

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON WEDNESDAY, 17TH FEBRUARY, 2021 AT 6.00 PM
THE MEETING WAS HELD ONLINE PURSUANT TO STATUTORY INSTRUMENT
2020/392.**

Present:	Councillors White (Chairman), Bray (Vice-Chairman), Alexander, Cawthron, Casey, Fowler, V Guglielmi, Harris and Placey
Also Present:	Councillor Bush
In Attendance:	Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), Graham Nourse (Assistant Director (Planning)), Trevor Faulkner (Planning Manager), Joanne Fisher (Planning Solicitor), Keith Durran (Democratic Services Officer), Debbie Bunce (Legal and Governance Administration Officer) and Emma Haward (Leadership Support Assistant), Luke Rosier (IT Support Officer, Charlene Haynes (IT Support Officer).

94. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

95. MINUTES OF THE LAST MEETING

It was moved by Councillor Bray, seconded by Councillor Fowler and:-

RESOLVED that the minutes of the last meeting of the Committee held on Tuesday 19 January 2021 be approved as a correct record.

96. DECLARATIONS OF INTEREST

There were none.

97. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were none on this occasion.

98. A.1 - 20/01551/DISCON - REDHOUSE FARM OAKLEY ROAD WIX MANNINGTREE ESSEX CO11 2SF

Members were reminded that full planning permission (ref: 20/00194/FUL) had been granted by the Planning Committee in October 2020 for: 'Proposed erection of 2 No. agricultural buildings for poultry production together with associated infrastructure and a new highway access to Oakley Road'. This permission was made subject to 20 conditions. Condition 11 as agreed and amended by the Planning Committee related specifically to the Traffic Management of all HGV movements and construction vehicles associated with the development, providing certainty of routing through key local junctions.

In accordance with Members' previous request, the application to discharge condition 11 had been brought to the Planning Committee for its consideration. Importantly, for all HGV and construction traffic associated with the development, there was no 'right hand

turn' off the A120 proposed. Also, a system of management was in place to ensure that this was enforced.

The Committee was reminded that the principle of the development had been accepted by the granting of the original full planning permission, which had also established the position of the access. The details the subject of this application had been scrutinised by Highways England and ECC Highways, both of whom had offered no objections.

Officers felt that the detailed plans complied with the requirements of Condition 11 and were considered acceptable with no significant material harm to visual or residential amenity, or highway safety.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation that the Assistant Director (Planning) be authorised to discharge condition 11 (Traffic Management Plan) of the previously approved planning application 20/00194/FUL.

At the meeting, an oral presentation was made by the Council's Planning Manager (TF) in respect of the application.

An update sheet had been circulated to the Committee prior to the meeting with details of:

- (1) An additional letter received from Councillor Bush in relation to the routing into the site via 'The War Memorial' Harwich Road/Oakley Road Wix junction. In Councillor Bush's opinion this route would cause significant material harm for highway safety and was totally unsuitable for HGV movements, with further potential risk of causing damage to the Wix War Memorial and therefore breached paragraph 109 of the NPPF impacting on road safety.

Councillor Bush had also requested more details on how the applicant would manage and monitor other vehicles using this junction and route from Harwich Road and the development site in Oakley Road as this was an area that had a regular bus service, school bus service and adjacent courier/transport facility.

Councillor Bush had concluded, that condition 11 relating to the submission and agreement to a Traffic Management Plan should not be discharged until those significant traffic safety issues were revisited and mitigated against.

The applicant had reviewed this letter and had responded with their explanation of the route chosen, countering Councillor Bush's claims that this application created 'significant material harm for highway safety'.

- (2) Within the Executive Summary of the Committee Report; section 1.2, line 3, should read: '... there is no 'right hand turn' off the A120 proposed.'

The Chairman of the Committee reminded Members that planning application 20/01551/DISCON Redhouse Farm Oakley Road Wix Manningtree Essex CO11 2SF was a previously deferred item and that therefore, there would be no public speaking allowed.

During the Committee's discussion, it was asked if the applicant had agreed to put up signage including a 7 days' notice for construction or operational purposes. The Planning Manager confirmed that the notice period was for the construction element of the project.

Following discussion by the Committee, it was moved by Councillor Cawthron, seconded by Councillor Alexander and **RESOLVED:-**

That the Assistant Director (Planning) (or equivalent authorised officer) be authorised to discharge condition 11 (Traffic Management Plan) of the previously approved planning application 20/00194/FUL.

