



**MINUTES of
DISTRICT PLANNING COMMITTEE
23 OCTOBER 2019**

PRESENT

Chairman	Councillor R G Boyce MBE
Vice-Chairman	Councillor Mrs P A Channer, CC
Councillors	E L Bamford, M G Bassenger, B S Beale MBE, R P F Dewick, M F L Durham, CC, M R Edwards, Mrs J L Fleming, A S Fluker, B E Harker, M S Heard, M W Helm, A L Hull, J V Keyes, K M H Lagan, C Mayes, C P Morley, C Morris, S P Nunn, N G F Shaughnessy, R H Siddall, W Stamp, Mrs J C Stilts, C Swain, Mrs M E Thompson and Miss S White

474. CHAIRMAN'S NOTICES

The Chairman referred to the notices printed on the agenda.

475. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors V J Bell, Miss A M Beale, K W Jarvis and N Skeens.

476. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the District Planning Committee held on 19 September 2019 be approved and confirmed.

477. DISCLOSURE OF INTEREST

Councillor Mrs P A Channer disclosed a non-pecuniary interest as a member of Essex County Council who were consulted on matters including highways and access and were Lead Local Flood Authority. In relation to Agenda Items 6, 7 and 8 she advised that as an Essex County Councillor she had been involved in a meeting with Anglian Water, North Fambridge Parish Council and the respective Ward Members and would also be involved in subsequent meetings.

Councillor R H Siddall disclosed a pecuniary interest in Agenda Item 5 – FUL/MAL/19/00561 The Commodity Centre, Braxted Park Road, Great Braxted as

they were one of his customers and advised that he would leave the meeting for this item of business.

Councillor M F L Durham disclosed a non-pecuniary interest as a member of Essex County Council who were statutory consultees on matters including education and highways.

In light of his earlier declaration, Councillor R H Siddall left the meeting at this point.

478. FUL/MAL/19/00561 - THE COMMODITY CENTRE, BRAXTED PARK ROAD, GREAT BRAXTED

Application Number	FUL/MAL/19/00561
Location	The Commodity Centre, Braxted Park Road, Great Braxted
Proposal	Change of use of land to a Lorry marshalling area, additional car parking and associated landscaping.
Applicant	Routebuy Ltd.
Agent	Mr Russell Forde – Smart Planning Ltd
Target Decision Date	EOT 30.09.2019
Case Officer	Devan Lawson
Parish	GREAT BRAXTED
Reason for Referral to the Committee / Council	Partially sited within a Strategic site within the Local Development Plan

Following the Officers' presentation, the Agent, Mr Forde addressed the Committee.

The Chairman then formally moved approval of the recommendations as set out in the report. This was duly seconded.

In response to questions raised the Senior Planning Officer clarified that proposed condition 2 sought approval of a landscaping scheme.

The Chairman then put the proposal which upon a vote being taken was duly agreed.

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

- 1 The development, with the exception of the landscaping, shall be carried out in accordance with the following approved plans and documents: 17.4443/M001, 17.4443/M002 Rev E, 17.4443/M003 Rev D, 17.4443/E101 Rev D, 17.4443/P201 Rev G, 17.4443/P205 Rev D, NC18.441-P201 Rev B, 12292-SK03 Rev A,
- 2 No further development shall be carried out unless within three months of the date of this decision a scheme for the landscaping of the site, including details of changes to natural ground level and a timetable for its implementation, has been submitted for the written approval of the local planning authority.

