

APOLOGIES Committee Services
Email: Committee.clerk@maldon.gov.uk

DIRECTOR OF STRATEGY,
PERFORMANCE AND
GOVERNANCE
Paul Dodson

12 July 2022

Dear Councillor

You are summoned to attend the meeting of the;

SOUTH EASTERN AREA PLANNING COMMITTEE

on **WEDNESDAY 20 JULY 2022 at 7.30 pm**

in the **Council Chamber, Maldon District Council Offices, Princes Road, Maldon.**

Please Note: All meetings will continue to be live streamed on the [Council's YouTube channel](#) for those wishing to observe remotely. Public participants wishing to speak remotely at a meeting can continue to do so via Microsoft Teams.

To register your request to speak please submit a [Public Access form](#) (to be submitted by 12noon on the working day before the Committee meeting). All requests will be considered on a first-come, first-served basis.

A copy of the agenda is attached.

Yours faithfully



Director of Strategy, Performance and Governance
COMMITTEE MEMBERSHIP:

CHAIRMAN	Councillor R P F Dewick
VICE-CHAIRMAN	Councillor A S Fluker
COUNCILLORS	M G Bassenger
	B S Beale MBE
	V J Bell
	R G Boyce MBE
	Mrs P A Channer
	M W Helm
	A L Hull
	N J Skeens
	W Stamp, CC





AGENDA
SOUTH EASTERN AREA PLANNING COMMITTEE

WEDNESDAY 20 JULY 2022

1. **Chairman's notices**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 16)

To confirm the Minutes of the meeting of the Committee held on 19 May 2022, (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, Other Registrable interests and Non-Registrable Interests relating to items of business on the agenda having regard to paragraph 9 and Appendix B of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interest as soon as they become aware should the need arise through the meeting).

5. **22/00075/VAR - Millfields Caravan Park, Millfields, Burnham-on-Crouch, Essex**
(Pages 17 - 30)

To consider the report of the Director of Service Delivery (copy enclosed, Members' Update to be circulated)*.

6. **TPO 3/22 - Cap and Feathers Inn, South Street, Tillingham, CM0 7TJ** (Pages 31 - 38)

To consider the report of the Director of Service Delivery (copy enclosed, Members' Update to be circulated)*.

7. **22/00616/WTPO - Cap and Feathers Inn, South Street, Tillingham, CM0 7TJ**
(Pages 39 - 44)

To consider the report of the Director of Service Delivery (copy enclosed, Members' Update to be circulated)*.

8. **Any other items of business that the Chairman of the Committee decides are urgent**

Note:

1. The Council operates a facility for public participation. This will operate only in relation to the consideration and determination of planning applications under Agenda Item No. 5.
2. The Committee may consider representation from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to participate is afforded only to those having previously made written representation.
3. Anyone wishing to participate must register by completing [the online form](#) no later than noon on the working day before the Committee meeting.
4. For further information please see the Council's website – www.maldon.gov.uk/committees

* Please note the list of related Background Papers attached to this agenda.

NOTICES**Recording of Meeting**

Please note that the Council will be recording and publishing on the Council's website any part of this meeting held in open session.

Fire

In the event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

Health and Safety

Please be advised of the different levels of flooring within the Council Chamber. There are steps behind the main horseshoe as well as to the side of the room.

Closed-Circuit Televisions (CCTV)

Meetings held in the Council Chamber are being monitored and recorded by CCTV.

Lift

The lift is currently out of order. Please contact committee.clerk@maldon.gov.uk for any queries.

