



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
21 JUNE 2023**

PRESENT

Chairperson	Councillor M F L Durham, CC
Vice-Chairperson	Councillor M E Thompson
Councillors	J C Hughes, S J N Morgan, C P Morley, R H Siddall, E L Stephens, S White and L L Wiffen

102. CHAIRPERSONS'S NOTICES

The Chairperson welcomed everyone present and went over some general housekeeping arrangements for the meeting.

103. APOLOGIES FOR ABSENCE

There were none.

104. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 24 May 2023 be approved and confirmed.

105. DISCLOSURE OF INTEREST

There were none.

106. 23/00128/FULM - LAND SOUTH OF BOUNCERS, WICKHAM HALL LANE, WICKHAM BISHOPS

Application Number	23/00128/FULM
Location	Land South of Bouncers, Wickham Hall Lane, Wickham Bishops
Proposal	Erection of stable building with associated ancillary facilities and storage for hay and feed.
Applicant	Mrs P Green
Agent	Mr Kieron Lilley – Smart Planning Ltd
Target Decision Date	28.06.2023
Case Officer	Devan Hearnah
Parish	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	Major Application

It was noted from the Members' Update that since the agenda had been published one letter of objection had been received.

Following the Officer's presentation, Mr Lilley, the Agent, addressed the Committee. The Chairperson then opened the discussion and a lengthy debate ensued after which Councillor S White proposed that the application be approved in accordance with the Officer's recommendation and this was duly seconded. The Chairperson put the proposal to the Committee and following a vote it was agreed.

RESOLVED that the application be **APPROVED** subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 21.7656/P201 Rev F, 21.7656/P202 Rev E, 21.7656/P203 Rev D, 21.7656/P204 Rev C.
- 3 Prior to their use in the development hereby approved, samples of the facing material to be used, including glazing, shall have been submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved details
- 4 The trees and hedges identified for retention within the Arboricultural Impact Assessment (Arborterra Ltd 12th August 2022) which is attached to and forms part of this permission shall be protected during the course of the development. The trees and/or hedges shall be protected by measures which accord with British Standard 5837:2012 (Trees in Relation to Construction). The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone(s) no materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence, nor shall any change in ground level be made within the fenced area unless otherwise first agreed in writing by the local planning authority. If within five years from the completion of the development a tree or hedge shown to be retained is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement 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.
- 5 Full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include, for example:
 - i. Proposes finished levels contours;
 - ii. Means of enclosure;
 - iii. Car parking layouts;
 - iv. Other vehicle and pedestrian access and circulation areas;
 - v. Hard surfacing materials;
 - vi. Minor artefacts and structures (e.g furniture, play equipment, refuse or other storage units, signs, lighting);
 - vii. Proposed and existing functional services above and below ground (e.g drainage power, communications cables, pipelines etc, indicating lines, manholes, supports);
 - viii. Retained historic landscape features and proposals for restoration, where relevant.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved 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.

- 6 Prior to any works above ground level details of the foul drainage scheme to serve the development shall be 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.
- 7 Prior to the first use of the building, a management plan shall be submitted to the Local Planning Authority and agreed, in writing demonstrating how feed will be delivered to the site and stored, including amounts and frequency, as well as how grazing will take place within the site.
- 8 The stables hereby permitted shall be used solely for the private stabling of horses and no business or commercial use including for the purposes of livery or any riding school activity shall take place at the site.
- 9 The stables hereby permitted shall not be used unless and until details of the arrangements for the storage, drainage and disposal of manure, bedding and liquid animal wastes have been submitted to and approved in writing by the Local Planning Authority. All such wastes shall be stored and disposed of in accordance with the scheme as approved.
- 10 There shall be no burning of animal stable wastes anywhere on the site as shown edged in red (or blue) on the plans which are attached to and form part of this permission.
- 11 No floodlighting or other external form of illumination of the site shall be undertaken without the prior written approval of the local planning authority. Before the development hereby permitted commences, details of an proposed floodlighting and all other external illumination of the site 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.
- 12 No ménage, riding arena, hardstanding or similar finished surface shall be constructed within the site without the prior written approval of the Local Planning Authority.
- 13 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Assessment (Plumb Associates, July 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

- 14 A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including a precautionary method statement for Great Crested Newt.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.

- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority
- 15 Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.
- 16 The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) persons responsible for implementing the enhancement measures;
 - e) details of initial aftercare and long-term maintenance (where relevant).
- 17 The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.
- 18 Prior to occupation of the development, the existing field access shall be upgraded and reconstructed at right angles to the highway boundary and to the existing carriageway as shown in principle on planning drawing no. 21.7656/P201 Rev F.
- 19 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary

107. 23/00201/OUT - LAND WEST OF WILLOWS END, STEPHENSON ROAD, NORTH FAMBRIDGE

Application Number	23/00201/OUT
Location	Land west of Willows End, Stephenson Road, North Fambridge
Proposal	Outline planning permission (with all matters reserved for future determination) for erection of five dwellings.
Applicant	Ms Alison Rampling
Agent	Mr John Pearce
Target Decision Date	2 June 2023 (EOT to this date)
Case Officer	Lisa Greenwood
Parish	NORTH FAMBRIDGE
Reason for Referral to the Committee / Council	Not delegated to officers as a departure from the local plan.

