



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
14 JULY 2021**

PRESENT

Chairman	Councillor Mrs M E Thompson
Vice-Chairman	Councillor J V Keyes
Councillors	M F L Durham, CC, Mrs J L Fleming, CC, C P Morley, R H Siddall, E L Stephens and Miss S White
In attendance	Councillor C Morris

144. CHAIRMAN'S NOTICES

The Chairman welcomed everyone present and went through some general housekeeping arrangements for the meeting.

145. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor K W Jarvis.

146. MINUTES OF THE LAST MEETING

RESOLVED by assent that the Minutes of the meeting of the Committee held on 16 June 2021 be approved and confirmed.

147. DISCLOSURE OF INTEREST

Councillor M F L Durham declared a non-pecuniary interest as a Member of Essex County Council, a statutory consultee on all planning related matters.

Councillor Mrs J L Fleming declared a non-pecuniary interest as a Member of Essex County Council, a statutory consultee on all planning related matters.

Councillor E L Stephens declared a non-pecuniary interest in Agenda item 6, 21/00415/FUL - Land North of Orchard Way, Mope Lane, Wickham Bishops, as she was an acquaintance of the Officer.

148. 21/00104/FULM - LAND WEST OF FAMBRIDGE ROAD, NORTH FAMBRIDGE

Application Number	21/00104/FULM
Location	Land West of Fambridge Road, North Fambridge
Proposal	12No. dwellings with associated details for access, appearance, landscaping, layout and scale.

Applicant	BDW Eastern Counties - BDW Eastern Counties
Agent	N/A
Target Decision Date	05.05.2021 – EOT until 19.07.2021
Case Officer	Julia Sargeant
Parish	NORTH FAMBRIDGE
Reason for Referral to the Committee / Council	Major Application

Following the Officer's presentation, the Agent, Mr Chris Webber, addressed the Committee.

A debate ensued during which Members raised concerns regarding the lack of public consultation given the size of the commercial space involved and the sustainability of the development.

In response to comments raised, the Lead Specialist Place advised Members that the space had been marketed appropriately and that Planning Officers, on balance, considered that the benefits of the proposed development outweighed any harm. He added that this application was part of a larger site (14/01016/OUT) that had been found to be sustainable and acceptable for housing.

Following this discussion Councillor White proposed that the development was not sustainable as there were no facilities in the area. She further added that marketing of the site should be revisited as it was ineffectively marketed due to Covid. Councillor Fleming seconded the proposal as she was not convinced there was no demand for shops in the area.

There being no further discussion at this point, the Chairman put Councillor White's proposal to the committee and it was lost.

The Chairman then put the Officer's recommendation of approval to the Committee. Upon a vote being taken it was approved.

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 complete accordance with approved drawings: H7408-3B-DE-611 Rev P1, H7408-3B-DE-621 Rev P1, H7408-3B-DE-622 Rev P1, H7408-3B-SO-625 Rev P1, H7408-3B-SP-600 Rev P1, H7408-3B-SP-610 Rev P1, H7408-3B-SP-620 Rev P1, H7408-3A-SP-001 Rev A, H7408-3A-SP-002, H7408-3A-SP-003, H7408-3A-SP-004, H7408-3A-SP-005, H7408-3A-SP-006, H7408-3A-SP-007, H7408-3A-SP-008, H7408-3A-SP-009, H7408-3A-SP-010, H7408-3A-SS-001 Rev A, JBA17 005-10 Rev D, JBA17/005-SK02 Rev B, Cycle-2A-CS-001 Rev A, 890372 RSK C ALL 02 01 01 Rev P04, 890372 RSK C ALL 04 01 01 Rev P04, 890372 RSK C ALL 05 01 01 Rev P04, 890372 RSK C ALL 05 02 01 Rev P05, 890372 RSK C ALL 06 01 01 Rev P04, B7X3DG-EL, B7X3DG1-FP, B7X3DG2-FP, H436-ELR, H436-FL, H469-EL, H469-FL, H421-EL, H421-FP, P341-BW-EL, P341-BW-FL, P204-FP-EL, SH50-FP-EL, SF58/59-FP-EL-DET, SH73-EL, SH73-FP.
- 3 The materials used in the external construction of the development hereby approved shall be as set out within the application form and plans
- 4 Within the first available planting season (October to March inclusive) following the occupation of the development the landscaping works as

