

MINUTES of SOUTH EASTERN AREA PLANNING COMMITTEE 21 MAY 2019

PRESENT

Chairman Councillor R P F Dewick

Vice-Chairman Councillor M W Helm

Councillors M G Bassenger, B S Beale MBE, V J Bell, R G Boyce MBE,

Mrs P A Channer, CC, A S Fluker and A L Hull

78. CHAIRMAN'S NOTICES

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

79. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors N J Skeens and W Stamp.

80. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 8 April 2019 be approved and confirmed.

81. DISCLOSURE OF INTEREST

Councillor R Dewick advised the Committee that he knew the applicants under Agenda Item 9 - HOUSE/MAL/19/00396 - Lunendales Cottage, Foxhall Road, Steeple, but that he did not consider this to be detrimental to speaking and voting on this item of business.

Councillor Mrs P A Channer, CC declared a non-pecuniary interest as a member of Essex County Council, a consultee on planning application matters with respect generally, to highways, matters of access and education primarily. She further declared in respect of Agenda Item 9 - HOUSE/MAL/19/00396, - Lunendales Cottage, Foxhall Road, Steeple, as he knew both the applicants and the family.

Councillor A S Fluker declared in the interest of openness and transparency on Agenda Item 9 - HOUSE/MAL/19/00396 - Lunendales Cottage, Foxhall Road, Steeple, as he knew both the applicants and the family.

82. OUT/MAL/18/01476 - TILLINGHAM HALL FARM, NORTH STREET, TILLINGHAM, ESSEX

Application Number	OUT/MAL/18/01476
Location	Tillingham Hall Farm, North Street, Tillingham, Essex
Proposal	Demolition of existing agricultural buildings and erection
	of up to 24 No. residential dwellings with access.
Applicant	The Dean & Chapter Of St Paul's Cathedral
Agent	Mr Steven Sensecall - Carter Jonas
Target Decision Date	15.04.2019 (EoT agreed: 21.06.2019)
Case Officer	Anna Tastsoglou
Parish	TILLINGHAM
Reason for Referral to the	Major Application
Committee / Council	

Following the Officer's presentation, an Objector, Mr Mick Hamblion and the Agent Mr Steven Sensecall, addressed the meeting.

A debate ensued where both the merits and demerits of the application were discussed. Some concerns were raised including issues around highway safety and NHS provision. However, in respect of highway safety, the Highway Authority had been consulted and raised no objection in terms of highway safety, efficiency and accessibility of the site. With reference to NHS provision/contribution the Lead Specialist Place advised the Committee that the NHS only consider contributions in respect of developments of 50 and above properties.

Members acknowledged that this application had been through a number of iterations, that the applicant had fulfilled all the required criteria and come back with a solution for the provision of affordable housing, which made the development policy compliant.

Councillor Fluker proposed that the application be approved in accordance with the Officer's recommendation. The Chairman put the proposal to approve 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 planning obligations and subject to conditions as detailed in Section 8 of the report to the Committee. Upon a vote being taken this was approved.

RESOLVED that the application be **APPROVED** subject to the aforementioned legal agreement together with the following Heads of Terms and conditions:

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT:

- To provide on-site affordable housing contribution of 25% (6 units) in accordance with Policy H1.
- To pay the Education Contribution of £43,903.44 index linked to April 2019 to the County Council on or before the occupation date.
- To pay a contribution of £122.30 per dwelling towards RAMS (Essex Coastal Recreational Avoidance and Mitigation Strategy).

CONDITIONS:

- Details of the appearance, landscaping and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
 - Application(s) for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.
- As part of the reserved matters details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the LPA. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained in perpetuity as such thereafter.
- The landscaping details referred to in Condition 1 shall provide full details and specifications of both hard and soft landscape works, including retention of the existing trees as stated in the Arboricultural Impact Assessment (dated 30.10.2018), which shall be submitted to and approved in writing by the LPA. 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.

All of the hedgerow boundaries shall be retained and maintained at all times thereafter, unless otherwise agreed with the LPA.

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 LPA.