The use hereby permitted shall cease and all hardstanding and stored items brought onto the land for the purposes of such use shall be removed within six months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

- (i) within three months of the date of this decision the above mentioned landscaping scheme shall have been submitted for the written approval of the local planning authority
 - (ii) if within eleven months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State
 - (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State
 - (iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable
- 3 The hard surfacing of the development hereby approved shall be constructed of grey coloured road planings / scalpings as detailed within the application form and as detailed on plan 12292-SK03 Rev A.
- 4 No further development shall be carried out unless within three months of the date of this decision a scheme for scheme detailing the means of preventing oil and other such liquid pollutants leaking / seeping into the land or controlling such leaking / seeping, has been submitted for the written approval of the local planning authority.
- The use of land hereby permitted shall cease and all hardstanding and stored items shall be removed within six months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
- (i) within three (3) months of the date of this decision a scheme detailing the means of preventing oil and other such liquid pollutants leaking/seeping into the land or controlling such leaking/seeping shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation
 - (ii) if within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State
 - (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State
 - (iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable
- 5 Any containers used for the storage of oil and other chemicals shall be stored in areas which do not drain to any watercourse, surface water sewer or soakaway.
- 6 The movement of vehicles and running of engines shall only be undertaken between 0700 hours and 1900 hours on weekdays and between 0700 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

- 7 No further development shall be carried out unless within three months of the date of this decision a scheme detailing any lighting to be installed at the site, has been submitted for the written approval of the local planning authority.

The use of land hereby permitted shall cease and all hardstanding and stored items shall be removed within six months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

- (i) within 3 months of the date of this decision a scheme detailing any lighting to be installed at the site shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation;
 - (ii) if within eleven months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State;
 - (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State;
 - (iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.
- 8 The hardstanding and parking shall be used only for purposes in conjunction with and ancillary to the primary use of the buildings labelled 'A Shed' 'B Shed', 'E Shed', 'K Shed' 'F Shed' on plan 17.4443/P201 G and shall not be used separately.
- 9 The vehicle parking area and associated turning area as shown on planning drawing 17.4443/P205 Rev D shall be retained in the agreed form at all times.
- 10 No external plant or machinery shall be used unless and until details of the equipment have been submitted to and approved by the local planning authority. Any measures required by the local planning authority to reduce noise from the abovementioned plant or equipment shall be completed prior to the plant being brought into use and retained as such thereafter.
- 11 Within 3 months of the date of this decision the measures, including the maintained measures, contained within the Flood Risk Assessment and Drainage Strategy a copy of which was submitted with the planning application and forms part of this permission, shall be fully implemented and in place and retained in perpetuity. The use of land hereby permitted shall cease and all hardstanding and stored items shall be removed within six months of the date of failure to meet this requirement.

Councillor Siddall returned to the meeting at this point.

479. DET/MAL/19/05116 - LAND WEST OF FAMBRIDGE ROAD, NORTH FAMBRIDGE

Application Number	DET/MAL/19/05116
Location	Land West of Fambridge Road, North Fambridge
Proposal	Compliance with conditions notification OUT/MAL/14/01016 (Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floorspace, a 1.8ha village green and public open space) Condition 13 - Foul & surface water drainage. Condition 31 - Wastewater strategy. Condition 33 - Foul water strategy.
Applicant	BDW Eastern Counties
Agent	N/A
Target Decision Date	8 November 2019 (Under PPA)
Case Officer	Julia Sargeant
Parish	North Fambridge
Reason for Referral to the Committee / Council	Under Planning Performance Agreement (PPA)

Following the Officer's presentation Councillor Lloyd of North Fambridge Parish Council, Mr Boden (an objector) and the Agent Mr Houghton addressed the Committee.

The Chairman then formally moved that the Officers' recommendation as set out in the report be agreed. This was duly seconded.

Both Ward Members addressed the Committee, providing some history regarding the site and raised concern regarding zonal funding, the proposed route of the pipeline and proposed conditions. Deferral of the application until written agreements, pipeline plans had been agreed was suggested but not supported.

In response to a query regarding condition 13 and discharging this, the Senior Development Control Officer clarified that legal advice had been sought and it had been confirmed that the majority of the second part of this condition related to compliance. The element that needed information submitted related to the confirmation of capacity which had been received. It was clarified, that in discharging a condition Members were not removing the condition from the consent and it could therefore be enforced. By discharging the Council was purely discharging particular elements of the condition.

