



**MINUTES of
MALDON DISTRICT COUNCIL (EXTRAORDINARY MEETING)
11 AUGUST 2016**

PRESENT

Chairman	Councillor P G L Elliott
Councillors	Mrs B F Acevedo, E L Bamford, Miss A M Beale, B S Beale MBE, R G Boyce MBE, CC, Mrs P A Channer, CC, R P F Dewick, M F L Durham, Mrs H E Elliott, A S Fluker, Mrs B D Harker, B E Harker, M S Heard, M W Helm, J V Keyes, Miss M R Lewis, R Pratt, N R Pudney, S J Savage, A K M St. Joseph, Mrs M E Thompson and Miss S White

378. CHAIRMAN'S NOTICES

The Chairman drew attention to the list of notices published on the back of the agenda.

379. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J P F Archer, H M Bass, I E Dobson, C A R MacKenzie, M R Pearlman, D M Sismey and Rev. A E J Shrimpton.

380. DISCLOSURE OF INTERESTS

Councillor R G Boyce MBE CC declared a non-pecuniary interest, as he was a Member of Essex County Council and also Chairman of an Almshouse Trust.

Councillor Mrs P A Channer CC declared a non-pecuniary interest, as she was a Member of Essex County Council and also Chairman of an Almshouse Trust.

Councillor Mrs B F Acevedo declared a non-pecuniary interest in relation to Agenda Item 4 – FUL/MAL/14/00356 Land Between Chandlers and Creeksea Lane, Maldon Road, Burnham-on-Crouch as she knew many of the objectors.

Councillor A S Fluker declared in the interest of openness and transparency he knew some of the objectors and one of the agents working for the Agent, in relation to Agenda Item 4 – FUL/MAL/14/00356 Land Between Chandlers and Creeksea Lane, Maldon Road, Burnham-on-Crouch.

Councillor N R Pudney declared a non-pecuniary interest in relation to Agenda Item 4 – FUL/MAL/14/00356 Land Between Chandlers and Creeksea Lane, Maldon Road, Burnham-on-Crouch as he knew many of the objectors.

At this point in the meeting the Chairman asked that to aid those Members of the Public in attendance but seated outside of the Chamber that Members stand when speaking.

381. FUL/MAL/14/00356 - LAND BETWEEN CHANDLERS AND CREEKSEA LANE, MALDON ROAD, BURNHAM-ON-CROUCH, ESSEX

The Council considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

The Chairman advised the Committee that members of the public had registered their wish to speak and outlined the procedure for public participation.

Application Number	FUL/MAL/14/00356
Location	Land Between Chandlers and Creeksea Lane Maldon Road Burnham-On-Crouch Essex
Proposal	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	Mr Simon Butler-Finbow - Pigeon Land Ltd
Agent	Mr David Barker - Evolution Town Planning LLP
Target Decision Date	31 August 2016 (extension of time agreed)
Case Officer	Debi Sherman TEL: 01621 875862
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Major Application Strategic Site within the submitted Local Development Plan Departure from the Local Plan 2005 Parish Trigger

It was noted from the Members' Update that consultation responses had been received from Burnham-on-Crouch Town Council, Essex County Highways, the Countryside & Coast Officer and Housing Services. A further seven letters of objection had also been received.

During her presentation the Major Applications Officer outlined the amendments that had been made to the application since its original submission. She advised of some further amendments to the detailed conditions Officers would like Members to consider should they be mindful to approve the application.

Following the Officers' presentation an objector Mrs Natalie Bettany speaking on behalf of BROOD (Burnham Residents Oppose Over Development), Councillor Wendy

Stamp on behalf of Burnham-on-Crouch Town Council and the Agent Mr Barker addressed the Committee.

Councillor Miss M R Lewis referred to concerns she had received from the public regarding the late posting of information regarding this application on the Council's website. She also referred to Members having requested legal advice from Mr Jameson, the Council's legal representative, and felt it would be beneficial to obtain that at the beginning of discussions. Councillor Miss Lewis proposed that this legal advice be heard under Procedure Rule 5 (16) Motion under Section 100A of the Local Government Act 1972 to exclude the public. This proposal was duly seconded and upon a vote being taken was agreed.

382. EXCLUSION OF PUBLIC AND PRESS

RESOLVED that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the specific purpose of receiving legal advice relative to this matter from the Council's Solicitor, on the grounds that this is likely to involve the disclosure of exempt information as defined in paragraph 5 of part 1 of Schedule 12a to the Act, and that this satisfies the public interest test.

383. FUL/MAL/14/00356 - LAND BETWEEN CHANDLERS AND CREEKSEA LANE, MALDON ROAD, BURNHAM-ON-CROUCH (CLOSED SESSION)

In response to questions, the Council's legal representative provided legal advice in respect of application FUL/MAL/14/00356 – Land between Chandlers and Creeksea Lane, Maldon Road, Burnham-on-Crouch.

