



**MINUTES of
COUNCIL (EXTRAORDINARY)
12 JULY 2018**

PRESENT

Chairman Councillor H M Bass

Councillors Mrs B F Acevedo, E L Bamford, Miss A M Beale,
B S Beale MBE, R G Boyce MBE, Mrs P A Channer, CC,
Mrs H E Elliott, P G L Elliott, A S Fluker, Mrs B D Harker,
M S Heard, M W Helm, Miss M R Lewis, R Pratt, CC,
S J Savage, Mrs N G F Shaughnessy, Rev. A E J Shrimpton,
D M Sismey, A K M St. Joseph and Mrs M E Thompson

257. CHAIRMAN ANNOUNCEMENTS

The Chairman referred to the notices printed on the agenda.

258. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J P F Archer, I E Dobson, R P F Dewick, M F L Durham CC, B E Harker, J V Keyes, M R Pearlman, N R Pudney and Miss S White.

259. DISCLOSURE OF INTEREST

Councillor Mrs P A Channer disclosed a non-pecuniary interest as a Member of Essex County Council and in particular Agenda Item 4 – FUL/MAL/18/00093 Land Between Chandlers and Creeksea Lane, Maldon Road, Burnham-on-Crouch and Agenda Item 5 Review of Significant Partnerships along with any other reports referring to the County Council.

Councillor R Pratt disclosed a non-pecuniary interest as a Member of Essex County Council, specifically in relation to Agenda Item 4 – FUL/MAL/18/00093 Land Between Chandlers and Creeksea Lane, Maldon Road, Burnham-on-Crouch as the County Council was a consultee and Agenda Item 5 Review of Significant Partnerships.

260. FUL/MAL/18/00093 - LAND BETWEEN CHANDLERS AND CREEKSEA LANE, MALDON ROAD, BURNHAM-ON-CROUCH

Application Number	FUL/MAL/18/00093
Location	Land between Chandlers and Creeksea Lane, Burnham-on-Crouch, Essex
Proposal	Variation of condition 18 on approved planning permission FUL/MAL/14/00356 (Application for full planning permission for 180 homes (including 20 bungalows), new vehicular accesses onto Maldon Road, the spine road through the development, green space, and associated infrastructure. Outline planning permission with all matters reserved (except for access) is sought for a 50-60 bed care home, a nursery school, 3.4 hectares of B1, B2 and B8 with 0.65 hectares of allotments)
Applicant	David Wilson Homes Eastern Counties
Agent	Mr Ray Houghton
Target Decision Date	13 July 2018
Case Officer	Mark Woodger
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Previous Committee Decision Major Application

Following the Officers' presentation, Mr Houghton the applicant addressed the Committee.

Councillor A S Fluker drew Members' attention to paragraph 7.4.1 of the report and how Members were unable to identify the location of persons who had made representation. In response, the Chairman advised that this matter had been drawn to the attention of the Director of Planning and Regulatory Services who advised he would discuss the matter with the Council's General Data Protections Regulations Officer and report back to Members.

In response to a question, the Principal Planner – Major Applications (Strategic Sites) advised Members that the table within the report which detailed the changes to the housing mix was incorrect and therefore provided Members with the correct figures in respect of this. The Officer clarified that the previous scheme proposed 45 market dwellings and that is what was proposed in this scheme and therefore it was ground neutral.

In response to a question regarding the noise to dwellings adjacent to the site and the weight given to the Environmental Health Officer's consultation, the Principal Planner – Major Applications (Strategic Sites) advised that Officers had undertaken discussions with Environmental Health, following receipt of their consultation response. Members were advised that the approved permission included a condition regarding noise protection and this was also proposed for this application, should Members be mindful to approve it. It was further noted that road noise did not form a statutory nuisance.

Councillor P G L Elliott, a Burnham-on-Crouch Ward Member, raised a number of concerns with the this application including how the layout would increase nuisance and density to the north of the site. He recommended that the application be refused so that this factor could be addressed.

A debate ensued and a number of further concerns were discussed, these included noise, the proposed layout changes and the impact of the changes to the development 'Chandlers'. Reference was also made to the Burnham-on-Crouch Neighbourhood Plan.

Following further discussions, Councillor R G Boyce proposed that the application be approved. This proposal was duly seconded.