BACKGROUND PAPERS

The Background Papers listed below have been relied upon in the preparation of this report:

1. The current planning applications under consideration and related correspondence.
2. All third party representations and consultation replies received.
3. The following Statutory Plans and Supplementary Planning Guidance, together with relevant Government legislation, Circulars, Advice, Orders, Directions and Guidance:

Development Plans

- Maldon District Local Development Plan approved by the Secretary of State 21 July 2017
- Burnham-On-Crouch Neighbourhood Development Plan (2017)

Legislation

- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- The Planning and Compensation Act 1991
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008
- The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- The Town and Country Planning (Development Management Procedure) (England) Order 2010
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (Control of Advertisements) (England) Regs 2007
- The Town and Country Planning (Environmental Impact Assessment) Regs 2011
- Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012 (as amended)
- The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
- Growth and Infrastructure Act 2013
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017
- The Town and Country Planning (Brownfield Land Register) Regulations 2017

Supplementary Planning Guidance and Other Advice

i) Government policy and guidance

- National Planning Policy Framework (NPPF) - 2018
- Planning Practice Guidance (PPG)
- Planning policy for Traveller sites - 2015
- Relevant government circulars
- Relevant Ministerial Statements (as referred to in the report)
- Essex and South Suffolk Shoreline Management Plan – October 2010

Supplementary Planning Guidance and Other Advice (continued)

ii) Essex County Council

- Essex Design Guide 1997 (Note: superseded by Maldon District Design Guide 2018)
- Essex and Southend on Sea Waste Local Plan 2017
- Essex Minerals Local Plan 2014

iii) Maldon District Council

- Five Year Housing Land Supply Statement 2017 / 18
- Maldon District Design Guide – 2017
- Maldon and Heybridge Central Area Masterplan - 2017
- Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
- Infrastructure Phasing Plan (January 2015 and January 2017 update for Examination)
- North Heybridge Garden Suburb Strategic Masterplan Framework - 2014
- South Maldon Garden Suburb Strategic Masterplan Framework – 2014 (adapted as Supplementary Planning Document (SPD) 2018)
- Vehicle Parking Standards SPD - 2018
- Renewable and Low Carbon Technologies SPD – 2018
- Maldon District Specialist Housing SPD – 2018
- Affordable Housing and Viability SPD – 2018
- Accessibility to Buildings SPD – December 2006
- Children's Play Spaces SPD – March 2006
- Sadd's Wharf SPD – September 2007
- Heybridge Basin Timber Yard SPD – February 2007
- Developer Contributions Guide SPD - 2010
- Heybridge Basin Village Design Statement – 2007
- Wickham Bishops Village Design Statement – 2011
- Woodham Walter Village Design Statement – 2011
- Althorne Village Design Statement
- Woodham Walter Village Design Statement
- Various Conservation Area Appraisals

All Background Papers are available for inspection at the Maldon District Council Offices, Princes Road, Maldon, Essex CM9 5DL during normal office hours.

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**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
19 MAY 2022**

PRESENT

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

63. CHAIRMAN'S NOTICES

The Chairman welcomed everyone present and went through some general housekeeping arrangements for the meeting.

64. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M G Bassenger and V J Bell.

65. MINUTES OF THE LAST MEETING

RESOLVED by assent that the Minutes of the meeting of the Committee held on 6 April 2022 be approved and confirmed.

66. DISCLOSURE OF INTEREST

Councillor N J Skeens declared a non-pecuniary interest on Agenda Item 7 as he was friends with the owner and Agenda Item 8 as he knew the architects.

Councillor R G Boyce, MBE, declared a non-pecuniary interest in Agenda Item 5.

Councillor W Stamp, CC, declared a non-pecuniary interest as a Member of Essex County Council, a statutory consultee on all planning related matters.

Councillor A S Fluker and Councillor R P F Dewick declared a non-pecuniary interest in Agenda Item 6 as they were acquainted with the agent.

Councillor M W Helm declared a non-pecuniary interest in Agenda Item 8.

