

MEMBERS' UPDATE

DIRECTOR OF STRATEGY,
PERFORMANCE AND
GOVERNANCE'S OFFICE
DIRECTOR OF STRATEGY, PERFORMANCE
AND GOVERNANCE
Paul Dodson

15 December 2020

Dear Councillor

NORTH WESTERN AREA PLANNING COMMITTEE - WEDNESDAY 16 DECEMBER 2020

Please find enclosed the Members' Update for the above meeting, detailing any further information received in relation to the following items of business since the agenda was printed.

5. **20/00493/FUL - Land South Of Beckingham Business Park, Beckingham Street, Tolleshunt Major** (Pages 3 - 6)
6. **20/00954/FUL - Barns at Lower Farm, Blind Lane, Tolleshunt Knights** (Pages 7 - 10)
9. **20/01000/OUT - Building at The Old Dairy, Broad Street Green Road, Great Totham** (Pages 11 - 12)

Yours faithfully,



Director of Strategy, Performance and Governance

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**CIRCULATED
BEFORE THE
MEETING**



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
16 DECEMBER 2020**

MEMBERS' UPDATE

AGENDA ITEM NO. 5

Application Number	20/00493/FUL
Location	Land South Of, Beckingham Business Park, Beckingham Street, Tolleshunt Major
Proposal	Erection of 13No. Business & General Industrial Units (Use Classes B1b, B1c and B2), Office Block (Use Class B1a) and Cafe (Use Class A3), complete with related infrastructure including road, parking spaces, drainage, landscaping and ecological area
Applicant	Mr J. Baker - Beckingham Business Park Developments Limited
Agent	Mr Chris Loon - Springfields Planning And Development
Target Decision Date	11.09.2020 EOT 18.12.2020
Case Officer	Julia Sargeant
Parish	TOLLESHUNT MAJOR
Reason for Referral to the Committee / Council	Major Application Member Call in by Councillor R H Siddall – reasons for call-in: S1 sustainable development, D1 its scale and design, S8 settlement boundary, and the impact on highways and transport

Further correspondence received from the agent

Further correspondence has been received from the agent in relation to four points (summarised below):

1. The extension of time to deal with the application has been extended until 18 Dec from 25 Nov, as agreed via correspondence dated 20 October 2020.
2. Under 'Recommendation', as well as at Section 8 of the Report, please clarify to committee that an agreement "or a unilateral undertaking" under S106 will be acceptable. This will give legal clarity to any resolution that is made. A draft S106 UU will be forwarded shortly.
3. At Condition 2, it lists drawing 1625-14-C (which does not exist). This should read 1625-14-B
4. Condition 25 is of concern to the applicant and agent. A letter has been submitted from Holmes and Hills solicitors which outlines that it is their view that condition 25 (which restricts occupation of the development until there is confirmation that there is permitted capacity at the Little Totham Water Recycling Centre) does not meet the six tests required for planning conditions (as set out in the NPPF and the NPPG). It is

their view that the condition is not necessary as Anglian Water will carry out the necessary works and that it is not reasonable as the works to the Little Totham WRC should have been identified by the Environment Agency during the plan-making stage.

Officer response – The following is made in response to the agent’s comments:

1. The further extension of time has been noted and confirmed as 18th December 2020 which is shown in the item details of this members update.
2. The submission of a unilateral undertaking is acceptable to deal with the updated workplace travel plan and monitoring fee. Unilateral undertakings are legal documents made pursuant to Section 106 of the Town and Country Planning Act 1990 and therefore fall within the recommendation for this application. It is noted that a unilateral undertaking has now been submitted in respect of the travel plan and this has been forwarded to Essex County Council for review.
3. It is noted that condition 2 mistakenly lists drawing 1625-14-C, and that this should read as 1625-14-B. The recommended condition has been updated as below.
4. It is officer’s view that condition 25 does meet the six tests as set out the in NPPF and the NPPG and the general principle is supported by case law; the reasoning for this is set out in the main report at section 5.6. It is however considered that the reason for the condition should also reference LDP policy I1 as well as D2 and H4. An updated condition is therefore recommended as below.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

7.1.1 A further response has been received from Tolleshunt D’Arcy Parish Council

Name of Parish/Town Council	Comment	Officer Response
Tolleshunt D’Arcy Parish Council	<p>Recommend refusal of the planning application for the following reasons:</p> <ul style="list-style-type: none"> - Very concerned about the impact of increased traffic through Tolleshunt D’Arcy where there is already a traffic problem. - The proposal submitted to control traffic is inadequate and will not achieve the desired result to reduce the traffic in Tolleshunt D’Arcy. 	Noted and highways issues are covered in section 5.5 of the report.

7.4 Representations received from Interested Parties

7.4.1 A further two letters of objection have been received and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
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Even with new Framework Travel Plan the private car is still the most likely option that would be used to access the Beckingham Business Park, the roads are still unsuitable country lanes and even if the "new Framework Travel Plan had some success there could still be potentially up to 100 cars competing for only 75 parking spaces then encourage parking in the narrow Beckingham Street due to insufficient spaces.	Noted and covered in section 5.5 of the main report.
There is another planning application that is current at this time (20/01017) which would result in more units.	Noted. Each application has to be assessed on its merits having regard to the development plan.
Raises concerns that the Travel Plan Coordinator would not be able to carry out the claims put forward. They currently have no control over the parking situation in Beckingham Street.	Noted and parking and access issues are addressed in section 5.5 of the main report.