The Principal Planner – Major Applications (Strategic Sites) provided the following information in response to questions raised by Members:

- Permitted development rights for roof lights, dormer windows etc. could be removed via a condition.
- An informative could be added requesting that the Highways department discuss with utility providers, as part of Section 78 discussions, minimising the disruption to the Maldon Road during construction of the development.
- The construction management plan would detail the proposed hours of operation for the site and in response to questions about weekend working the Officer provided further advice.
- The approved permission included provision for 20 bungalows and this new scheme increased that provision to 29.

Councillor P G L Elliott proposed that the application be refused, contrary to the Officers recommendation. This proposal was duly seconded. Upon a vote being taken the Chairman declared the motion lost. Councillors Elliott and R Pratt requested that their vote for refusal of this application be recorded.

The Chairman then put the proposal in the name of Councillor Boyce, for approval of the application. This proposal was duly amended to include a condition (wording delegated to the Principal Planner – Major Applications (Strategic Sites)) regarding the removal of permitted development rights in relation to dormer and velux windows in roof spaces of properties and an informative requesting that the Highways Authority liaise with utility providers as part of Section 78 discussions to ensure any required works had minimum impact to the Maldon Road. Upon a vote being taken this was agreed.

RESOLVED that this application be **APPROVED** subject the applicant entering into a Section 106 Agreement and to conditions as set out below with the additional condition and informative as set out above.

Section 106 Agreement Heads of Terms

Previously planning permission reference FUL/MAL/14/00356 was granted with a S.106 Agreement. By virtue of paragraph 16.10 of the Agreement means that this Section 73 application binds to the previously signed agreement hence the provision of affordable housing, LMO's etc. are here retained.

Conditions:

OUTLINE consent

- 1 The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.
- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 The development shall be carried out in accordance with plans and particulars relating to the layout, scale, appearance, and the landscaping of the site (hereinafter called "the reserved matters"), for which approval shall be obtained from the Local Planning Authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.
- 4 The residential care home hereby approved shall only be used as a residential care home and for no other purpose including any purpose as defined within Class C2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.
- 5 The B1 office units as shown on plan reference H776-001 D which is attached to and forms part of this planning permission shall only be used for office purposes as defined within Class B1(a) of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.
- 6 The day nursery hereby approved shall only be used as a children's day nursery and for no other purpose including any purpose as defined within Class D1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.
- 7 The development submitted pursuant to the reserved matters application shall accord with the non-residential building heights plan drawing number 013-004-A09 which forms part of the application hereby approved.
- 8 The landscaping details and specifications of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses. The details of the soft landscape works shall include 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 commencement 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 that tree or plant, or any tree or plant planted in its replacement, is removed, 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.
- 9 The scheme to be submitted pursuant to the reserved matters regarding layout shall make provision for car parking within the site in accordance with the Council's adopted car parking standards. Prior to the occupation of any building the associated parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.
 - 10 Deliveries to and collections from any commercial premises shall only be undertaken between 08:00 hours and 18:00 hours on weekdays and between 08:00 hours and 18:00 hours on Saturdays and not at any time on Sundays and Public Holidays.
 - 11 No machinery shall be operated and no process shall be undertaken outside of any of the B1/B2/B8 units.
 - 12 The hours of operation of the B1 / B2 / B8 units hereby permitted shall be between 08:00 hours and 19:00 hours on weekdays and between 08:00 hours and 16:00 hours on Saturdays and not at any time on Sundays and Public Holidays.
 - 13 There shall be no container handling, no loading or unloading of goods vehicles or containers, and no use of fork lift trucks or other goods handling vehicles, HGV's etc. on the industrial/commercial areas outside of the operating hours as detailed in condition 12.
 - 14 There shall be no burning of waste, either liquid or solid, on any commercial premises.
 - 15 Before the installation of any extract ventilation system, compressors, generators, refrigeration equipment, and any other fixed plant, details of the equipment, its location, acoustic housing and any vibration isolation measures, together with the projected noise levels at the boundary of the property, shall be submitted to and agreed in writing by the Local Planning Authority. Only approved plant shall be installed and retained in the approved form thereafter.
 - 16 Acoustic Barriers shall form the boundary fence between the industrial estates and adjacent non industrial areas. Prior to the commencement of development of the commercial areas of the site details of the design and construction of the acoustic barrier including materials of construction, height and acoustic performance shall be submitted to and approved in writing by the Local Planning Authority and retained in the approved form thereafter.