- shown on plan references JBA17 005-10 Rev D and JBA17/005-SK02 Rev B and specifications attached to and forming part of this permission shall be fully implemented. 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 replacement for it, is removed, uprooted or destroyed or 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 at the same place, unless the local planning authority gives its written consent to any variation.
- 5 Prior to the first occupation of the development hereby permitted the hard landscape works and boundary treatments as shown on plan reference H7408-3A-SP-008 shall be carried out and retained as such thereafter.
 - 6 The foul drainage for the development shall implemented prior to the first occupation of the development in accordance with the Drainage Statement – 890372-R1(3) dated February 2020 with foul drainage connecting to the new rising main to be discharged at South Woodham Ferrers treatment works.
 - 7 The surface water drainage for the development shall be implemented prior to the first occupation of the development in accordance with the Drainage Statement – 890372-R1(3) dated February 2020.
 - 8 The applicant or any successor in title must maintain yearly logs of the maintenance of the SuDS system which should be carried out in accordance with any approved Maintenance Plan (appendix F of the Drainage Statement – 890372-R1(3) dated February 2020). These must be available for inspection upon a request by the Local Planning Authority.
 - 9 The development hereby approved shall be carried out in accordance with the Construction Management Plan Revision C dated 20.01.2021 unless otherwise agreed in writing by the Local Planning Authority.
 - 10 Prior to first occupation of the development, and as shown in principle on planning drawing H7408-3A-SP-002. Each vehicular access shall be constructed at right angles to the highway boundary and to the proposed carriageway.
 - 11 Prior to first occupation of the development, the onsite vehicle parking shall be provided as shown in principle on planning drawing H7408-3A-SP-002. Each parking space shall have dimensions in accordance with current parking standards. Furthermore, a fast charging point shall be provided adjacent to at least one parking space for each new dwelling. The vehicle parking areas shall be retained in the agreed form at all times.
 - 12 Prior to first occupation of the development, the cycle parking as shown on plan references H7408-3A-SP-005 and CYCLE-2A-CS-001 shall be provided. The approved facility shall be secure, convenient, covered and retained at all times.
 - 13 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
 - 14 There shall be no discharge of surface water onto the Highway.
 - 15 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.

- 16 The development shall be carried out to ensure that all mitigation and enhancement measures as detailed in the Ecology Walkover Letter (JBA, January 2020) and the Landscape Masterplan (JBA, February 2020) and the Addendum to the Ecological Walkover Letter (JBA, May 2021) are carried out.

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.

- 17 There shall be no external lighting of the development unless otherwise agreed in writing by the local planning authority.
- 18 No works above ground level associated with the development hereby approved shall take place until a strategy to facilitate superfast broadband for the future occupants of the dwellings hereby approved, either through below ground infrastructure or other means, has been submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the agreed details.

INFORMATIVES

- 1 All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be addressed for the attention of the Development Management Team at SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU or emailed to development.management@essexhighways.org

149. 21/00415/FUL - LAND NORTH OF ORCHARD WAY, MOPE LANE, WICKHAM BISHOPS

Application Number	21/00415/FUL
Location	Land North of Orchard Way, Mope Lane, Wickham Bishops
Proposal	Creation of a 4/5 bedroom dwelling and garden
Applicant	Erica and Claire Webber and Koch
Agent	Karen Fardell - Plater Claiborne Architecture And Design
Target Decision Date	EOT 15.07.2021
Case Officer	Hayleigh Parker-Haines
Parish	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	Departure from Local Plan

Following the Officer's presentation, Wickham Bishops' Parish Councillor Ian Wardrop, and the Agent, Ms Karen Fardell, addressed the Committee.

There was overall support for the application from the start of the debate. As a result of this the Chairman moved the Officer's recommendation to approve the application and this was seconded by Councillor Morley.

Prior to putting the recommendation to the vote Councillor Durham indicated a wish to speak. He said that although the application did not meet recognised housing need it did fit the street scene which was predominantly large houses and that smaller dwellings would appear incongruous. He said he took on board the Parish Council's concerns, however, it was with a heavy heart he was supporting the application this time round as without a 5 year housing land supply and given the decision of the committee last time round, which was a material planning consideration, the Council would be in a difficult situation should it be refused.

Councillor Siddall concurred with Councillor Durham and asked about preservation of the orchard. The Officer assured the Committee that this was covered under conditions 11, 12 and 15 respectively.

There being no further discussion the Chairman put the Officer's recommendation to approve the application to the Committee. Upon a vote being taken it was unanimously approved.

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 and documents: 2019/loc01, 2019/02, 2019/03, 2019/04, 2019/05, 2019/06, 2019/07 and 2019/08
- 3 The materials used in the construction of the development hereby approved shall be as set out within the application form/plans hereby approved.
- 4 Prior to the occupation of the dwelling hereby approved, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include, for example:
 - i. Proposes finished levels contours;
 - ii. Hard surfacing materials;
 - iii. Planting details.

