



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
13 JANUARY 2020**

PRESENT

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

649. CHAIRMAN'S NOTICES

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

650. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor B S Beale, MBE.

651. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 4 November 2019 be approved and confirmed.

652. DISCLOSURE OF INTEREST

Councillor Mrs P A Channer, CC declared a non-pecuniary interest as a member of Essex County Council, a consultee on highways, access and all planning related matters.

Councillor N Skeens declared a non-pecuniary interest in Agenda Item 7 FUL/MAL/19/01143- Sea End Caravan Park, Belvedere Road, Burnham-on-Crouch, Essex CM0 8AB – as he had friends and relatives who spent time there.

Cllr A L Hull declared a non-pecuniary interest in Agenda Item 5 – HOUSE/MAL/19/01092 – 8 The Cobbins, Burnham-on-Crouch, Essex, CM0 8QL, as she knew the residents.

653. **HOUSE/MAL/19/01092 - 8 THE COBBINS, BURNHAM-ON-CROUCH, ESSEX, CM0 8QL**

Application Number	HOUSE/MAL/19/01092
Location	8 The Cobbins, Burnham-On-Crouch, Essex CM0 8QL
Proposal	Conversion of the existing double garage into residential accommodation, first floor extension, alterations to roof of existing dormer and a replacement detached double garage.
Applicant	Mr & Mrs Lambert
Agent	Raymond Stemp Associates
Target Decision Date	24.12.2019
Case Officer	Annie Keen
Parish	BURNHAM-ON-CROUCH NORTH
Reason for Referral to the Committee / Council	Member Call In – Councillor W Stamp Reason: D1 – public interest

A Members' Update was submitted detailing a comment from Burnham-on-Crouch Town Council.

Following the Officer's presentation, the Applicant, Mrs Jenny Lambert, addressed the Committee.

Councillor W Stamp opened the discussion addressing section 6 of the report *Other Matters* pointing out that the applicant had submitted supporting medical information which was available on the website. She proposed that the Committee support the application as not everyone could afford to go into a home, furthermore there were a number of larger extensions in the area and the family should be applauded for their efforts. This was duly seconded.

The Lead Specialist Place reminded the Committee that this application was identical to the previously refused second application submitted. In response to a query from Councillor Stamp regarding personal statements and material planning considerations he clarified that in planning case law 'special personal circumstances' as in this case, were material consideration, however 'personal circumstances' were not.

Councillor Fluker, referring to the scale, bulk and position of the proposed application said it was not contrary to the Council's Planning Policy and would support Councillor Stamp's proposal. The conversion was a great improvement in that the applicant had tried to make it as attractive as possible. He proposed that the application be approved, contrary to the Officer's recommendation and subject to the use of appropriate materials in keeping with the street scene.

The Chairman put Councillor Stamp's proposal to approve the application, contrary to the Officer's recommendation, to the Committee. This was agreed subject to standard conditions to include time, materials, plans etc delegated to Officers.

RESOLVED that the application be **APPROVED** subject to conditions delegated to Officers.

1. 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).

- The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Location Plan, 19-6619 01.A, 19-6619 02.A, 19-6619 03B, 19-6619 04.A

REASON: In order to ensure that the development is carried out in accordance with the approved details and in accordance with policy D1 of the Local Development Plan.

- The external surfaces of the development hereby approved shall be constructed of materials and finish as set out within the plans hereby approved.

REASON: To protect the amenity and character of the area in accordance with policy D1 of the Local Development Plan.

- The garage shown on the submitted block plan 19-6619 03B dated June 2019, shall only be used for the parking of vehicles and purposes incidental to the dwelling known as No.8 The Cobbins, Burnham-on-Crouch.

REASON: To protect the amenity of the site and the surrounding area and to ensure the development would not have a detrimental impact on the free flow of traffic and highway safety, in accordance with policies H4 and D1 of the approved Local Development Plan and the Maldon District Vehicle Parking Standards SPD.