67. 21/00745/VAR - LAND REAR OF RED LYONS FARM, BURNHAM ROAD, LATCHINGDON, ESSEX

Application Number	21/00745/VAR
Location	Land Rear Of Red Lyons Farm, Burnham Road, Latchingdon, Essex

Proposal	Variation of condition 2 on approved application 14/00418/FUL (Change of use of unit 10 from a restricted B8 use (Household Storage) to B1) Change the permitted working to 6:00 until 20:00 Monday to Saturday.
Applicant	Mr J Sinclair
Agent	Miss Catrin Davies - Warner Planning
Target Decision Date	02.11.2021 (EoT agreed: 10.12.2021)
Case Officer	Anna Tastsoglou
Parish	LATCHINGDON
Reason for Referral to the Committee / Council	Member Call In Councillor R G Boyce has called in the application for the following policy reason: Local Development Plan (LDP) policy E4 (Agricultural and rural diversification)

The Chairman introduced the application and reminded Members that this had been considered and deferred at the Committee meeting held on 8 December 2021. He advised that since then the applicant had lodged an appeal for non-determination. Officers were requesting the views of this Committee, whether it was minded to approve or refuse, which would form part of the appeal paperwork for the Planning Inspectorate to make the final decision.

Councillor Boyce then asked for clarification regarding the basis of the previous deferral, whether it was awaiting further information from officers or the applicant. In response the Specialist: Development Management advised during the presentation that in spite of a number of attempts to obtain additional information regarding various matters including noise and the lawful use of the site, to date, no information had been submitted and no response received from the applicant within the agreed timescales. Subsequently, on 5 April 2022 a letter was received from the Planning Inspectorate stating non-determination, therefore, the application was to be determined by the Planning Inspectorate. Following the Officer's presentation an Objector, Mr Bennett, addressed the Committee.

The Chairman then opened the discussion and a lengthy debate ensued. Councillor Boyce, having called in the application, said that the hours of use were unsuitable for a residential area, the conditions were unenforceable and that it was only fair to use evidence from other units in order to refuse the application. He said he had great sympathy with the objector, but he would not be voting in case he was deemed to have a bias. He concluded by saying that the Local Planning Authority, given its handling of this issue, should request a Hearing regarding this matter.

Councillor Fluker called for additional conditions to protect the amenity of local residents, particularly the issue of noise emissions. He referred to the Environmental Health Officer's report on the website that stated dissatisfaction regarding the inadequate noise assessment on Unit 10 and the monitoring used in the assessment. He also had expected to be presented with more up-to-date information at this meeting and that the issues should be dealt with by an enquiry as the operating hours were unacceptable in this area.

At this point the Chairman reiterated what was required from the Committee to be put forward to the Planning Inspectorate and requested a third condition be added to cover no operation on Sundays or Bank Holidays. Councillor Fluker then proposed that the Committee be minded to refuse the application had it been in a position to do so, and this was seconded.

The Specialist: Development Management then addressed issues raised by Councillor Fluker. She advised that an additional noise assessment was conditioned (Condition

8) in the Members' Update from the December meeting to address the concerns in the Environmental Health Officer's report and that the three additional conditions, should the Committee be minded to approve, could be included.

Councillor Helm referring to the hours of operation said that they created a precedent across the Dengie and Councillor Channer, referring to the previous minutes from the December Committee said that she still had the same concerns as raised then, the hours of operation were exceedingly long and concurred with Councillor Helm's concerns about setting a worrying precedent.

The Chairman then put the proposal from Councillor Fluker, duly seconded by Councillor Stamp, to inform the Planning Inspectorate that the Council was minded to refuse the application had it been in a position to do so on the basis of unreasonable hours of operation causing loss of amenity in a semi-residential area, to the committee and this approach was agreed.

Councillor Boyce, referring to his earlier comments, requested that in the public interest a Hearing be held to give objectors the opportunity to put their case, and this was seconded.

There were some further queries regarding the appeal process and the request for a Hearing. The Lead Specialist: Development Management explained the process. He advised that currently there was a backlog in this area; an appeal had been submitted by the applicant and following the usual checks found to be valid and the Inspectorate was currently awaiting the appointment of an Appeal Inspector. Once appointed the timetable would be released and at this point the Council could engage with the process. Both parties could put forward the type of appeal they wished to progress, ultimately the Inspectorate would determine which to pursue.

RESOLVED that the Committee was minded to **REFUSE** the application had it been in a position to do so and, in the public interest, request the appeal be heard by way of a Hearing.