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 LPA. 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, destroyed, dies, or becomes, in the opinion of the LPA, 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 development hereby permitted shall not be first occupied/provided with connection to utility services until such time as the vehicle parking area indicated on the approved plan no 2017-919-002 rev B, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas shall be retained in this form at all times. The vehicle parking areas shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development.
- 5 No dwelling hereby approved shall exceed two storeys in height...
- The dwelling mix for the development hereby approved shall accord with the following stated housing mix:
 - 17 two-bedroom dwellings (of which 2, two-bedroom bungalows)
 - 5 three-bedroom dwellings

- 2 four-bedroom dwellings
- Notwithstanding the details submitted with this application, no development shall commence, other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The report of the findings must include:
 - i) A preliminary risk assessment to include historical information of how each part of the site has been used in the past;
 - ii) A survey of the extent, scale and nature of contamination;
 - iii) An assessment of the potential risks to:
 - a) Human health,
 - b) Properly (existing or proposed) including buildings, crops, livestock, etc., woodland and service lines and pipes,
 - c) Adjoining land,
 - d) Groundwaters and surface waters,
 - e) Ecological systems
 - f) Archaeological sites and ancient monuments;
 - iv) An appraisal of remedial options, and proposal of the preferred option(s). This shall include timescales and phasing of remediation works.

This must be conducted by a qualified person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the LPA.

- 8 No development shall commence, other than where necessary to carry out additional investigation, 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 LPA. 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 LPA. The LPA may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The LPA must be given two weeks written notification of commencement of the remediation scheme works. 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.
- The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the LPA. The LPA 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 submitted to the LPA for approval.

The written verification shall include that:

- i) All contaminated material removed from the site is removed by an appropriate licensed contractor to a facility approved by the Environment Agency.
- ii) All imported material is suitable for its intended use.
- iii) All agreed remediation measures identified as necessary in the contaminated land assessment have been undertaken to render the site suitable for the use specified.

This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

- No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
 - Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure.
 - Final modelling and calculations for all areas of the drainage system.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

- No works shall take place until a scheme to minimise the risk of off-site flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.
- No building shall be occupied until details of a foul drainage scheme to serve the development have been submitted to and agreed in writing by the LPA. The agreed scheme shall be implemented prior to the first occupation of the development.
- No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the LPA. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

 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 washing facilities

- The proposed main vehicle access shall be provided as shown in Drawing L641-001 (Proposed Access Arrangements) to include site visibility splays of 2.4m x 72 metres to the north and 2.4m x 47 metres to the south as measured from and along the nearside edge of the kerb.
- Any redundant site accesses shall be permanently closed incorporating the reinstatement to full height of the kerbing immediately the proposed access is brought into first beneficial use.
- No dwelling hereby approved shall be occupied until facilities for the secure storage of cycles have been provided in accordance with details to be submitted to and approved in writing by the local planning authority.
- Prior to first occupation of the residential aspect of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council. These packs are to be provided by the Developer to each dwelling free of charge.
- Prior to the occupation of the development an Arboricultural Method Statement and Arboricultural Supervision Schedule shall be submitted to and approved in writing by the LPA. No other trees shall be removed or fell unless otherwise agreed in writing by the LPA.
- No development shall take place until a Written Scheme of Investigation of archaeology shall have been submitted to and approved in writing by the LPA. No development shall take place other than in accordance with the Written Scheme of Investigation.
- Notwithstanding the details submitted in the Design and Access Statement, a Waste Management Plan shall be submitted to as part of the reserved matters application(s).
- A strategy to facilitate superfast broadband for the future occupants of the dwellings hereby approved, either through below ground infrastructure or other means should be submitted to the LPA for approval in writing. The method to facilitate superfast broadband shall be implemented in accordance with the approved strategy prior to the occupation of the appropriate building.
- An external fast charging point shall be provided adjacent to at least 1 parking space for each dwelling hereby approved.
- No development shall commence until full details of an ecological mitigation scheme have been submitted to and approved in writing by the LPA. The ecological mitigation scheme shall follow the recommendations set out in the submitted Extended Phase 1 Habitat Survey (dated 27 March 2018), Bat Survey Report (dated 18 October 2018) and great Crested Newt Survey Report (dated 26 June 2018). 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 LPA.
- No dwelling shall be occupied until a scheme detailing ecological enhancements has been submitted to and approved by the LPA. 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.

INFORMATIVES

- 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.
- The applicant must ensure that the work is undertaken in accordance with the Control of Asbestos Regulations 2012 and its Approved Code of Practice which is regulated by the Health and Safety Executive. Under this Duty holders must complete a risk assessments and an asbestos management plan prior to the commencement of the works. The risk assessment will determine whether the works are licensed, notifiable non-licenced work or non-licensed. it will also require that prior to demolition a refurbishment/demolition survey will be required to ensure that nobody will be harmed and the works will be undertaken in the correct way. For further information please see the HSE's website. It is also recommended that the council's Building Control department is notified of any demolition in order that requirements can be made under the Building Act 1984.
- 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.

4 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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.