A comment was raised in relation to the location of the pumping station, referred to by the public speaker and it was confirmed that approval of the pumping station had been given as part of a separate Reserved Matters application. Following further comments regarding conditions, the Lead Specialist Place advised that any differences related to drafting styles.

The Senior Development Control Officer provided Members with information from Anglian Water with regards to installation of the rising main and how the proposed route of this was for them to agree.

Following further debate the Chairman put the earlier proposal of approval. Upon a vote being taken this was agreed.

RESOLVED that the following conditions be **DISCHARGED**:

Conditions imposed on outline planning application OUT/MAL/14/01018	Discharged?
13	Yes
31	Yes
33	Yes

480. DET/MAL/19/05117 - MANOR FARM, THE AVENUE, NORTH FAMBRIDGE

Application Number	DET/MAL/19/05117
Location	Manor Farm, The Avenue, North Fambridge
Proposal	Compliance with conditions notification OUT/MAL/14/01018 (Outline planning application for up to 30 dwellings) Condition 16 - Foul water strategy. Condition 29 - Detailed wastewater
Applicant	BDW Eastern Counties
Agent	N/A
Target Decision Date	8 November 2019 (Under PPA)
Case Officer	Julia Sargeant
Parish	North Fambridge
Reason for Referral to the Committee / Council	Under Planning Performance Agreement (PPA)

In response to a question regarding the Planning Inspectorate's appeal decision in relation to the outline application, the Senior Development Control Officer advised Members that this application dealt with discharge of conditions no additional dwellings were proposed and therefore no further mitigation was required in respect of the adjacent RAMSAR site.

In response to a request, the Officer outlined why these conditions were being discharged and a subsequent application due to be considered by the Committee was removing them. Members were informed that the Council had a duty to determine this application, but its implementation was up to the applicant.

The Chairman put the Officers' recommendations to the Committee and upon a vote being taken this was agreed.

RESOLVED that the following conditions be **DISCHARGED**:

Conditions imposed on outline planning application OUT/MAL/14/01018	Discharged?
16	Yes
29	Yes

481. OUT/MAL/19/00556 - MANOR FARM, THE AVENUE, NORTH FAMBRIDGE

Application Number	OUT/MAL/19/00556
Location	Manor Farm, The Avenue, North Fambridge
Proposal	Remove conditions 16 & 29 on approved application OUT/MAL/14/01018 (Outline planning application for up to 30 dwellings) and replace with a new condition.
Applicant	BDW Eastern Counties
Agent	N/A
Target Decision Date	8 November 2019 (Under PPA)
Case Officer	Julia Sargeant
Parish	North Fambridge
Reason for Referral to the Committee / Council	Member Call In Under Planning Performance Agreement (PPA)

Following the Officers' presentation Councillor Lloyd of North Fambridge Parish Council addressed the Committee.

Councillor Miss S White, a Ward Member, felt that the comments raised by the Parish Council in respect of lighting were valid and Condition 6 should be amended to request the height of lighting poles be reduced to take into consideration wildlife and nature on the site. In response the Senior Development Control Officer explained that the reasons why this change to the condition could not be applied as nothing had materially changed but advised that an informative could be added suggesting that a sensitive lighting scheme be implemented.

In response to comments from Members, the Lead Specialist Place advised that a variation of conditions application provides the Council opportunity to review conditions, the proposed revised conditions had taken into account changes to Government Guidance one of which was that prior to commencement should not be used.

Councillor Miss White proposed that a condition be added seeking that the lighting strategy be brought back for Member approval. In response the Lead Specialist Place provided some guidance regarding requiring conditions to be brought back to the Committee as this was delegated to Officers. He further explained and gave example of where the Director of Strategy, Performance and Governance had used his delegated powers to send an item back to the Committee.

It was further clarified that the Ecological Mitigation Strategy (EMS) had been approved under the previous DET permission and would apply to this application. Any lighting scheme submitted would have to be sensitive as part of the EMS.