384. RESUMPTION OF BUSINESS IN OPEN SESSION

RESOLVED that the meeting be resumed in open session.

385. ADJOURNMENT OF MEETING

RESOLVED that the meeting be adjourned at 8:19pm to allow those members of the public in attendance to return to the Council Chamber.

386. RESUMPTION OF BUSINESS IN OPEN SESSION

RESOLVED that the meeting be resumed in open session at 8:26pm.

387. FUL/MAL/14/00356 - LAND BETWEEN CHANDLERS AND CREEKSEA LANE, MALDON ROAD, BURNHAM-ON-CROUCH

A lengthy debate ensued and in response to a number of questions and concerns raised by Members, the Director of Planning and Regulatory Services and Major Applications Officer provided the Council with the following information:

- No viability tests around infrastructure and affordability had been carried out as part of this application as the proposal was policy compliant.
- The application met the required amount of amenity space in accordance with Council's policy, and in fact exceeded this for many dwellings.
- It was clarified that although the Secretary of State had powers to call in an application it was unlikely that these powers would be exercised in respect of density as it was expected that density would be determined at a local level.
- Any monies agreed as part of the heads of terms for a Section 106 would constitute a legal obligation which would run with the land in perpetuity unless appealed or varied by Deed of Variation
- It was confirmed that the last two points of the heads of terms referenced requirements to manage and maintain green infrastructure and the attenuation lake.
- The land adjacent to the site and within the ownership of the applicant could not be annexed to the current site through a Section 106 agreement so as to require that it not be the subject of any future application. To do so would fetter the right of the land owner to make a future application
- The Council's legal representative explained how the Council would seek detailed drafting of any Section 106 agreement to ensure that development / infrastructure came at the right stage of scheme in order to alleviate concerns about future insolvency of the developer prior to provision of the affordable housing.

Some Members, including the Ward Members, raised concerns regarding the proposed development which related to:

- density and design of the site;
- the need for the proposed care home, the location of the day-care facility and its proximity to the proposed industrial areas, and car parking provision for these facilities;
- how the proposed development would fit in with existing surroundings and the entrance to Burnham-on-Crouch;
- the desire for a coastal buffer and how this would give opportunity to have open land along the bottom half of the site.

Councillor Miss M R Lewis drew Members' attention to the amendments made by the developer since deferral at Council on 31 March and advised of the age profile for the Maldon District which had recently been published. She requested that if Members were mindful to approve the application that condition 14 be amended to read "...areas of the site *outside of the operating hours as detailed in conditions 12 and 13.*". She

then proposed that the Officers' recommendation of approval be accepted subject to the proposed amendment to condition 14. This proposal was duly seconded.

Councillor R G Boyce raised a point of order referring to an earlier ruling by the Chairman in respect of a statement made by Councillor B E Harker when he advised he wished to make a proposition against the Officers recommendation. The Chairman clarified that he had advised Councillor Harker that if he wished to oppose the motion to approve he should vote against the motion and then put his motion.

Councillor B E Harker referred to the poor quality, design and layout of the proposed scheme which he felt was also out of keeping with the surrounding area. He proposed that the application be refused, contrary to Officers' recommendation, as it was contrary to policy D1 and in addition paragraph 61 of the National Planning Policy Framework referred to refusing applications where the development was of poor design and did not improve the character and quality of the area. This proposal was duly seconded.

A number of Members spoke in support of the application referring to the further amendments made by the applicant, the good mix of houses, pre-school education and care home facilities, employment use and it being a Local Development Plan Site.

The Major Applications Officer provided clarification in relation to a number of conditions proposed, highlighting in particular:

- Proposed conditions sought to make provision for a construction management plan and schedule which would run alongside proposed phasing. The Major Applications Officer suggested that the last bullet of the Heads of Terms could be amended to specifically state the hours of operation and she outlined those hours that Environmental Health would normally identify as reasonable.
- Proposed condition 9 was part of the outline scheme and in response to a question the Officer highlighted the proposed vehicular access to the allotments.
- Officers had looked at whether it was reasonable to prevent vehicles parking on the public highway and the legal advice received was that it was not reasonable. Through condition 40 which sought a construction management plan Officers would seek to ensure that operative vehicles were parked within the compound which could be enforced, and had been successfully enforced elsewhere.
- Condition 40 provided provision to keep roads clean through the use of wheel washing facilities and dust management.

In response to a question regarding the Heads of Terms referring to management and maintenance plans rather than information, the Major Applications Officer advised that the penultimate bullet of the Heads of Terms could be amended accordingly.

The Chairman then put to the Council the Officers recommendation amended as per the proposal from Councillor Miss Lewis, duly seconded.