- You are advised that samples of the facing materials to be used, including glazing, would be beneficial to be submitted with your reserved maters application to allow full assessed of the proposal, given its location within the Tillingham Conservation Area. Detailed drawings of the windows and doors to be used in the development, including elevations at 1:20 and section details at 1:2, would be required to be submitted to fully assess the design of the proposed dwellings. Notwithstanding the approved drawings, all garage doors should be of painted timber and side-hung.
- You are advised that the development submitted as part of a reserved maters application would need to match the indicative streetscene elevations submitted with the current outline application and also reflect the character of the conservation area.

83. FUL/MAL/19/00142 - LAND ADJACENT 104 IMPERIAL AVENUE, MAYLAND

Application Number	FUL/MAL/19/00142
Location	Land Adjacent 104 Imperial Avenue, Mayland
Proposal	Proposed 2 bed dwellinghouse
Applicant	Mr and Mrs Sharman
Agent	Mr Greg Wiffen – Planman
Target Decision Date	24/05/2019
Case Officer	Devan Lawson
Parish	MAYLAND
Reason for Referral to the	Previous Committee Decision
Committee / Council	

The Chairman introduced the application noting that it was a previous committee decision and before the Committee with an Officer recommendation to refuse.

Following the Officer's presentation an Objector, Mr John Bedford and the Applicant Mr Richard Sharman, addressed the Committee.

It was considered that the application would result in overdevelopment of the plot resulting in material harm to the character and appearance of the site.

Councillor Boyce, having considered both the detail in the Officer's report and the public presentations, proposed that the application be refused in accordance with the Officer's recommendation. This was duly seconded by Councillor Fluker.

The Chairman put the proposal to refuse the application to the Committee and upon a vote being taken it was unanimously agreed.

RESOLVED that the application be **REFUSED** for the following reason:

1. The proposed development, by virtue of the size, scale and bulk of the proposed dwelling, would appear cramped at the application site and represent the overdevelopment of the site and the surrounding area. The proposal is therefore

84. FUL/MAL/19/00195 - 1 KINGS ROAD, SOUTHMINSTER, ESSEX CM0 7EJ

Application Number	FUL/MAL/19/00195
Location	1 Kings Road, Southminster, Essex, CM0 7EJ
Proposal	Redevelopment of the site to include the conversion of
	the existing building to provide 4 No. one bedroom flats
	and the erection of a two storey side/rear extension to
	provide 2 No. one-bedroom flats (all social rent), with
	associated off-street parking, amenity space, landscaping,
	external refuse and cycle store and external alteration.
Applicant	Ms Lisa Shead - MOAT
Agent	Miss Maria Cannavina - Prime Building Consultants Ltd
Target Decision Date	07.05.2019 (EoT agreed: 24.05.2019)
Case Officer	Anna Tastsoglou
Parish	SOUTHMINSTER
	Member Call In
Reason for Referral to the	The application has been called-in by Councillor A S
Committee / Council	Fluker on the grounds of public interest, size, scale, bulk,
	design and character and appearance of the area.

A Members' Update was submitted detailing two pre-commencement conditions, further comments from the Housing Team regarding the need for unite to be affordable together with additional comments from the Environmental Health Team.

Following the Officer's presentation, an Objector Mr Terry Duffy, addressed the Committee.

At this point Councillor Fluker declared in the interest of openness and transparency on this item of business as he knew the Objector, Mr Terry Duffy.

Members debated the application noting that additional affordable housing was required in the area and that improving this dilapidated building would be an advantage.

Councillor Fluker, whilst acknowledging the need for affordable housing, raised a number of concerns that he felt discounted the site for that purpose. He referred to noncompliance with planning policies around corner sites (Section C15 of the Maldon District Design Guide), building design (Policy D1) and vehicle parking standards SPD. The inadequate allocated parking provision would result in unacceptable on street parking, no disabled parking space and no charging or storage facilities for mobility scooters.

Following further discussion between Officers and Members and taking into consideration the aforementioned issues Councillor Fluker proposed that the application be refused contrary to the Officer's recommendation. This was seconded by Councillor Helm.

The Chairman put the proposal to refuse the application to the Committee. Upon a vote being taken the application was refused.

