

**PLANNING SERVICES COMMITTEE
17 FEBRUARY 2005**

ADDENDUM

R1 04/01057/COU	<p>Two petitions of objection have been received objecting to further food uses in Great Wakering, noise and parking problems in the area. The petitions, in total, have been signed by 225 local residents.</p> <p>15 further letters of objection have been received not raising any new issues.</p> <p>Two extra conditions, in addition to those included in the report, are RECOMMENDED</p> <p>3) The use of the site hereby permitted, shall not be open to customers, nor shall there be any goods delivered or dispatched to/from the site outside of the following times of 09:00 – 23:00 on any day.</p> <p>REASON To enable the Local Planning Authority to retain adequate control over such hours of use, in the interest of the amenity and character of the area.</p> <p>4) The use hereby approved shall not commence before the car parking areas and access shown on the plans hereby approved have been laid out and constructed in a bound material in their entirety and made available for the use. Thereafter, the said car parking areas shall be retained and maintained in their approved form and used solely for the parking of vehicles and for no other purpose that would impede vehicle parking.</p> <p>REASON To enable the Local Planning Authority to secure satisfactory provision for the parking of vehicles, in the interest of highway safety.</p>
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<p>Schedule Item 3 04/00970/FUL</p>	<p>ADDITIONAL RESPONSES RECEIVED:-</p> <p>The Environment Agency:-</p> <p>The land at Unit 37 has a Waste Management Licence (WML) which controls aspects of the waste transfer and treatment operations there. There are no waste management licences covering adjacent land at Unit 36 and Unit 8 as there are no specified waste management activities taking place at these units.</p> <p>The planning application relating to Unit 8 covers office space and vehicle maintenance and their relocation from Unit 37. This change will increase the area of Unit 37 available for other use. It is understood that the applicant does not intend to change the location of the weighbridge and hence the area available for waste transfer is physically restricted by it. In any case the issues relating to use and ancillary use are matters for the Planning Authority. The Agency therefore has no comments to make on this.</p> <p>The proposal to erect a solid barrier along the boundary of Units 35 and 36 is not within the licensed area and as such is not specifically required by licence condition. Although we recognise that it may have some effect in reducing noise levels to the north of this barrier, we have no specific comment to make.</p> <p>There are also related proposals, which the applicant has been advised do not require a change to planning consent. These involve replacing the screener with a different, quieter type, repositioning the screener to the southern boundary, joining it to a manual picking belt and consequent adjustments to waste bays and the dust suppression system. These changes (as well as some of the waste related aspects of those requiring planning consent) will require amendments to be made to the site's Working Plan, under the WML. These amendments will need to be submitted to us, along with a risk assessment and be approved before they can be implemented. Part of the risk assessment will necessarily entail a noise report/assessment by a suitably qualified acoustic expert. The operator was advised of this requirement in September 2004; no such amendment application has yet been received.</p>
<p>Schedule Item 4 04/00975/FUL</p>	<p>Essex County Council Highways and Transportation Group</p> <p>No objections</p> <p>Following further consideration and negotiations with the site owners the applicants withdraw the variation to condition 9 of the Outline Permission. The details for the foul water drainage of the site will be submitted for the site as a whole.</p> <p>The applicants further advise that the submitted application omitted reference to the need to also vary condition 6 concerning the submission of means of enclosure and condition 14 concerning the submission of details for cycle, motorcycle, parking, pedestrian and cycle access routes and bus / coach</p>