68. 22/00071/FUL - SUNNYSIDE, STONEY HILLS, BURNHAM-ON-CROUCH, ESSEX, CM0 8QA

Application Number	22/00071/FUL
Location	Sunnyside, Stoney Hills, Essex, CM0 8QA
Proposal	Demolition of existing house and ancillary structures and the erection two new dwellings
Applicant	Mr and Mrs Kevin Levins
Agent	Mr Anthony Cussen - Cussen Construction Consultants
Target Decision Date	18.03.2022
Case Officer	Nicola Ward
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Not Delegated to Officers as Departure from Local Plan

A Members' Update was circulated prior to the meeting that covered the imposing of a pre-commencement condition regarding land contamination and a verbal update was received by the Committee regarding three further ecology conditions.

Following the officer's presentation, the agent, Mr Cussen, addressed the committee. The Chairman then opened the discussion. At this point Councillor Channer advised that, having heard the agent's comments and viewed the location, she was acquainted with neighbouring properties and would not partake in the decision-making on this application.

Councillor Stamp expressed concern regarding the sustainability of continued development in this area and the problems experienced by those servicing existing properties such as refuse collection companies. The infrastructure was not fit for purpose and unsafe for children walking to school, as evidenced by the amount of complaints she had received. Councillor Skeens echoed her concerns around accessibility.

The Chairman reminded the committee that valid planning reasons were required to ensure decisions made were supported by the Planning Inspector. Councillor Fluker asked if an officer site visit had taken place and this was confirmed. He also referenced the importance of valid planning reasons and proposed that the application be approved in accordance with the officer's recommendation as it was a sustainable area, this was seconded by Councillor Boyce.

The Chairman then put Councillor Fluker's proposal to approve the application subject to proposed conditions 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: 1214/01, 1214/02, 1214/03, 1214/04, 1214/05, 1214/06, 1214/07, 1214/08, 1214/09 and 1214/0103.
- 3 The materials used the in the development hereby approved shall be as set out within the application form/plans hereby approved.
- 4 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 of the dwellings hereby permitted, nor shall any extensions be erected, without planning permission having been obtained from the LPA.
- 5 If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and measures for its remediation shall be submitted to and approved in writing by the LPA. The remediation of the site shall incorporate the approved measures and a verification report for all the remediation works shall be submitted to the LPA within 14 days of the report being completed and shall be approved in writing by the LPA.
- 6 The dwellings hereby approved shall not be occupied until two car parking spaces have been laid out for both dwellings, and sufficient space for vehicles to turn so that they may enter and leave the site in forward gear has been provided, the spaces provided shall thereafter be kept available for such purposes in perpetuity.
- 7 Prior to the first occupation of the dwellings hereby permitted, the rooflight windows within the western roof slopes of both the dwellings, as shown on drawing nos. 1214/08 and 1214/09, shall be glazed with opaque glass and of a non- openable design and shall be retained as such thereafter.
- 8 Prior to the occupation of the dwellings hereby permitted, details of the siting, height, design and materials of the treatment of all boundaries including existing hedging, gates, fences, walls, railings and piers shall be submitted to and approved in writing by the LPA and be retained as such thereafter.
- 9 No works work above ground level shall occur until a detailed Sustainable Urban Drainage Scheme as specified in the Essex Sustainable Drainage Systems Design Guide has been submitted in writing by the LPA. This must be conducted by a competent person and include written explanation of any data

provided. The scheme shall subsequently be implemented prior to occupation of the development and should include and not be limited to:

- Discharge rates/location
- Storage volumes
- Treatment requirement
- Detailed drainage plan
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy

Where the surface water drainage strategy proposes the use of soakaways the details of the design and the results of a series of percolation tests carried out upon the subsoil in accordance with DG 365 2016. 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 discharging to a watercourse the proposed scheme shall include details of the destination and discharge rates equivalent to "greenfield runoff" up to and including a 1 in 100 year rainfall event inclusive of climate change. This is typically achieved by installing some form of attenuation on site e.g. temporary storage. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s). If the land is designated as a Brownfield Site it should aim to limit run-off for a storm event that has a 100% chance of occurring each year (1 in 1 year event) OR demonstrate 50% betterment of the current rates.