99. A.2 - 20/01498/FUL LAND NORTH WEST OF REDHOUSE FARM OAKLEY ROAD WIX MANNINGTREE ESSEX CO11 2SF

It was reported that this application had been referred to the Planning Committee at the request of Councillor Bush due to his concerns relating to: *"the nature of the proposal being a substantial industrial process, rather than a typical agricultural facility; failure to satisfy Policy EN1 in that the design and size of the development would create an adverse visual impact on the surrounding countryside and rural landscape; highway access was unsuitable. If considered acceptable then conditions would be incorporated into the approval to ensure ongoing monitoring of emissions post construction and operation to ensure compliance. Also, to ensure that no associated vehicles carrying straw or other biomass burning materials were transported via Oakley Road, South of All Saints School."*

Members were informed that the proposal involved the installation of a biomass boiler and back up LPG boiler within a new building to be constructed 10m north of the recently approved two poultry sheds (via application 20/00194/FUL). The host building was of a similar design to the poultry sheds having a typical agricultural building appearance; being of a steel frame construction covered by olive green profiled sheeting. Part of the building (18.6m x 13.3m) had a ridge 2m higher than the poultry sheds, two flues were also proposed that extended 2m beyond the ridge. However, the nearest public views were limited, being over 200m away with few footpaths in the local area providing views of the buildings.

The Committee was made aware that the site was in a rural locality, between the settlements of Wix and Great Oakley, though within the parish of Wix. Although set within open countryside, the site was at a position which was not prominent in the landscape. The applicant had demonstrated the proposal would not unduly impact residential amenity, highway safety, drainage capabilities or local ecology. The proposal was in planning terms considered by Officers to be an agricultural use within an agricultural area, supported by the rural diversification policy of Paragraph 83 of the NPPF in particular.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Manager (TF) in respect of the application.

Councillor Mike Bush, the local Ward Member, spoke against the application.

Ian Pick, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Bray, seconded by Councillor Alexander and unanimously **RESOLVED:-**

that the Assistant Director (Planning) (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following:

Conditions and Reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved drawings:

Ip/ah/b03 a Amended proposed elevations and plan
Ip/ahb/b02 Site layout plan

Reason – For the avoidance of doubt and in the interests of proper planning.

3. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities
- v. prior to the commencement of any work on the site, a joint inspection of the route to be used by construction vehicles should be carried out by the Applicant and the Highway Authority, including photographic evidence.
- vi. a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works
- vii. noise control
- viii. emission control
- ix. dust control

Reason - To ensure that parking on the highway does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and to ensure that construction does not lead to excess water being discharged from the site.

4. The vehicle turning facility as shown on Site layout plan Ip/ahb/b02 shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason - To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

5. No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction."

Reason - In the interest of visual amenity and the character of the area.

6. All changes in ground levels in relation to the soft landscaping, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure that the development provides a satisfactory setting, in the interests of the character and appearance of the landscape and the visual amenity of the site.

7. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason - To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

8. No means of external lighting shall be installed unless the prior written consent of the local planning authority is given in writing to any external lighting. Any external lighting shall be part of a lighting design scheme for biodiversity which shall have been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

Reason - To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy EN6 of the adopted Local Plan.

9. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecology Update Letter (Emms & Barnett, January 2021) Preliminary Ecological Appraisal (Emms & Barnett, December 2019) and the Response to Ecology Comments (Emms & Barnett, April 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

10. Prior to beneficial uses, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

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

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

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

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

11. All drainage and Suds features shall be carried out in accordance with the details contained in the Hydro International Drainage (L0321) report dated 28/01/2021, and maintained for the lifetime of the development.

Reason: To ensure the surface water drainage system is installed as intended to ensure mitigation against flood risk.

12. Prior to commencing operation of the boiler, the flues and ash auger shall be painted matt black to match that of the ventilation towers of the sheds permitted under 20/00194/FUL.

Reason: In the interest of visual amenity, in accordance with Policies QL9, EN1 and EN23 of the adopted Local Plan.

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

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

14. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

15. No development shall take place, including any grounds works or demolition, until an appropriate Traffic Management Plan and Route Card, to include inbound and outbound routings at the junctions of the A120/Harwich Road and Harwich Road/Oakley Road, and which shall outline a designated route to and from the development for all construction vehicles, has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. The Traffic Management Plan and Route Card shall subsequently be implemented as approved, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To control the location and direction of construction vehicle movements to and from the site in the interests of highway safety.

16. All new external work and finishes shall match the materials used on the two poultry sheds approved via application 20/00194/FUL.

