



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
15 SEPTEMBER 2021**

PRESENT

Chairman	Councillor V J Bell
Vice-Chairman	Councillor N J Skeens
Councillors	M G Bassenger, B S Beale MBE, R G Boyce MBE, Mrs P A Channer, R P F Dewick, A S Fluker, M W Helm and A L Hull
In attendance	Councillor C Morris

267. CHAIRMAN'S NOTICES

The Chairman welcomed all present and took the Committee through some general housekeeping issues.

268. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor W Stamp.

269. MINUTES OF THE LAST MEETING

RESOLVED by assent that the Minutes of the meeting of the Committee held on 18 August 2021 be approved and confirmed.

270. DISCLOSURE OF INTEREST

There were none.

271. 21/00488/FUL - LAND BETWEEN FURZEDOWN AND ELMS COAL YARD, MAIN ROAD, MUNDON, ESSEX. CM9 6NU

Application Number	21/00488/FUL
Location	Land Between Furzedown And Elms Coal Yard Main Road Mundon Essex CM9 6NU
Proposal	New one and a half storey chalet style dwelling.
Applicant	Mr Melvin Thurkettle
Agent	Mr Anthony Cussen - Cussen Construction Consultants
Target Decision Date	20.08.2021
Case Officer	Hannah Dungate
Parish	MUNDON
Reason for Referral to the Committee / Council	Not Delegated to Officers as Departure from Local Plan

Following the officer's presentation, the Chairman opened the debate. Councillor Boyce noting that this application already had extant permission, proposed that the application be approved in accordance with the Officer's recommendation. This was duly seconded.

The Chairman put the proposal to the committee and the application was approved by assent.

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 and retained in accordance with the following approved plans and documents: 1193-01; 1193-02; 1193-03; 1193-04; 1193-07; 1193-08 B; 1193-09 B; 1193-10; 1193-11 B
- 3 Prior to their use in the development hereby approved, written details and high-quality photographs of the materials to be used in the construction of the external surfaces, 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 and retained in perpetuity.
- 4 Full details and specifications of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. 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 (fencing and boundaries), car parking layout, vehicle and pedestrian accesses. 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 program. 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 commencement 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, 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.

5 No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be 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 1/l/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.

6 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 local planning authority prior to first use/occupation of the development hereby approved. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.

7 Prior to first occupation of the development, the onsite vehicle parking shall be provided as shown in principle on planning drawing 1193/03, this includes a minimum of three off-street parking spaces. Each parking space shall have dimensions in accordance with current parking standards. The vehicle parking areas shall be retained in the agreed form at all times.

8 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

9 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

10 All loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken within the application site, clear of the public highway.

11 There shall be no discharge of surface water onto the Highway.

- 12 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development under schedule 2, part 1 classes A, B, C, D, E or F shall take place without planning permission having been obtained from the local planning authority.
- 13 Prior to the first occupation of the building hereby permitted, the first-floor window(s) in the north and south elevations as shown on drawing nos. 1193/10 and 1193/11B shall be glazed with opaque glass and of a non- openable design with the exception of a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.
- 14 The roof area of the single storey flat roof rear extension as shown on drawing nos. 1193/11B and 1193/09B shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

272. 21/00522/OUT - 7 STATION COTTAGES, HALL ROAD, SOUTHMINSTER, CM0 7EH

Application Number	21/00522/OUT
Location	7 Station Cottages, Hall Road, Southminster, CM0 7EH
Proposal	Proposed new detached two storey dwelling.
Applicant	Mr Danny Townsend
Agent	Mrs Belinda Bowen - Townsend Bowen Ltd
Target Decision Date	20.08.2021
Case Officer	Hannah Dungate
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Not Delegated to Officers as Departure from Local Plan

Prior to the presentation it was verbally reported that subsequent to the circulation of the Members' Update an objection had been received regarding the impact of the development on the surrounding area. However, due to the location of the site the comments were not deemed to have any bearing on the application. Following the Officer's presentation, the Chairman opened the debate.

In response to a question regarding indicative elevations the Lead Specialist Place advised that should Members have concerns they could be addressed by way of an informative.

Councillor Fluker, taking into consideration the opportunity for inclusion of alternative elevations by way of an informative, proposed that the application be approved in accordance with the Officer's recommendation. This was seconded by Councillor Helm.

The Chairman put the proposal to the Committee and the application was approved by assent.

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

- 1 The development shall be carried out in accordance with plans and particulars relating to the access, appearance, landscaping, layout and scale of the site (hereinafter called "the reserved matters"), for which approval shall be obtained

- from the local planning authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.
- 2 Application(s) for the approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
 - 3 The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.
 - 4 No works above ground level shall take place until written details of the proposed materials to be used in the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.
 - 5 No works above ground level shall take place until details of the siting, height, design and materials of the treatment of all boundaries including existing hedging, gates, fences, walls, railings and piers have been submitted to and approved in writing by the local planning authority. The boundary treatment as approved shall be constructed prior to the first occupation of the development to which it relates and be retained as such thereafter.
 - 6 No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be 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.
- 7 Prior to first occupation, a 2-meter-high, acoustic, close boarded fence shall be erected on part of the eastern boundary of the development identified in red on the approved drawing no. TB/02 contained within the approved Noise Impact Assessment dated 27th July 2021. The acoustic fence shall be maintained as such thereafter.
 - 8 The scheme to be submitted pursuant to the reserved matters shall make provision for the car parking of two off-street car parking spaces at both the existing and proposed properties in accordance with the Council's adopted car

parking standards. Prior to the occupation of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.