RESOLVED that the application be **REFUSED** for the following reasons:

- 1. The application site is a prominent corner site an such development should be designed to define the corner space and contribute to the character through distinctive design. The proposed development, by reason of its design, would not meet these requirements. The development would therefore be unacceptable and contrary to the National Panning policy Framework (2019), policies S1,D1,and H4 of the Maldon District Local Development Plan (2017) and the guidance contained in Section C15 (Corner Buildings) of the Maldon District Design Guide SPD (2017).
- 2. The proposed development, by reason of the lack of off-street visitor and disabled car parking provision, lack of mobility scooter storage area and charging points for electric vehicles would result in an unacceptable form of development that would have an impact on the free flow of traffic and highway safety contrary to the National Planning Policy Framework (2019), policies, D1, H4, and T2 of the Maldon District Local Development Plan 92017) and the guidance contained in the Vehicle Parking Standards Supplementary Planning Document (2018)

85. FUL/MAL/19/00224 - LAND REAR OF 32 STEEPLE ROAD, MAYLAND

Application Number	FUL/MAL/19/00224
Location	Land Rear of 32 Steeple Road, Mayland
Proposal	Erection of 2 No. bungalows, attached garages and
	erection of workshop (B1)
Applicant	Mr Penny – Penny Homes Ltd.
Agent	Mr M Jackson – Mark Jackson Planning
Target Decision Date	24.05.2019
Case Officer	Devan Lawson
Parish	MAYLAND
Reason for Referral to the	Member Call in: Councillor M Helm
Committee / Council	Reason: Public Interest

A Members' Update was submitted detailing some additional background information, a revised plan, reduced parking needs, representations from Mayland Parish and a further letter of objection from a member of the public.

Following the Officer's presentation Mr Paul Chandler, an Objector and Mr Mark Jackson, the Agent addressed the meeting.

Members debated the application in terms of the benefits of developing infill sites, employment opportunities and the welcome addition of two bungalows.

The Lead Specialist Place reminded Members that this application had previously been refused by this Committee. In response Members referred to recent decisions at appeal by the Planning Inspectorate to approve similar infill sites and approve proposals for the

erection of buildings outside the settlement boundaries within the District. Particular weight was given to a recent appeal at Bradwell.

It was further noted that the current proposal had addressed the previous objection in relation to the loss of employment land, which was considered as a positive element of the proposal and weighed in favour of the development. Other issues considered was that the site be conditioned for B1 use with controlled daily operational hours, no operation on Sundays and Bank Holidays and parking spaces for workshop use only.

Councillor Boyce proposed that the application be approved contrary to the Officer's recommendation and this was seconded by Councillor Helm.

The Chairman agreed that the conditions be delegated to Officers in consultation with the Chairman.

The Chairman then put the proposal to approve the application to the Committee. Upon a vote being taken this was agreed.

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

86. HOUSE/MAL/19/00396 - LUNENDALES COTTAGE, FOXHALL ROAD, STEEPLE

Application Number	HOUSE/MAL/19/00396
Location	Lunendales Cottage, Foxhall Road, Steeple
Proposal	Erection of a part single, part two storey side/front extension, erection of a first floor front extension, canopy and alterations to elevations of the existing dwelling
Applicant	Mr & Mrs Cowell
Agent	Mr Robert Parish
Target Decision Date	24.05.2019
Case Officer	Annie Keen
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Member Call In : Councillor A S Fluker Reason: Public interest/size, scale and bulk, impact on location

Following the Officer's presentation, the Applicant, Mrs Caroline Cowell, addressed the Committee.

Members debated the application and agreed that it would have no adverse impact on the street scene, if anything it would enhance the area. The bulk and size were in accordance with modern day living and there was ample off-street parking for the occupiers of the dwelling. It complied with the relevant policies D1, H4 and T2 of the Local Development Plan (LDP).

In light of the aforementioned reasons Councillor Fluker proposed that the application be approved contrary to the Officer's recommendation and this was duly seconded. Standard conditions were agreed around timeframe, plans and materials.

The Chairman put the proposal to approve to the Committee and upon a vote being taken this was unanimously approved.

RESOLVED that the application be **APPROVED** subject to the following conditions:

- The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 REASON To comply with Section 91 (1) of the Town & Country Planning Act 1990 (as amended).
- 2. The development hereby permitted shall be carried out in accordance with the following approved plans: 18-082-pp-01; 18-082-pp-02; 18-082-pp-03. REASON To ensure that the development is carried out in accordance with the details as approved.
- 3. The materials used in the construction of the development hereby approved shall be as set out within the application form/plans hereby approved REASON In the interest of maintaining the character and appearance of the area in accordance with policies D1 of the approved Local Development Plan and the guidance contained in the Maldon District Design Guide (2017) and the National Planning Policy Framework (2019)

There being no further items of business the Chairman closed the meeting at 9.31 pm.

R P F DEWICK CHAIRMAN