654. HOUSE/MAL/19/01124 - 36 ANCHORAGE VIEW, ST. LAWRENCE, ESSEX, CM0 7JH

Application Number	HOUSE/MAL/19/01124
Location	36 Anchorage View, St Lawrence, Essex CM0 7JH
Proposal	Two storey part rear/side extension with single storey rear
Applicant	Mr and Mrs R Connors
Agent	Greg Wiffen - Planman
Target Decision Date	23.12.2019
Case Officer	Annie Keen
Parish	ST LAWRENCE
Reason for Referral to the Committee / Council	Member Call In – Councillor Mrs P A Channer, CC Policy regarding extensions Effect on residential amenity

Following the Officer's presentation, the Applicant, Nina Connors, addressed the Committee.

Councillor Mrs P A Channer, C C opened the debate as she had called in the application. wanted to address concerns from the Parish Council regarding street scene, bulk and design alongside her concerns relating to the potential adverse impact on residential amenity. **In response to a question from Councillor Channer, The Officers clarified that the development, being approximately 18 feet from the shared boundary, was not considered to result in any unacceptable harm by way of overlooking or shadowing and would not detrimentally impact upon the provision of private amenity space or car parking¹.** Furthermore, it was considered that, on balance, the side/rear two

¹ South Eastern Area Planning Committee – 10 February 2020 (Minute No 743 refers)

storey extension by reason of its scale and design would not detrimentally harm the appearance or character of the locality or the host dwelling.

Following this clarification Councillor Channer proposed that on balance and given sensible extensions were a good thing overall, the application be approved in accordance with the Officer's recommendation and this was seconded.

Councillor A S Fluker added that the Officers had confirmed that the extension complied with policies D1 and H4 of the LDP, no neighbours had objected, and the back extension was permitted development.

The Chairman put the proposal to approve the application in accordance with the Officer's recommendation to the committee and it was agreed.

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 accordance with the following approved plans and documents: Location Plan, NC01, NC02 Rev 1, NC03 Rev n1.
3. The materials used in the construction of the development hereby approved shall match those used in the host dwelling.

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.

655. FUL/MAL/19/01143 - SEA END CARAVAN PARK, BELVEDERE ROAD, BURNHAM-ON-CROUCH, ESSEX CM0 8AB

Application Number	FUL/MAL/19/01143
Location	Sea End Caravan Park, Belvedere Road, Burnham-On-Crouch, Essex, CM0 8AB
Proposal	Variation of condition 2 on approved planning application FUL/MAL/95/00407 (Retention of consent refs. BUR/23/51 without compliance with condition 3 BUR/21/59 condition 1 and MAL/909/77 condition 3 to allow occupancy of caravans from 1 March to 30 November annually) to allow occupation of the site at any time of the year
Applicant	Mr M Annis - Rice & Cole Ltd.
Agent	Mr Mark Southerton
Target Decision Date	29.01.2020
Case Officer	Anna Tastsoglou
Parish	BURNHAM SOUTH
Reason for Referral to the Committee / Council	Major application The application was previously refused against officer recommendation.

A Members' Update was submitted detailing a comment from Essex County Council's Highways Authority.

Councillor Bell opened the discussion by noting that following the submission of a revised Flood Risk Assessment, it had been demonstrated that the proposal would not result in increased flood risk, therefore the previous reason for refusal had been overcome. She said it would be essential to monitor the conditions through enforcement going forwards.

Councillor Skeens expressed concern regarding the potential creation of 24/7 caravan sites that may create bigger problems at a later stage.

Councillor A S Fluker acknowledged the valid points made but said that given the precedent already set by Eastland Meadows Country Park, together with the outcome of the Flood Risk Assessment, it was difficult to defend a refusal. He proposed that the application be approved, in accordance with the Officer's recommendation. This was seconded.

The Chairman put the proposal to approve the application in accordance with the Officer's recommendation and it was agreed.