FULL consent

- 17 The development hereby permitted shall be begun before the expiration of three years from the 11 August 2017.
- 18 The development hereby permitted shall be carried out in complete accordance with the following drawings:

<ul style="list-style-type: none"> • H7760 001 D • H7760 003 D • H7760 004 D • H7760 005 D • H7760 006 C • H7760 007 D • H7760 008 D • BDW-2A-EL-SS1 D 	<ul style="list-style-type: none"> • BDW-2A-EL-SS2 D • BDW-2A-EL-SS3 D • 013-004-A11 • H7760 020 • H7760 030 • H7760 040 • H7760 041 	<ul style="list-style-type: none"> • H7760 042 • H7760 06 • H7760 070 • H7760 080 • H7760 081 • H7760 082 • H7760 090 • H7760 091 • H7760 092
--	---	--

• H7760 100	• H7760 200	• 2064 03 D
• H7760 101	• H7760 201	• 2064 04 D
• H7760 110	• H7760 210	• 2064 05 D
• H7760 111	• H7760 211	• 2064 06 C
• H7760 112	• H7760/PA/GH/0	• 2064 07 C
• H7760 120	01	• 2064 08 D
• H7760 121	• H7760	• 2064 09 C
• H7760 122	/PA/GH/002	• 2064 10 C
• H7760 123	• H7760 300 C	• 2064 11 C
• H7760 140	• H7769 301 C	• 2064 12 C
• H7760 141	• H7760 302	• 2064 13 C
• H7760 150	• 300 C	• 2064 14 C
• H7760 160	• 301 C	• 2064 15 A
• H7760 170	• 302	• 2064 16
• H7760 180	• 2064 01 B	• 2064 17
• H7760 190	• 2064 02 D	• H7760-400-01

- 19 Prior to the commencement of development, precise written details of the proposed phasing of development, supported by a detailed phasing plan shall be submitted to and be approved in writing by the Local Planning Authority. The development shall proceed in compliance with the agreed phasing schedule as approved.
- 20 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials and details as approved.
- 21 No development shall take place until full details of the provision and subsequent retention of both hard and soft landscape works on the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

Soft landscape works:

- 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.
- 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support.
- 3) Details of the aftercare and maintenance programme.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development unless otherwise 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

Hard Landscape works:

- 1) Details of walls with brick types, construction design and dimensions
- 2) Details of paved surfacing, with materials finishing and edgings
- 3) Details of street furniture, with designs materials and dimensions

The hard landscape works shall be carried out as approved prior to the first use/ occupation of the development to which it relates hereby approved and retained and maintained as such thereafter.

- 22 Notwithstanding the details submitted no development shall commence until details of the two proposed Local Equipped Areas for Play (LEAPs) together with a timetable for implementation and arrangements for the future management and maintenance have been submitted to and approved in writing by the Local Planning Authority. Such details shall include all items of play equipment, landscaping, ground surfacing, enclosure of the area incorporating self-closing gates, seating, and refuse facilities and safety notices. The LEAPs shall be implemented and shall be made available for public use in accordance with the approved timetable for implementation unless otherwise agreed through a variation of condition application by the Local Planning Authority. The LEAPs shall be permanently maintained in accordance with the approved details and retained for such purposes thereafter.
- 23 The areas of public open space shall be laid out and landscaped in accordance with a detailed scheme and timetable for implementation to include details of future management and maintenance that shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of development.

The open space shall be made available for public use in accordance with the approved timetable for implementation unless otherwise agreed through a variation of condition application by the Local Planning Authority.

- The public open space shall be permanently maintained in accordance with the approved details and retained for such purposes thereafter.
- 24 The allotments shall be laid out and landscaped in accordance with a detailed scheme and timetable for implementation to include details of future management and maintenance that shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of development. The allotments shall be made available for use in accordance with the approved timetable for implementation unless otherwise agreed through a variation of condition application by the Local Planning Authority. The allotments shall be permanently maintained in accordance with the approved details and retained for such purposes thereafter.
- 25 Prior to commencement of the development a scheme for the upgrading of public footpath no. 4 Burnham-On-Crouch within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and any road crossing point works shall be implemented before the relevant road is open to traffic.
- 26 Prior to commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority for the provision and location of two new bus stops on B1010 within the vicinity of the proposed pedestrian access to the east of the site, subject to a Stage 1 Road Safety Audit, to include the following:

- the provision of bus shelters with raised kerbs, to Essex County Council specification, on the north and south side of the B1010.
 - The approved scheme of works shall be implemented prior to first occupation of the development.
- 27 No development shall commence until the details of a Residential Travel Information Pack for sustainable transport have been submitted to and approved in writing by the Local Planning Authority. The approved Residential Information Travel Pack shall be provided to residents on first occupation of each dwelling.
- 28 The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access therefrom. Furthermore, the carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway.
- Until such time as the final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and paths commensurate with the frontage of each dwelling shall be fully completed with final surfacing within twelve months from the occupation of such dwelling.
- 29 No dwelling shall be occupied until a scheme detailing ecological enhancements has been submitted to and approved by the Local Planning Authority. Such details shall include ecological enhancements including the provision of bird and bat boxes. The ecological enhancements as agreed shall be implemented as approved and retained as such thereafter for a minimum period of five years from the date of completion of the development.
- 30 No development shall commence until a noise assessment determining the effects of noise from the existing Springfield Industrial Estate and Burnham Business Park on the proposed residential dwellings has been submitted to and approved in writing by the Local Planning Authority.

Where identified as necessary the noise assessment shall recommend mitigation measures to ensure that internal and external noise levels are acceptable with regards to the amenity of future occupiers of the dwellings. The development shall be carried out in accordance with any agreed mitigation measures.

Both OUTLINE and FULL consents

- 31 No development shall commence until a strategy to facilitate superfast broadband for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority.

The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer

- necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.
- 32 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment as approved shall be constructed prior to the first use / occupation of the development to which it relates and be retained as such thereafter.
- 33 Prior to the commencement of development details of the existing and proposed ground levels together with proposed finished floor levels shall be submitted to and be approved in writing by the Local Planning Authority. The development hereby permitted shall then be constructed in accordance with the approved ground and finished floor levels.
- 34 With the exception of those shown for removal on approved plan reference 3532-D-1 revision C no trees or hedgerows within the site shall be felled, cut back, damaged or removed, unless otherwise first agreed in writing with the Local Planning Authority.
- 35 No development shall commence until information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:
- Tree retention protection plan;
 - Method statement for any changes within the RPA of any retained tree
 - Tree constraints plan;
 - Arboricultural method statement (including drainage service runs and construction of hard surfaces).
 - The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site.

If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the Local Planning Authority. The tree protection measures shall be carried out in accordance with the approved details.

- 36 No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved foul water strategy.

The scheme shall also include:

- details of how the scheme shall be maintained and managed after completion
- details of culverts over the ordinary watercourse and agreement from Essex County Council
- the outcome of investigation into Outfall 1's downstream connectivity.

- calculations of the piped network performance in the 1 in 30 year or 1 in 100 year rainfall events, including climate change
- details of the future adoption and maintenance of the proposed surface water scheme for the lifetime of the proposed development.
- Limiting discharge rates to 3.46 l/s/ha for storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to an including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculation 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 C75.
- Detailed engineering drawings for each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FL and ground levels, and location and size of any drainage features.
- A written report summarizing the final strategy and highlighting any
- minor changes to the approved strategy.

The scheme shall be fully implemented and subsequently maintained, 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.

38 No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority of an on-site construction management plan detailing:

- Access arrangements to the site in conjunction with demolition/construction operations.
- 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 and underbody washing facilities.
- Mitigation measures to protect ecology on site.
- Dust management.
- Pollution control: protection of water courses and ground water and soils, bunding of fuel storage areas, sewage disposal.
- Temporary site illumination.
- Arrangements for keeping the site entrance and adjacent public road clean.
- Construction noise management plan.

All approved measures shall be put in place prior to development commencing on site and all subsequent construction of the development shall be implemented in accordance with the approved details.

