



**MINUTES of  
SOUTH EASTERN AREA PLANNING COMMITTEE  
4 NOVEMBER 2019**

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**PRESENT**

Chairman	Councillor R P F Dewick
Vice-Chairman	Councillor M W Helm
Councillors	V J Bell, R G Boyce MBE, A S Fluker, A L Hull, N J Skeens and W Stamp

**525. CHAIRMAN'S NOTICES**

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

**526. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors M Bassenger, B Beale, MBE and Mrs P A Channer, CC.

**527. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 7 October 2019 be approved and confirmed.

**528. DISCLOSURE OF INTEREST**

Councillor A S Fluker declared in the interests of openness and transparency on Agenda Item 5 - FUL/MAL/19/00864, Land North of Charwood, Stoney Hills, Burnham-On-Crouch, as he knew the agent.

Councillor R P F Dewick declared in the interests of openness and transparency on h Agenda Item 5 - FUL/MAL/19/00864, Land North of Charwood, Stoney Hills, Burnham-On-Crouch as he knew the agent and Agenda Item 6 - FUL/MAL/19/00955, Lime Tree Cottage, 30 North Street, Tillingham, Essex CM0 7ST, as he knew the applicant.

**529. FUL/MAL/19/00864 - LAND NORTH OF CHARWOOD, STONEY HILLS, BURNHAM-ON-CROUCH**

<b>Application Number</b>	<b>FUL/MAL/19/00864</b>
<b>Location</b>	Land North of Charwood, Stoney Hills, Burnham-On-Crouch
<b>Proposal</b>	New single storey dwelling
<b>Applicant</b>	Mrs Doris Grady
<b>Agent</b>	Mr Anthony Cussen - Cussen Construction Consultants
<b>Target Decision Date</b>	31.10.2019 (EoT agreed: 08.11.2019)
<b>Case Officer</b>	Annie Keen
<b>Parish</b>	<b>BURNHAM NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Member call in – Councillor N Skeens Departure from the Local Plan 2017

A Members' Update was submitted detailing comments from the Environmental Health Team and noting that an additional letter of objection had been received.

Following the Officer's presentation, the Agent, Mr Anthony Cussen, addressed the Committee.

A debate ensued where Members discussed issues around over development of the area, poor access and a lack of infrastructure contributions. A key concern was the issue of developers dumping building waste materials and mud on narrow access roads. Members stressed that should the application be approved a strict condition be enforced to ensure this does not continue.

The Lead Specialist Place advised that this issue could be conditioned thorough a Construction Method Statement which was referenced in the Officer's report under Condition 6.

The Chairman reminded the Committee that should Members be minded to refuse an application there needed to be clear planning reasons to do so.

Concern was raised regarding asbestos, not in relation to this application but on an adjoining plot. The Lead Specialist Place assured the Committee that he would inform the Environmental Health Team who would liaise with Essex County Council to resolve the matter.

Councillor Fluker, referring to the Officer's report said he could find no reason to refuse the application and proposed that it be approved in accordance with the Officer's recommendation, subject to the inclusion under Condition 6 that all site related vehicles be parked on the development site. This was duly seconded.

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

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in complete accordance

with approved drawings 1157/01 A, 1157/02 A, 1157/03, 1157/04 and 1157/05.

3. Prior to their use in the development hereby approved, details or samples of out in accordance with the approved details.
4. Prior to the occupation of the development hereby approved details of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be provided prior to the occupation of the dwelling hereby approved in accordance with the approved details and be retained as such in perpetuity.
5. Prior to the occupation of the development details of both hard and soft landscape works to be carried out shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include the layout of the hard-landscaped areas with the materials and finishes to be used and details of the soft landscape works including 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 occupation 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, 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.
6. No development shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. 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
  - Measures to control the emission of dust, noise and dirt during construction hours and days of construction operations.
7. No development works above ground level shall occur until details of the surface water drainage scheme to serve the development has been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:
  - 1) The development should be able to manage water on site for 1 in 100 years events plus 40% climate change allowance.
  - 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in

a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield).

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

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

8. No development above ground level shall occur until details of the foul drainage scheme to serve the development have been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.
9. The vehicle parking area and associated turning area shown on plan GW 04A shall be provided prior to the occupation retained in this form in perpetuity. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
10. Details of the refuse and cycle stores shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The development shall be implemented in accordance with the approved details and be retained for such purposes in perpetuity thereafter.
11. 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 risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:
  - (i) a survey of extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:
    - Human health,
    - Properly (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - Adjoining land,
    - Groundwaters and surface waters,
    - Ecological systems
    - Archaeological sites and ancient monuments;
  - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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.

12. 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 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 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 Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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.

13. 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 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. 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.

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition [11], and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition [12]. This must be conducted 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.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition [13].

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or separate buildings (other

than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site.

**530. FUL/MAL/19/00955 - LIME TREE COTTAGE, 30 NORTH STREET, TILLINGHAM, ESSEX CM0 7ST**

<b>Application Number</b>	<b>FUL/MAL/19/00955</b>
<b>Location</b>	Lime Tree Cottage, 30 North Street, Tillingham, Essex CM0 7ST
<b>Proposal</b>	S73A application for single storey extension to allow for ground floor bedrooms together with new parking arrangement including new access from the highway.
<b>Applicant</b>	Ms T Silcock
<b>Agent</b>	TMA Chartered Surveyors
<b>Target Decision Date</b>	11.11.2019
<b>Case Officer</b>	Annie Keen
<b>Parish</b>	<b>TILLINGHAM</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In – Councillor R P F Dewick Public interest Scale and bulk

Following the Officer's presentation, the Applicant, Tracey Silcock, addressed the Committee.

Councillor Dewick opened the discussion by clarifying why he had called in the application. He said he did not fully understand the recommendation to refuse as there was no adverse impact on the public view, live planning permission was already in place to the rear of the site for approximately 20 houses, it did not constitute development into the open countryside and Essex Highways had no objections. Furthermore, he had no concerns regarding the design, scale and bulk of the application.

In light of this he proposed that the application be approved contrary to the Officer's recommendation. This was duly seconded.

Councillor Fluker said that given there were no objections from neighbours, the Parish Council supported the application and it accorded with policies D1, D3 and H4 of the Local Development Plan, he was happy to support it.

The Chairman put the proposal to approve the application subject to reasonable conditions around outstanding conservation issues and finishing materials being delegated to Officers. Upon a vote being taken the application was approved.

**RESOLVED** that the application be **APPROVED** with conditions delegated to Officers:

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: TM/795/12, TM/795/01 Rev A, TM/795/17, TM/795/18, TM/795/19, TM/795/20, TM/795/04 Rev A, TM/795/05 and TM/795/03 Rev B.  
REASON To ensure that the development is carried out in accordance with the details as approved.

2. With the exception of the windows and door, 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 the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
3. Within 6 months of the date of this permission, all external windows and doors of the development hereby permitted shall be in timber with a painted finish. The external doors and windows shall be retained as timber in perpetuity.  
REASON In order to protect and preserve the character and appearance of the conservation area.
4. The proposed development, hereby approved, shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Lime Tree Cottage, 30 North Street, Tillingham.  
REASON To ensure that the development is carried out in accordance with the details as approved, as an additional dwelling in this location would not be supported by the Local Planning Authority in accordance with policies S8 and H4 of the Local Development Plan.

**531. ANY OTHER ITEMS OF BUSINESS THE CHAIRMAN DECIDES ARE URGENT**

There being no further items of business the Chairman closed the meeting at 8:01pm.

R P F DEWICK  
CHAIRMAN