In accordance with Procedure Rule No. 13 (3) Councillor R Pratt requested a recorded vote. This was duly seconded by Councillor A S Fluker.

For the recommendation:

Councillors B S Beale, R G Boyce, Mrs P A Channer, M F L Durham, A S Fluker, Mrs B D Harker, M W Helm, J V Keyes, M S Heard, Miss M R Lewis, S J Savage, A K M St. Joseph and Mrs M E Thompson

Against the recommendation:

Councillors Mrs B F Acevedo, Miss A M Beale, Mrs H E Elliott, B E Harker, N R Pudney, R Pratt and Miss S White.

Abstention:

Councillors E L Bamford, R P F Dewick and P G L Elliott.

The motion was therefore declared carried.

The Council then discussed conditions and the Major Applications Officers suggested the following amendments:

- Condition 10 was a duplication of condition 48 and therefore should be deleted.
- Condition 31 was a duplication of condition 46 and therefore should be deleted.
- Condition 41 should be amended with an additional bullet point to read “The provision of a footway / cycleway with a minimum width of 3m between the residential development and industrial estate to the south of the site”.
- Amendment to the sixth bullet of the Heads of Terms to refer to “management and maintenance plans” rather than ‘information’.

In response to a question regarding condition 1 the Officer provided clarification of commencement of development: this is technical commencement that would have to be commensurate with the scale of the development.

Councillor A S Fluker proposed that the Council should include a condition that there should not be any parking on Maldon Road by both construction workers and construction operatives. This proposal was duly seconded. Officers advised that this could be incorporated into the Section 106 agreement.

The changes as suggested by the Officer and proposal in the name of Councillor Fluker were duly agreed.

RESOLVED that the application be **APPROVED** subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following planning obligations:

- 40% Affordable Housing.
- £23,200 towards B1010/B1021 junction improvements which is part of a pooled contribution across the strategic Burnham-on-Crouch sites.
- Healthcare contribution of £67,480 to be used towards the provision of additional capacity at the health centre(s) within the parish of Burnham-on-Crouch.

- Education contributions of up to £144,400 towards the provision of additional capacity at the primary schools within the parish of Burnham-on-Crouch and up to £461,256 towards early years and childcare places.
- £97,500 towards teen shelters, skateboard facilities and access to shared community facilities as part of a pooled contribution across the strategic Burnham-on-Crouch sites.
- Management and maintenance plan relating to Green Infrastructure, including public open space, the areas of private amenity space, woodland and tree planting areas, allotments and Sustainable Drainage Systems (SuDS).
- Ensure retention of the SuDS attenuation features on land within the control of the applicant in connection with the development.
- Requirement to prevent construction vehicles and construction operatives vehicles from being parked on Maldon Road.

AND subject to the following 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 MDC1 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, HGC's etc. on the industrial/commercial areas of the site outside of the operating hours, as detailed in conditions 12 and 13.
- 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 date of this permission.
- 18 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications.
- 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 amenity 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 footpaths no.3 & 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 retain 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.
- 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.

Both OUTLINE and FULL Consents

- 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.
- 37 Prior to the commencement of development, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and hydrological and hydrogeological assessments, shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall accord with the details contained within the submitted Flood Risk Assessment undertaken by Transport Planning Associates, dated September 2014 and referenced 1303-34/FRA/03.
- The scheme shall also include:
 - details of how the scheme shall be maintained and managed after completion
 - a discharge rate to the ordinary watercourse at the agreed rate of Qbar for outfall 1 through to 6, and discharge from point 7 at Qbar of 18.6/s for return periods up to and including the 30 year storm, and Q30 of 59.4l/s for return periods between 31 and the 100 year return period.
 - a detailed drainage plan for the site including the proposed location/size of any infiltration/attenuation device.
 - details of culverts over the ordinary watercourse and agreement from Essex County Council
 - the outcome of investigation into Outfall 1's downstream connectivity.

- attenuation storage shall be provided to cater for the 1 in 100 year critical storm plus allowance for climate change.
 - calculations of the piped network performance in the 1 in 30 year or 1 in 100 year rainfall events, including climate change
 - details of any exceedance and conveyance routes
 - details of the future adoption and maintenance of the proposed surface water scheme for the lifetime of the proposed development.
- 38 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, including hours of operation of and deliveries to and from the site.
 - 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.
 - 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 across the entire site frontage to tie into the existing footway at Chandlers.
- 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 HGV's from accessing the proposed industrial site to the south of the site.
- The industrial road to the south of the site, 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 3m between the residential development and 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 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 Somins 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 46, 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.

POSITIVE AND PROACTIVE STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant/Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

There being no further items of business the Chairman closed the meeting at 9.29 pm

P G L ELLIOTT
CHAIRMAN