Reason: In the interests of visual amenity and the character of the area.

17. No building or use hereby permitted shall be occupied or use commenced until a waste management plan setting out how waste will be stored and collected has been prepared, submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved waste management plan for the lifetime of the development.

Reason: To ensure appropriate waste management facilities are provided to accommodate all waste generated by the development.

18. Only clean straw, unused for any purpose, shall be used in connection with the biomass boiler.

Reason: In the interests of air quality and the Clean Air Act 1993

19. The building shall be constructed so as to provide sound insulation against internally generated noise of not less than 25 dB, with windows shut and other means of ventilation provided. The sound insulation works shall be completed before the use of the building begins and retained thereafter.

Reason: To control the noise emitted from the site in the interests of residential amenity

20. No development shall take place until a monitoring and maintenance scheme to demonstrate the effectiveness and accuracy of the predicted air quality of the biomass boiler has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented, and records kept of a 5 year timeframe.

If any of these reports identifies any discrepancy with the Air Quality Assessment (AS Modelling and Data Ltd, December 2020) then a protocol, including timescale, for the necessary remediation shall be submitted to the local planning authority within a further 40 days and approved in writing within 40 days of receipt. Thereafter, any necessary remediation and verification shall be carried out in accordance with the approved protocol.

Reason: In the interests of public health and safety

21. The development hereby permitted shall only be commenced following implementation of/or simultaneously with the construction of the poultry production units approved under planning permission ref. 20/00194/FUL. Furthermore, the biomass boiler shall not be brought into first operation prior to the commencement of the poultry production activity.

Reason: The biomass boiler is considered to be intrinsically linked to the approved poultry production facility and has been assessed and supported on this basis. Furthermore, in the interests of visual amenity, the character of the area and highway safety.

22. No development shall commence until an assessment of the risks posed by any contamination is carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the Local Planning Authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the Local Planning Authority within 20 days of the report being completed and approved in writing by the Local Planning Authority.

Reason - To ensure that any risks (to future users of the land and neighbouring land and to controlled waters, property and ecological systems) arising from any land contamination are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

100. A.3 - 20/00385/OUT - LAND EAST OF POND HALL FARM RAMSEY ROAD RAMSEY HARWICH ESSEX CO12 5ET

The Chairman informed the Committee that consideration of planning application **20/00385/OUT - Land East of Pond Hall Farm Ramsey Road Ramsey Harwich Essex CO12 5ET** had been deferred in order to allow both Ramsey and Parkeston Parish Council and Harwich Town Council to comment on the application.

101. REPORT OF THE MONITORING OFFICER - A.4 - THE PLANNING COMMITTEE'S PUBLIC SPEAKING SCHEME

Following a referral from the Portfolio Holder Constitution Review Working Party, the Planning Committee were asked to consider amending its Public Speaking Scheme and to re-arrange the order of speakers to ensure that the Ward Councillor spoke last on a planning application at a Planning Committee meeting rather than the Applicant/Developer who was currently listed last under the Committee's public speaking scheme.

Following detailed discussion by the Committee, it was moved by Councillor White, seconded by Councillor Bray and:-

RESOLVED that the Planning Committee agrees to its Public Speaking Scheme being revised to re-arrange the order of speakers so that the applicant (or their agent or their representative) speaks first after the Officer presentation of the planning application at the Planning Committee's meeting and are then followed by:-

- One member of the public who wishes to speak in favour of the application;
- One member of the public who wishes to speak against the application;
- A representative of the relevant Parish/Town Council for the application site;
- All District Councillors for the Ward in which the application site is situated.

For the avoidance of any doubt the Committee confirms that the rights of members of the Executive under the Scheme remain unchanged. In addition, the Committee will undertake a review after six months' operation of the amended Public Speaking Scheme (Planning Committee).

RECOMMENDED TO COUNCIL that the Planning Committee's Public Speaking Scheme be amended so that the applicant (or their agent or their representative) speaks first after the Officer presentation of the planning application at the Planning Committee's meeting.

102. EXCLUSION OF PRESS AND PUBLIC

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 10 on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 5 of Part 1 of Schedule 12A, as amended, of the Act.

103. EXEMPT MINUTE OF THE MEETING OF THE COMMITTEE HELD ON TUESDAY 19 JANUARY 2021

The Exempt Minute of the meeting of the Committee held on Tuesday 19 January 2021 was approved as a correct record.

The meeting was declared closed at 8:24pm

Chairman