	<p>dropping off facilities within the site. The applicants request that the variation of these two conditions also be included in the application so that development on the neighbourhood centre can commence once those details for that part of the site have been agreed.</p> <p>The recommendation refers to the revised conditions proposed in consecutive number order. This matter requires correction so that if Members are minded to approve the application, the relevant conditions affected are correctly identified consistent with the outline consent.</p> <p>Revised Recommendation of Approval subject to the deletion of the proposed variance to condition 9 concerning submission of reserved matters for the Foul Drainage of the site and to the appropriate re-numbering of the relevant conditions in the recommendation and to the following revised conditions, in addition to those set out in the report;</p> <p>6) No part of the development for either the residential, playing fields / public open space, primary school, leisure centre and neighbourhood centre shall commence before plans and particulars, which shall have been submitted to the Local Planning Authority concurrently with the reserved matters referred to in conditions 01 and 02 above, showing precise details of any gates, fences, walls or other means of enclosure, to be erected to the site's boundaries and within the site, have been agreed in writing by the Local Planning Authority. Such details of screening or other means of enclosure as may be agreed in writing by the Local Planning Authority shall be erected prior to the building or site (whichever is applicable) to which they relate first being occupied or used (whichever is applicable) and thereafter maintained in the approved form.</p> <p>14) The reserved matters applications for the residential, playing fields / public open space, primary school, leisure centre and neighbourhood centre parts of the development shall be accompanied by full details:</p> <ul style="list-style-type: none"> a) demonstrating that satisfactory provision will be made within the site for cycle and motorcycle parking in safe, secure and visible locations ; b) illustrating car parking arrangements, pedestrian and cycle access routes, bridleways and bus / coach dropping off facilities within the site
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<p>Schedule Item 5 04/00976/FUL</p>	<p>Royal Society for the Protection of Birds</p> <p>Confirm that concerns expressed aboutt the future management of the site will be satisfactorily resolved by the proposed Section 299A Agreement.</p> <p>The following comments have been received from solicitors acting for DEFRA;</p> <p>Advise that DEFRA have contracted to purchase the site from the current owners with a view to establishing Bird Habitat following the grant of permission.</p> <p>Happy for the issues concerning future management of the site to be made the subject of a legal agreement between the Secretary of State and the Council.</p> <p>Given that the project is on a critical time path at present all interested parties including the RSPB have agreed a form of obligation which all parties would be content to enter into. The applicants propose that the necessary obligation should take the form of an agreement made under the provisions of Section 299A of The Town and Country Planning Act (1990). This is due to the Secretary of State as Crown Body giving the obligation. Otherwise the agreement is intended to operate as a Section 106 Agreement.</p> <p>The following further comments have been received from the applicant;</p> <p>Confirm that a Section 106 or alternative legal agreement was requested by RSPB to ensure that the site will be maintained as a wetland / bird habitat in perpetuity.</p> <p>RSPB were specific in requiring that an undertaking be given by the Secretary of State and that within 6 months of the grant of Planning Permission the Secretary of State shall submit to the Council a management Plan including species and habitat targets, monitoring and review mechanisms.</p> <p>The advice from DEFRA's solicitors is that such an obligation can only be by way of Section 299A because of Crown Immunity. The views of RSPB are confirmed in recent correspondence.</p> <p>In view of the urgency of the matter the applicants will undertake to have the document executed prior to the Planning Services Committee meeting.</p> <p>The applicants make comment on parts of condition 2 of the recommendation and consider that clause a) is redundant, being covered by clause b), that clause e) be deleted because this would</p>
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	<p>be discussed in mitigation and clause f) be similarly deleted because the requirement for a licence would be a matter of law.</p> <p>Officer Comment:</p> <p>On further consideration officers consider that in this case, given the involvement and sufficient interest of the Secretary of State, the applicants are correct that it would be appropriate to seek the necessary retention of the site in perpetuity as Bird Habitat under the provisions of Section 299A of the Act.</p> <p>The applicants request to delete clauses a, e and f can in this case be accommodated without weakening the Council's position.</p> <p>Revised Recommendation That the application be approved, subject to the applicants and owners entering into an Agreement under Section 299A of the Town and Country Planning Act to secure the site as replacement Bird Habitat in perpetuity and to the amendments to condition 2 detailed above and the remaining conditions, as detailed in the report.</p>
<p>Schedule Item 7 04/01118/FUL</p>	<p>Additional responses received:-</p> <p>Rayleigh Town Council :- Objects to this application as it considers it to be over-development due to the cramped nature of the development and that it is out of character with the adjacent properties. Car parking is not in accordance with the Local Plan.</p> <p>Woodlands and Environmental Specialist Officer:- Prior to any demolition a bat survey should accompany the application.</p> <p>Head of Housing, Health and Community Care:- Suggest a condition be imposed detailing the suppression of dust from the site and also that the standard informative S116 Control of Nuisances be imposed on any approval.</p> <p>Recommendation</p> <p>APPROVE Subject to the additional condition.</p> <p>A scheme of measures for the control and suppression of dust emissions generated during the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Such agreed works shall be implemented in the approved form to the commencement of the proposed development and shall be maintained in the approved form for the duration of the construction of the proposed development.</p> <p>REASON In the interest of the amenity and character of the area.</p>