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

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

- 5 No development works above ground level shall occur until details of the surface water 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. The scheme shall ensure that for a minimum:
 - 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.

- 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)

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

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

- 6 No development works above ground level shall occur until 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 occupation of the dwelling hereby approved, the upgraded vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway as shown in principle in the Block Plan Layout drawing 2019/03
- 8 There shall be no discharge of surface water onto the Highway.
- 9 All loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken within the application site, clear of the public highway
- 10 There should be no obstruction above ground level within a 2.4m parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. 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.
- 11 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (T4 Ecology Ltd, June 2021). All mitigation and enhancement measures shall be provided within the identified times frames within the Preliminary Ecological Appraisal (T4 Ecology Ltd, June 2021) or where no timeframes are stated within six months of first occupation of the dwelling hereby approved. The mitigation and enhancement measures shall be retained in perpetuity.
- 12 A Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the local planning authority following the recommendations made within the Preliminary Ecological Appraisal (T4 Ecology Ltd, June 2021). 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.

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

- 13 Prior to occupation of the dwelling 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 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.

- 14 Prior to the commencement of development, 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).
- 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 No operations shall commence on site, including any site clearance or groundworks, unless and until a tree protection method statement, prepared in accordance with BS5837:2012, has been submitted to and approved in writing by the local planning authority. The statement is to include a tree protection plan and ground protection measures for all those trees and areas of vegetation shown as being retained on drawing No 2019|03 and supporting information plan 001 C. Development shall be carried out in accordance with the measures set out in the approved statement during the construction period. No trees or vegetation retained pursuant to this condition shall be cut down, removed or uprooted without the prior written approval of the local planning authority.

INFORMATIVES

1. The applicant should consult the Waste and Street Scene Team at Maldon District Council to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed, and that the site road is constructed to accommodate the size and weight of the Council's collection vehicles.
2. Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated

land under Part 2A of the Environmental Protection Act 1990 now or in the future. The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance for Applicants and Developers and UK best-practice guidance.

3. The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
 - 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.

Where it is necessary to work outside of these recommended hours the developer and builder should consult the local residents who are likely to be affected and contact the Environmental health Team for advice as soon as the work is anticipated.

4. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, CM2 5PU.

150. 21/00594/FUL - BARNs ADJACENT TO MOSKLYNS FARM, CHELMSFORD ROAD, PURLEIGH, ESSEX

Application Number	21/00594/FUL
Location	Barns Adjacent To Mosklyns Farm, Chelmsford Road, Purleigh, Essex
Proposal	Partially retrospective alterations to barn, conversion to a dwellinghouse and associated works.
Applicant	Mr And Mrs Robert & Susan Strathern
Agent	Mr Mike Otter - GPO Designs Ltd
Target Decision Date	22.07.2021
Case Officer	Anna Tastsoglou
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Member Call In by Councillor Mrs J L Fleming Reason: D1A, D1E, S1. 12, S8

A Members' Update had been circulated prior to the meeting that detailed additional consultations and representations, including 15 letters in support of the application.

Following the Officer's presentation, the Applicant, Ms Katy Strathern, addressed the Committee.

The chairman opened the debate and a discussion ensued during which Members commented on the access to local amenities, sustainable development and how the

application was partially retrospective as work had already begun to the adjoining barn which had been granted planning permission at Committee on the 11 February 2021.

The Lead Specialist Place reminded Members that if approval was granted for the reason that development had already started that would set a dangerous precedent as a reason for approval.

Having spoken earlier in favour of the application Councillor Miss S White proposed that the application be approved, contrary to the Officer's recommendation, for the reason that the development was sustainable. This was duly seconded by Councillor J V Keyes.

The Chairman put Councillor White's proposal to approve the application contrary to the Officer's recommendation and for the aforementioned reason to the committee. Upon a vote being taken it was approved.

RESOLVED that the application be **APPROVED** subject to conditions delegated to Officers in consultation with the Chairman.

1. The development is considered to be located in a sustainable location, taking into account the recent Council's decision to approve a similar development on the adjacent site (Application reference number: 20/01154/FUL) and appeal decisions in the surrounding area. Furthermore, consideration has been given to the proposed formation of a footpath and the additional parking spaces introduced since the refusal of application 20/00310/FUL. Moreover, it is considered that the development would not be harmful to the rural character of the area.

The meeting closed at 8.45 pm.

MRS M E THOMPSON
CHAIRMAN