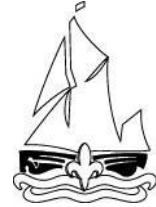
8. APPROVE SUBJECT TO A SECTION 106 AGREEMENT AND PROPOSED CONDITIONS

Conditions 2 and 25 should be updated to read as:

2. The development shall be carried out and retained in accordance with the following approved plans and documents: OS 1799-19.1a Rev E, OS 1799-19.1b Rev E, OS 1799-19.2a Rev E, OS 1799-19.2b Rev E, OS1799-19.4-1 Rev B, OS 1799-19.4-2 Rev B, 1625 Loc 01-B Rev A, 1625-02-B Rev A, 1625-05-B, 1625-06-B, 1625-07-B, 1625-04-B Rev E, 1625-09-B, 1625-10-B, 1625-11-B, 1625-12-B, 1625-13-B, 1625-14-B, 1625-15-B.
REASON To ensure the development is carried out in accordance with the details as approved.
25. The development hereby permitted shall not be occupied until, confirmation has been provided that there is permitted capacity at the Little Totham Water Recycling Centre.
REASON: To ensure there is sufficient infrastructure capacity to protect the water environment and prevent deterioration in river water quality downstream of Little Totham Water Recycling Centre, which is at maximum capacity in accordance with policies I1, D2 and H4 of the Maldon District Local Development Plan.

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**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
16 DECEMBER 2020**

MEMBERS' UPDATE

AGENDA ITEM NO. 6

Application Number	20/00954/FUL
Location	Barns at Lower Farm, Blind Lane, Tolleshunt Knights
Proposal	Conversion of barns to dwelling
Applicant	Mrs N Gudgeon
Agent	Mr G Clark - Clark Partnership
Target Decision Date	18.12.2020
Case Officer	Hayleigh Parker-Haines
Parish	TOLLESHUNT KNIGHTS
Reason for Referral to the Committee / Council	Departure from Local Plan

Since the publication of the Officers report, the Applicant has completed a S106 agreement in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). Therefore, as this mitigation has been secured Section 8 has been amended accordingly.

8. PROPOSED CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in complete accordance with approved drawings: 20/1609/00, 20/1609/01, 20/1609/02A, 20/1609/03, 20/1609/04, 20/1609/05, 20/1609/06, 20/1609/07, 20/1609/08, 20/1609/09, 20/1609/10, 20/1609/11, 20/1609/12 and 20/1609/13A
REASON To ensure the development is carried out in accordance with the details as approved.
3. Prior to their use in the development hereby approved, details or samples of the materials to be used in the construction of the external surfaces, including windows and doors, of the development hereby approved shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
REASON To ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the approved Maldon District Local

Development Plan and the guidance contained in the Maldon District Design Guide SPD.

4. Prior to the occupation of the development hereby approved details of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be provided prior to the occupation of the dwelling hereby approved in accordance with the approved details and be retained as such in perpetuity.

REASON To ensure the external appearance of the development is appropriate to the locality and that the development would protect the amenities of the neighbouring occupiers in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

5. Prior to the occupation of the development details of both hard and soft landscape works to be carried out shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme.

The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of the development, unless otherwise first agreed in writing by the Local Planning Authority.

If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

REASON To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.

6. No development shall commence 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:
 - The parking of vehicles of site operatives and visitors
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - Wheel washing facilities
 - Measures to control the emission of dust, noise and dirt during construction
 - Hours and days of construction operations.

REASON To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with BE1 and T2 of the adopted Replacement Local Plan, and policies D1 and T2 of the submitted Local Development Plan.

7. No development works above ground level shall occur until details of the surface water drainage scheme to serve the development has been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:
- 1) The development should be able to manage water on site for 1 in 100 years events plus 40% climate change allowance.
 - 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)

You are advised that in order to satisfy the soakaway condition the following details will be required: - details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon Local Development Plan (2017).

8. No development above ground level shall be occur until details of the foul drainage scheme to serve the development have been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.
- REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon Local Development Plan (2017).
9. The vehicle parking area and associated turning area shown on plan 20/1609/02A shall be provided prior to the occupation retained in this form in perpetuity. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
- REASON To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with policies D1 and T2 of the approved Local Development Plan.
10. Details of the refuse and cycle stores shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The development shall be implemented in accordance with the approved details and be retained for such purposes in perpetuity thereafter.
- REASON To ensure that adequate bicycle parking and refuse facilities are proposed in accordance with policies D1 and T2 of the approved Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
11. Notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site.

REASON To protect the visual amenity of the rural area and the amenities of the neighbouring occupiers in accordance with Policies D1 and H4 of the Maldon District Local Development Plan and the Maldon District Design Guide.

12. The public's rights and ease of passage over footpath number 8 in Tolleshunt Knights shall be maintained free and unobstructed at all times.

REASON To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policy T2 of the LDP.

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**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
16 DECEMBER 2020**

MEMBERS' UPDATE

AGENDA ITEM NO. 9

Application Number	20/01000/OUT
Location	Building at the Old Dairy, Broad Street Green Road, Great Totham
Proposal	Replacement of a commercial building with up to three dwellings
Applicant	Mr Lawson
Agent	Peter Le Grys – Stanfords
Target Decision Date	15.12.2020
Case Officer	Hayleigh Parker-Haines
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Member call in from Councillor J V Keyes Reason: S1, S8, E1 and H4

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

A response from the Parish Council has been received and is summarised below

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Great Totham Parish Council.	The Parish object to the proposal on the following grounds: The proposed development is inappropriate and no an acceptable use of land. Although ribbon development has occurred on the eastern side of Broad Street Green Road there is no evidence of this on the western side,	Comments noted and are discussed in section 5.1, 5.4, and 5.9 of the report.

Name of Parish / Town Council	Comment	Officer Response
	<p>the Parish would like to draw reference to the inspectors report for previous application 17/01272.</p> <p>There is no footpath from the main settlement of Great Totham to the site</p>	