- 9 The landscaping reserved matters details referred to in Condition 1 shall provide full details and specifications of both hard and soft landscape works which shall be submitted to and approved in writing by the local planning authority. 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 (fencing and boundaries), car parking layout, vehicle and pedestrian accesses. 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 program. 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 commencement 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, 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.
- 10 No works related to the alteration of ground levels at the site and no works above ground level shall occur until details of existing ground levels and proposed finished ground levels, and their relationship to the adjoining land, and floor levels 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.
- 11 Prior to occupation of the development the existing dropped kerb vehicle crossing shall be extended by no more than 3.6 metres and shall be provided with an appropriate dropped kerb crossing of the footway. The total length of the shared dropped kerb shall be not be more than 7.2 metres in width.
- 12 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policies D1 and T2 of the approved Maldon District Local Development Plan.
- 13 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

273. 21/00526/FUL- APPLEBERRY BY THE GABLES, STONEY HILLS, BURNHAM-ON-CROUCH, ESSEX, CM0 8QA

Application Number	21/00526/FUL
Location	Appleberry By The Gables, Stoney Hills, Burnham-On-Crouch, Essex, CM0 8QA
Proposal	Demolition of existing dwelling and outbuildings and erection of 8 single storey dwellings with associated cart lodges, parking, access and landscaping
Applicant	Lauren Nicole Homes Limited
Agent	Mrs H Webb - Smart Planning Ltd
Target Decision Date	17.09.2021
Case Officer	Anna Tastsoglou
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Departure from the Local Development Plan 2014 – 2029 Member Call In Councillor V J Bell has called in the application for the following policy reasons: LDP policy H4 (replacement dwellings), D1(c),(d). BTC NDP policy HO2

A Members' Update had been circulated prior to the meeting that detailed amendments to both consultations and proposed conditions. It was verbally advised that a further letter of objection had been submitted subsequent to the Members' Update. However, it was noted that no new material issues had been raised. Following the Officer's presentation, the Agent, Mr Russell Forde, addressed the Committee.

In response to a question raised around changes to the bungalow submission in front of the Committee the Lead Specialist Place advised that each application was considered on its own merits. Should the applicant change that approach they would have to resubmit to the committee for approval. He further advised that an application of this size did not trigger contributions towards infrastructure needs. The Committee noted that given the history of Inspector approvals in this area it was deemed a sustainable location and that going forwards piecemeal development should be resisted.

Councillor Boyce, noting the Officer's recommendation, proposed that the application be approved. This was duly seconded.

The Chairman then put the proposal to the Committee and upon a vote being taken the application was approved in accordance with the Officer's recommendation.

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: M001, M002, M003 E, E101, E102, E103, P201 K, P202 C; P203 C; P204 D; P205 D; P206 C, P207 C, P210 D, P211 C AND P212.
3. The development shall be undertaken in accordance with the finishing material details as shown on the Proposed Materials Plan, P211 C and be retained as such in perpetuity.
4. Prior to works above ground level, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include, for example:

- i. Proposed finished levels contours;
- ii. Means of enclosure;
- iii. Car parking layouts;
- iv. Other vehicle and pedestrian access and circulation areas;
- v. Hard surfacing materials;
- vi. Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting);
- vii. Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc, indicating lines, manholes, supports);
- viii. Retained historic landscape features and proposals for restoration, where relevant.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise 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.

The hard landscape works shall be carried out as approved prior to the first use / occupation of the development hereby approved and retained and maintained as such thereafter.

5. 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 local planning authority prior to first use/occupation of the development hereby approved. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.
6. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than incidental outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the local planning authority.
7. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no dormer window or other form of addition or opening shall be constructed in the roof or gable walls of the building hereby permitted without planning permission having been obtained from the local planning authority.
8. 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 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
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - Wheel washing facilities
 - Measures to control the emission of dust and dirt during construction
 - A scheme for recycling/disposing of waste resulting from demolition and construction works

9. No development shall take place, other than that required to carry out 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 by the local planning authority in writing. 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 the extent, scale and nature of contamination;
- ii) an assessment of the potential risks to:
 - a) Human health,
 - b) Property (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;
- 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.

10. Where identified as necessary in accordance with the requirements of condition 9, no development shall take place, other than that required to enable remediation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the local planning authority in writing.

The measures set out in the remediation scheme shall be implemented prior to commencement where possible. Where remediation measures are incorporated into the wider development and cannot be completed prior to commencement they shall be highlighted in the remediation scheme submitted for approval.

The scheme will remove unacceptable risks to human health, buildings and other property and the natural and historical environment. It 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.

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 local planning authority within 28 days.

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the Environment Agency's 'Land Contamination Risk Management' guidance.

11. No development works above ground level shall occur until details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented as approved prior to the first occupation of the development.

12.No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be 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 1/l/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.

- 13.No works related to the alteration of ground levels at the site and no works above ground level shall occur until details of existing ground levels and proposed finished ground levels, and their relationship to the adjoining land, and floor levels 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.
- 14.The dwellings hereby approved shall not be occupied until two car parking spaces have been provided as shown on plan P201 K. The car parking hereby approved shall be retained for the use of occupiers or visitors to the residential units in perpetuity.
- 15.The trees and hedges identified for retention in the Arboricultural Implication Assessment, dated 22nd December 2020, the Arboricultural Method Statement and Tree Protection Plan, dated 22nd December 2020, as well as the Tree Protection Plans no's 201133/03 Rev A and 201133/02 Rev A, which are attached to and form 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. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Incorporating Bat Survey Inspection (T4ecology Ltd, January 2021).
17. A lighting design scheme for biodiversity shall be 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 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.

18. Prior to the occupation of the proposed development, a Waste Management Plan shall be submitted to and approved writing by the local planning authority. The development shall be implanted in accordance with the approved details and be retained as such in perpetuity.

The meeting closed at 8.07 pm.

V J BELL
CHAIRMAN