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. No holiday accommodation shall be used as a person's sole or main place of residence.
3. The holiday accommodation shall be used for holiday purposes only.
4. The owners/operators shall maintain an up to date register of the names of all owners/occupiers of individual caravans on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.
5. The proposed development shall be implemented in accordance with the forms of mitigation included in section 5 of the submitted "Habitats Regulations Assessment" (written by Southern Ecological Solutions, dated 30/05/2019) and be retained as such in perpetuity.
6. The use of the site hereby permitted shall be implemented in accordance with the recommendations included in the submitted Flood Risk Assessment, dated October 2019 and the Flood Warning and Evacuation Plan submitted with this application. The Plan shall be made available to all users of the site at all times throughout the lifetime of this permission.

656. FUL/MAL/19/01189 - LAND SOUTH OF CHARWOOD AND EAST OF ORCHARD HOUSE, STONEY HILLS, BURNHAM-ON-CROUCH, ESSEX

Application Number	FUL/MAL/19/01189
Location	Land South of Charwood And East of Orchard House, Stoney Hills, Burnham-On-Crouch, Essex
Proposal	Construct cul-de-sac road with turning head and vehicular and pedestrian access off stoney hills, erect three detached bungalows and three detached garages, lay out parking spaces and form gardens and amenity areas (amended proposal)
Applicant	Mr Burrows - Virium Technology Limited
Agent	Mr Stewart Rowe - The Planning And Design Bureau Ltd
Target Decision Date	08.01.2020 (EoT to be agreed for: 17.01.2019)
Case Officer	Anna Tastsoglou
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Departure from the Local Development Plan 2017 Member Call In – Councillor W Stamp called this application in on the basis of policy D1.

A Members' Update was submitted detailing representations from Burnham-on-Crouch Town Council. Following the Officer's presentation, the Agent, Stewart Rowe, addressed the Committee.

Councillor W Stamp, having called-in the application acknowledged the adverse impact the various developments at Stoney Hills had on residents of all ages over the past two years. It was an ongoing building site with limited access and no place for children to play outside. She was aware that there was no planning consideration to bring to bear but wished to apologise on behalf of Burnham Town Council for the continuous disruption to the lives of residents.

These concerns were echoed by the Committee as a whole who felt that the Planning Inspectorate was to blame for the poor decisions resulting in an estate by stealth, destroying lovely countryside. The Lead Specialist Place acknowledged these comments and stressed the need to maintain an agreed five year land supply to ensure no reoccurrence.

In response to a question regarding the dumping of waste, the Lead Specialist Place drew Members' attention to the Construction Method Statement on page 73 of the report that covered the disposal of waste materials by licensed waste contractors.

Councillor Fluker agreed with all the comments raised and hoped the building on site was nearing an end, when things could return to normal. He proposed that since the application was for the erection of bungalows the application be approved in accordance with the Officer's recommendation. This was seconded.

The Chairman put the proposal to approve the application in accordance with the Officer's recommendation, to the Committee and it was agreed.

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 1150/01; 1150/02A; 1150/03A; 1150/04A; 1150/05 and 1150/06.
3. Prior to their use in the development hereby approved, details or samples of the materials to be used in the construction of the external surfaces, including windows and doors, of the development hereby approved shall have been submitted to and approved in writing by the local planning authority. The development shall be carried 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 year 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 be 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 areas and garages hereby approved shall be constructed in accordance with the approved plans and be retained in perpetuity. The vehicle parking areas and garages shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.
10. 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.
11. 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.

12. 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.

13. 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].
14. 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.
 15. The trees and hedges identified for retention in the Arboricultural Impact Assessment & Method Statement, dated 28 June 2019, which is attached to and forms part of this permission shall be protected during the course of the development. The trees and hedges shall be protected by measures which accord with British Standard 5837:2012 (Trees in Relation to Construction). The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone(s) no materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence, nor shall any change in ground level be made within the fenced area unless otherwise first agreed in writing by the local planning authority. If within five years from the completion of the development a tree or hedge shown to be retained is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement 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.
 16. Notwithstanding condition 15, prior to the commencement of the development, further details in relation to the construction techniques to ensure retention and protection of the Oak tree T1 shall be submitted to and approved in writing by the Local Planning Authority.

There being no further items of business the Chairman closed the meeting at 8.29 pm.

R P F DEWICK
CHAIRMAN