Following the Officers presentation, the Chairperson opened the discussion.

Councillor S J N Morgan proposed that the application be approved in accordance with the Officer's recommendation and this was duly seconded.

A debate ensued after which, Councillor S White proposed to include a condition for a full Biodiversity Net Gain Metric to be carried out, this was agreed and seconded.

The Chairperson then put Councillor Morgan's proposal to approve the application, together with the aforementioned additional condition to the Committee and it was agreed.

RESOLVED that the application be **APPROVED** subject to the aforementioned additional condition and the following conditions outlined in the report:

1. The development shall be carried out in accordance with plans and particulars relating to the appearance, landscaping, layout and scale of the site (hereinafter called "the reserved matters"), for which approval shall be obtained from the Local Planning Authority in accordance with the details as approved.
2. Application (s) for the approval of 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 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.
4. The development shall be carried out in accordance with plan reference Location Plan (scale 1:2500) dated 15th December 2022 as far as it relates to the access of the site.
5. The residential development hereby approved shall be single storey only.
6. No more than three bedrooms shall be provided per dwelling.
7. No works above ground level shall take place until written details of the proposed materials to be used in 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.
8. The scheme to be submitted pursuant to the reserved matters shall make provision for car parking standards within the site in accordance with the Council's adopted Vehicle Parking Standards Supplementary Planning Document (2018). Prior to the occupation of the development the 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.
9. The landscaping details referred to in Condition no.1 shall provide full details and specifications of both hard and soft landscaping works which 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 (fencing and boundaries), 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 landscaping 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 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, or any tree 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.

10. Prior to the commencement of the development the applicant shall submit in writing a construction management plan to the local planning authority for approval. Within the construction management plan it must consider the following requirements:

The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:

- a) no waste materials should be burnt on the site, instead being removed by licensed waste contractors;
- b) no dust emissions should leave the boundary of the site;
- c) consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
- d) hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors Environmental Health at Maldon District Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974. Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.

Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter.

Where there is requirement for dewatering the site the relevant consent must be sought from the Environment Agency

Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained from Essex County Council.

11. No development works above ground level shall occur until a detailed Sustainable Urban Drainage Scheme as specified in the Essex Sustainable Drainage Systems Design Guide has been submitted to and agreed in writing by the local planning authority. This must be conducted by a competent person and include written explanation of any data provided. The scheme shall subsequently be implemented prior to occupation of the development and should include written explanation of any data provided. The scheme shall subsequently be implemented prior to occupation of the development and should include and not be limited to:

Discharge rates / location

Storage volumes

Treatment requirements

Detailed drainage plan

A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Where the surface water drainage strategy proposes the use of soakaways the details of the design and the results of a series of percolation tests carried out

upon the subsoil in accordance with DG 365 2016. 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 rates (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where discharging to a watercourse the proposed scheme shall include details of the destination and discharge rates equivalent to "greenfield runoff" up to and including a 1 in 100 year rainfall event inclusive of climate change. This is typically achieved by installing some form of attenuation on site e.g. temporary storage. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s). If the land is designated as a Brownfield Site it should aim to limit run-off for a storm event that has a 100% chance of occurring each year (1 in 1 year event) OR demonstrate 50% betterment of the current rates. The applicant must demonstrate that the system is an appropriate point of discharge for the site. The discharge hierarchy should be used to determine discharge location. This is particularly important when considering greenfield development which may currently discharge to a sewer but may have the capacity to discharge to a watercourse or to the ground. If not, then further information/assessment will be required to determine the suitability of the system to convey the proposed flows and volumes of water. Evidence will be required that the development will not increase risk to others. If the proposed discharge point is outside the development site then the applicant will need to demonstrate that the necessary permissions and or agreements to achieve connection are possible. 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.

Prior to first occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed in writing, by the local planning authority.

12. No works above ground level shall take place until details of the foul 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.
13. Any contamination that is found during the course of construction of the approved development that was not previously Identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to the Local Planning Authority for approval in writing. These approved schemes shall be carried out before the development is resumed or continued. Following completion of measures identified in the approved remediation scheme, a verification report demonstrating the effectiveness of the remediation scheme carried out must be submitted to the Local Planning Authority for approval in writing.
14. No works related to the alteration of ground levels at the site and no works above ground level shall occur until details of existing ground levels and proposed finished ground levels, and their relationship to the adjoining land, and floor levels, 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.
15. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal

(Liz Lord Ecology, January 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

16. Concurrent with reserved matters and prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

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

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

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

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

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

18. As only market dwellings are to be provided, the total floor space for the entire development (including any associated outbuildings) shall not exceed 950 square metres in floorspace.

108. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRPERSON OF THE COMMITTEE DECIDES ARE URGENT

The Chairperson made Committee Members aware that due to a change in responsibilities at Essex County Council, he proposed that he would possibly be standing down and that there would be a call for a new Chairperson at the next meeting of the North Western Area Planning Committee.

There being no other items of business the Chairperson closed the meeting at 8.25 pm.

M F L DURHAM, CC
CHAIRPERSON