39 Prior to first occupation of the development the highway works as shown in principle on Parc drawing no.013-004-A01, shall be implemented, to include, but not limited to the following:

- The provision of a priority junction as shown in principle on TPA drawing no.1203-03-SK11.
- Both new accesses onto the B1010 shall have clear to ground visibility splays of 2.4m x 90m to remain in perpetuity. None of the 174 dwellings shown to be accessed from the spine road and the east access shall be occupied until the access is in place and none of the 54 dwellings located off the private drive in Maldon Road shall be occupied until this (west) access is in place. For the western access clear visibility splays of 2.4m X 90m shall remain in perpetuity.
- The provision of a new priority junction onto the B1010 to the southeast of the Creeksea Lane junction.
- The provision of a new pedestrian/cycle access onto Creeksea Lane.
- The provision of a 2m wide footway up to a maximum available width of 1.8 metres within the highway boundary across the entire site frontage to tie into the existing footway at Chandlers. The footpath shall be in place and available for use prior to the occupation of the first dwellings on site.
- The provision of at least 2 crossing points on the B1010 to consist of dropped kerbs and tactile paving.
- The provision of physical measures to prevent HGVs from accessing the proposed industrial site to the south of the site.
- The industrial road to the south of the site, below the pinch point, shall tie into the existing road from Springfield Industrial Estate and shall be the same width as the existing road.
- The provision of a footway/cycleway with a minimum width of 3 metres between the residential development and the industrial estate to the south of the site

40

A) No demolition / development or groundworks shall commence until a Written Scheme of Investigation, in response to an archaeological brief, has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording.
2. The programme for post investigation assessment.
3. Provision to be made for analysis of the site investigation and recording.
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
5. Provision to be made for archive deposition of the analysis and records of the site investigation.

- B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).
- C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- 41 No development shall commence until full details of an ecological mitigation scheme have been submitted to and approved in writing by the Local Planning Authority. The ecological mitigation scheme shall follow the recommendations set out in the submitted Ecology Report, dated May 2015.

The scheme shall also include:

- full mitigation for Great Crested Newts;
- details of how the scheme shall be maintained and managed after completion;
- details of scheduling of mitigation works.

The scheme shall be fully implemented and subsequently maintained, 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.

- 42 Prior to the commencement of the development hereby permitted, details of the means of refuse and recycling storage including details of any bin stores to be provided shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and provided prior to the first occupation of the development and retained for such purposes at all times thereafter.
- 43 No development shall commence until details of the external public lighting strategy for the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the Local Planning Authority. All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site unless otherwise agreed in writing by the Local Planning Authority.
- 44 No development shall commence until the results and findings of further intrusive investigations recommended in the Delta Simons Environmental Assessment Report, Project No 14-0188-01 have been submitted to and approved in writing by the Local Planning Authority.
- 45 Where identified as necessary in accordance with the requirements of condition 44, no development shall commence, other than that required to carry out remediation, until 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 has been 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 development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

- 46 No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority that details the measures aimed at mitigating or offsetting the impacts on local air quality resulting from increased road traffic emissions generated by the development. The agreed measures shall be implemented prior to the final completion of the development.

261. REVIEW OF SIGNIFICANT PARTNERSHIPS

The Council considered the report of the Chief Executive seeking Members' endorsement to continue the Council's involvement with current significant partnerships.

Appendix 1 to the report detailed the Council's current significant partnerships and provided detailed information regarding each. It was noted that a review of the significant partnerships had been undertaken to ensure risks to MDC were identified and where necessary mitigated. The review also sought to confirm partnership objectives were being achieved, the governance of each partnership was sound and that Council Officer time was being used effectively.

It was noted that the Council's Internal Auditors had recently undertaken an audit of the Council's approach to managing partnership and the level of assurance for both the design and operational effectiveness of the current process of moderate given.

Councillor A S Fluker proposed that the recommendations as set out in report be agreed. This proposal was duly seconded.

At this point Councillor Mrs P A Channer disclosed a non-pecuniary interest in this item of business as she was the Local Authorities representative on the Police and Crime Panel, referred to in the report, and which gave some funding to the Community Safety Partnership (CSP).

Councillor M S Heard disclosed a non-pecuniary interest in this item of business. He queried the absence of the Police, Citizens Advice Bureau (CAB) and Job Centre as strategic partners. In response the Chief Executive advised that the Police was picked

up through the CSP and the CAB should be included on the list and she would seek to get this amended. In respect of the Job Centre it was noted that this was not classified as a significant partnership.

In response to a question regarding the Procurement Hub and use of local businesses, the Director of Resources advised that the Procurement Hub followed the Council's Contract Procedure Rules and there was an allowance to buy locally, but it was also important to comply with National and European requirements and retain value for money.

