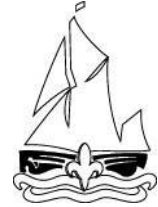


**CIRCULATED
BEFORE THE
MEETING**



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

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

MEMBERS' UPDATE

AGENDA ITEM NO. 5

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

Further correspondence received from the agent

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

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

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

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

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

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

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

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

7.4 Representations received from Interested Parties

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

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

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

Conditions 2 and 25 should be updated to read as:

2. The development shall be carried out and retained in accordance with the following approved plans and documents: OS 1799-19.1a Rev E, OS 1799-19.1b Rev E, OS 1799-19.2a Rev E, OS 1799-19.2b Rev E, OS1799-19.4-1 Rev B, OS 1799-19.4-2 Rev B, 1625 Loc 01-B Rev A, 1625-02-B Rev A, 1625-05-B, 1625-06-B, 1625-07-B, 1625-04-B Rev E, 1625-09-B, 1625-10-B, 1625-11-B, 1625-12-B, 1625-13-B, 1625-14-B, 1625-15-B.
REASON To ensure the development is carried out in accordance with the details as approved.

25. The development hereby permitted shall not be occupied until, confirmation has been provided that there is permitted capacity at the Little Totham Water Recycling Centre.
REASON: To ensure there is sufficient infrastructure capacity to protect the water environment and prevent deterioration in river water quality downstream of Little Totham Water Recycling Centre, which is at maximum capacity in accordance with policies I1, D2 and H4 of the Maldon District Local Development Plan.