The Chairman then proposed that the Officers recommendation of approval as set out in the report be agreed and this was duly seconded. Upon a vote being taken this motion was declared lost.

A discussion ensued and in response the Lead Specialist Place advised that in relation to Members' concerns regarding ecology and lighting taking into account the DET application which had been agreed it would be reasonable to vary proposed condition 6 to accommodate details from the DET and make the condition clearer that the two matters were dealt with together.

Councillor Mrs P A Channer proposed that the application be approved as set out in the report subject to an amendment to condition 6, the wording revised condition to be agreed with the Chairman of the Committee and Ward Members. This proposal was duly seconded and upon a vote being taken agreed.

RESOLVED that this application be **APPROVED** subject to the applicant entering into a deed of variation legal agreement to tie the Section 106 legal agreement pursuant to the Town and Country Planning Act 1990 (as amended) attached to planning application OUT/MAL/14/01018 this permission to secure planning obligations and the following conditions:

HEADS OF TERMS OF DEED OF VARIATION / SECTION 106

AGREEMENT:

- 30% Affordable Housing required
- School Transport Contribution

CONDITIONS:

- 1 The development shall be carried out in accordance with plans and particulars relating to the layout, scale, appearance, the means of access to the site and the landscaping of the site (hereinafter called "the reserved matters"), for which approval was granted under reference RES/MAL/18/00558 on 7 July 2018. The development shall be carried out fully in accordance with the details as approved.
- 2 The development hereby permitted shall be begun by 17 July 2020. The development shall be carried out as approved.
- 3 The development hereby approved shall be constructed in accordance with the finished ground and finished floor levels agreed under DET/MAL/17/05142 and detailed on the submitted Site Levels Layout plan (Drawing No: Site B 132915-301-5 Revision P4 dated 21.02.2018 prepared by RSK) unless further details showing the finished ground and finished floor levels of the development in relation to the levels of the surrounding area are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the scheme as approved.
- 4 The hard landscape works approved under RES/MAL/18/00558 (as specified on External Works Plan Drawing No: 746.231.07 dated 05.06.2018) shall be carried out as approved prior to the beneficial occupation of the development hereby approved and retained as such thereafter.
- 5 The tree protection and soft landscape works approved under RES/MAL/18/00558 as per the following details and Drawing No:-
 - JBA 17/004-SK01 Revision F - Landscape Proposal for PLOTS and POS dated 23.05.2018
 - JBA 17/004-SK02 Revision F - Landscape Proposal for PLOTS and POS dated 23.05.2018
 - Measured Works Schedule Revision B dated 15.05.2018 prepared by James Blake Associates Ltd
 - Landscape Management and Maintenance Plan (JBA 17/004 Rev B dated 15.05.2018) prepared by James Blake Associates Ltd
 - Arboricultural Method Statement (JBA 17/004 AR02 Rev D dated 4 May 2018) prepared by James Blake Associates Ltd
 - Landscape Programming (JBA 17/004-01 Revision G dated 27.04.2018) prepared by James Blake Associates Ltd

- Landscape Programming (JBA 17/004-02 Revision G dated 27.04.2018) prepared by James Blake Associates Ltd
- Tree Protection Plan (JBA 17/004-02 TP01 Revision C dated 26.04.2018) prepared by James Blake Associates Ltd

shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development. 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.