RESOLVED

- (i) That the contents of the report be noted;
- (ii) That the Citizens Advice Bureau be added to the list of Strategic Partnerships;
- (iii) That Officers report back to the relevant Committee with further information on any of the significant partnership details in Appendix (as updated) to the report, as required.

262. BURNHAM-ON-CROUCH TOURIST INFORMATION CENTRE PROVISION UPDATE

The Council considered the report of the Director of Customers and Community seeking Members' agreement to extend the trial of the Burnham-on-Crouch Tourist Information Centre (TIC) until the end of the financial year 2018 / 19.

The report provided background information on the decision to trial a TIC in Burnham-on-Crouch. The Planning and Licensing Committee at its last meeting had considered a request to extend the trial but deferred the matter, seeking further information on service outputs including net income. It was noted that due to the current lease expiring on 31 July 2018 deferring the decision to extend the trial until the next meeting of the Planning and Licensing Committee presented an operational challenge.

Councillor Mrs P A Channer, Chairman of the Planning and Licensing Committee, commented that the report and information contained within the appendix sought to address the information requested by the Planning and Licensing Committee. Councillor Mrs Channer proposed that the recommendation as set out in the report be agreed.

In response to a comment it was noted that the figures detailed in the table to Appendix 1 were incorrect.

Councillor A S Fluker, in seconding the proposal of Councillor Mrs Channer, highlighted the opportunity available to make the Burnham-on-Crouch TIC cost neutral and requested that this be highlighted to the relevant Officers.

RESOLVED that an extension to the trial of the Burnham-on-Crouch Tourist Information Office until the end of the current financial year (March 2019), be agreed.

263. MEMBERSHIP OF POLITICAL GROUPS

The Council considered the report of the Chief Executive updating Members on changes to the composition of Political Groups.

The following changes to the political balance of the Council were noted:

- Councillor Mrs H E Elliott was no longer aligned with the Conservative Group and had now aligned with the Independent Group.
- Councillor Miss M R Lewis was no longer aligned with the Conservative Group, although remained a Member of the Conservative Party.

Members were advised that this change did not trigger a review of the makeup of Committees to address changes in political balance.

The Chief Executive informed Members' that this report was for noting and a matter of fact purely for Members' information.

At this point Councillor Miss Lewis advised Members that she had left the Conservative Group but was still a Conservative and provided some further detail regarding this.

Councillor B S Beale, Leader of the Opposition, advised he was delighted to welcomed Councillor Mrs Elliott to the Independent Group and made further comment in respect of this.

RESOLVED that the contents of the report be noted.

264. PROVISION OF ADVICE SERVICES FROM 2019

The Council considered the report of the Director of Customers and Community seeking Members' approval to extend the existing Advice Services contract with Maldon Citizens Advice (MCA) for a further 12 months to 31 March 2020.

The report provided background information which led to MCA being awarded a three year contract for the provision of an Advice Services from April 2016. It was noted that the contract had been successful and resulted in an improved service, with extended opening hours, a higher volume of customers receiving assistance and MCA securing increased levels of external funding.

The current contract was due to expire in March 2019 and the intention was to recommission the service for a further three years. Members were advised that due to budgetary pressures, the Future Model project work and the need to carefully review all areas of expenditure on discretionary services Officers were proposing that the contract be extended for 12 months during which time all areas of consideration would be investigated. The report set out the advantages and risks in relation to this approach.

The Director of Customers and Community advised that the Community Services Committee would be reviewing the performance of the service at its next meeting.

Councillor A S Fluker proposed that recommendation (i) b) be amended to read "...Planning process *and the transformation programme*". This proposal was agreed.

RESOLVED

- (i) That the existing contract with Maldon Citizens Advice for the provision of an Advice Service be extended for a further 12 months (to 31 March 2020) subject to the following conditions:
 - a) that the contract extension will be on the same terms as the current contract;
 - b) that any decision to fund an Advice Service, and the levels of funding will be considered by Members as part of the 2019-20 Strategic Financial Planning process and the transformation programme;
 - c) that following the decisions at (b) above a report will be brought to a future meeting of the Community Services Committee to determine the details of a future procurement process, including the contract specification, timetable, and period of contract.
- (ii) That a procurement exemption for the value of £73,500 under Section 1 paragraph 3 of the Contracts Procedure Rules 2017, be agreed.

There being no further items of business the Chairman closed the meeting at 8.55 pm.

H M BASS
CHAIRMAN