agreement. This is not correct. The s106 can be worded in such a way that prevents commencement of the development until a scheme for the provision of the foot/cycle path (including bridge) is approved and then implemented in full, prior to first occupation. This is no different to how highways works, which are outside the application site, are dealt with.

Officer Response: It is agreed that the Local Planning Authority can enter into a Section 106 agreement in relation to land that is outside of the application site which is also not shown to be within the applicant's control. However, before accepting that a planning obligation

resolves planning objections to a proposed development, local planning authorities should take care to ensure as early as possible in the process that all those who might need to be