- 6 Prior to the first occupation of the development hereby approved, a lighting strategy for the development, including the details of any street lights shall be submitted to and approved in writing by the Local Planning Authority. The lighting strategy will need to be sensitively designed to minimise disturbance to wildlife and accord with the Outline Ecological Mitigation Strategy dated July 2017 (or any subsequent ecological mitigation strategy approved pursuant to condition 18). The lighting shall thereafter be installed and retained in accordance with the approved details. There shall be no other lighting of the public areas of the site.
- 7 The construction of the development hereby approved shall be carried out in accordance with the construction management plan approved under DET/MAL/18/05092 and detailed in the following submissions:
- Construction Management Plan – Rev D – dated July 2018
 - Crouch Road Access Plan (BDW_2A_SP_004 Revision A)
 - Construction Management Layout Plan (BDW_2A_SP_001 Revision D)
- The construction management plan shall be implemented prior to any development commencing on site and shall remain in force for the duration of the construction period of the development. All construction infrastructure shall be removed from the site within three months of completion of the development.
- 8 Prior to the first occupation of the proposed development, the developer shall be responsible for the provision and implementation of a residential travel information pack for sustainable transport which shall be submitted to and approved in writing by the Local Planning Authority. The travel information pack shall be provided on first occupation of each of the new dwellings.
- 9 The surface water drainage scheme approved as part of RES/MAL/18/00558 (Flood Risk Assessment & Surface Water Drainage Strategy (132915-R7(01)-FRA-Site B dated 10 May 2018) shall be implemented prior to the first occupation of the development.
- 10 The surface water drainage scheme as referred to in condition 9 shall be managed and maintained in accordance with the details agreed under DET/MAL/17/05142 unless further details of who shall be responsible for the maintenance of the surface water drainage system in perpetuity, have been submitted to and approved in writing by the Local Planning Authority. The management of the surface water drainage system shall accord with the approved details thereafter.
- 11 No occupation of dwellings approved by this permission shall occur until:
- 1) a foul and wastewater scheme has been submitted to and approved in writing by the Local Planning Authority;
 - 2) the foul and wastewater scheme referred to above is implemented, and

- 3) there is confirmation obtained of available permitted capacity in the network and at the South Woodham Ferrers treatment works.

The foul and wastewater scheme as agreed and implemented shall be retained as such thereafter.

- 12 The approved remediation scheme agreed under DET/MAL/18/05122 (WSP Remediation Strategy dated September 2018) must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, 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. This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.
- 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 Prior to the commencement of the development, and in accordance with plan reference b/PvPTheAvenue.1/01, received on 21 October 2014 under OUT/MAL/14/01018, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 90 metres to the east and west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
- 15 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 there from. 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.

- 16 Prior to the first occupation of the development a scheme works setting out details of the access shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- The construction of the access by way of a bellmouth with minimum radii of 6 metres;
 - The provision of two pedestrian dropped kerb crossing points with appropriate tactile paving across the bellmouth;
 - The provision of a 1.8 metres wide footway to the east of the access, for approximately 25-30 metres to tie in with the existing footway outside of the property known as Orchard House.
- The access shall be implemented as per the approved scheme of works.
- 17 The boundary treatment erected as part of the development hereby permitted shall be as agreed under DET/MAL/17/05142 (as shown on Drawing No: 746.231.05 dated 19.02.2018) unless further details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers are submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be constructed prior to the first use / occupation of the development to which it relates and be retained as such thereafter.
- 18 The development hereby permitted shall be carried out in accordance with the Outline Ecological Mitigation Strategy dated July 2017 approved under DET/MAL/17/05142 unless a further scheme detailing ecological mitigation measures are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and completed in accordance with the approved mitigation scheme.

482. APPOINTMENT OF REPRESENTATIVES ON LIAISON COMMITTEES

The Chairman advised that the appointment to these Liaison Committees was not for this Committee to determine and should therefore be referred to the Council. This was agreed.

RESOLVED that appointment to the bodies detailed in the report be referred to the Council for determination.

483. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRMAN OF THE COMMITTEE DECIDES ARE URGENT

At this point in the meeting, with the permission of the Chairman, Councillor M F L Durham made a statement. He referred to the 39 people that had lost their lives in the County that morning in dreadful circumstances and expressed the Council's support for the Police and emergency services who were having to carry out identifications and investigations in relation to the incident.

The meeting closed at 9.07 pm.

R G BOYCE MBE
CHAIRMAN

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