It must demonstrate that the system is an appropriate point of discharge for the site. The discharge hierarchy should be used to determine discharge location. This is particularly important when considering greenfield development which may currently discharge to a sewer but may have the capacity to discharge to a watercourse or to the ground.

If not, then further information/assessment will be required to determine the suitability of the system to convey the proposed flows and volumes of water. Evidence will be required that the development will not increase risk to others. If the proposed discharge point is outside the development site then the applicant will need to demonstrate that the necessary permissions and or agreements to achieve connection are possible.

Where the LPA 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.

10 Full details of both hard and soft landscape works shall be submitted to and approved in writing by the LPA prior to any works occurring above ground level at the application site. These details shall include, for example:

- i. Proposes finished levels contours;
- ii. Means of enclosure;
- iii. Car parking layout;
- iv. Hard surfacing materials;
- v. Minor artefacts and structures (e.g. furniture, refuse or other storage units, lighting);

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 LPD. 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 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 LPA gives its written consent to any variation.

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

- 11 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 LPA. The development shall be carried out in accordance with the approved details.
- 12 There shall be no openings above ground floor level within the North and South flank elevations of both the dwellings hereby approved.
- 13 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 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 the Environment Agency's 'Land Contamination Risk Management' guidance and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers'.

- 14 Prior to the occupation of the dwellings hereby permitted, a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
 - a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) Detailed designs to achieve stated objectives;

- c) Locations of proposed enhancement measures by appropriate maps and plans;
- d) Persons responsible for implementing the enhancement measures;
- e) Details of initial aftercare and long-term maintenance.

The Biodiversity Enhancement Strategy shall be implemented as approved prior to the first occupation of the development hereby approved and retained as such thereafter.

- 15 Prior to the occupation of the dwellings hereby permitted, 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. No other external lighting be installed without prior consent from the local planning authority.
- 16 All mitigation and enhancement measures shall be carried out in accordance with the approved details contained in the Update Phase 1 Habitat Survey and be retained as such thereafter.

69. 22/00263/VAR - THE OLD CLUBHOUSE, THE QUAY, BURNHAM-ON-CROUCH, CM0 8AT

Application Number	22/00263/VAR
Location	The Old Clubhouse The Quay Burnham-On-Crouch CM0 8AT
Proposal	Variation of condition 2 (plans) on approved application 20/01080/HOUSE (Proposed single storey rear and side extensions, first floor side extension and balcony overlooking sea, first floor balcony deck above existing rear projections, new decking projection from south and east elevations, and general refurbishment to the existing building including new window and doors) to include iron railings above existing brick sea wall and new entrance gate.
Applicant	Mr & Mrs Polturak
Agent	Chris Wragg - Arcady Architects Ltd
Target Decision Date	20.05.2022
Case Officer	Hannah Dungate
Parish	BURNHAM SOUTH
Reason for Referral to the Committee / Council	Member Call In by Councillor V J Bell citing the following Policy D1 – Design Quality and Built Environment and Policy D5 – Flooding. Previous Committee Decision

Following the Officer's presentation, a Supporter, Ms Bailey, and the Agent, Mr Wragg, addressed the Committee. The Chairman then opened the discussion.

Councillor Skeens said he had no objections to this application; the railings were fine, and he was delighted to note the neighbours had no objection. He made a non-pecuniary declaration at this point in that he was a trustee of the Vanguard Restoration Trust.

Councillor Stamp commended the applicant for their revisions to the scheme and said she supported the application. Councillor Fluker echoed Councillor Stamp and proposed that the application be approved in accordance with the Officer's recommendation, this was duly seconded. The Lead Specialist: Development Management advised the Committee that going forward officers would have due regard for comments from the Conservation Officer.

The Chairman put the officer's recommendation to approve the application subject to the proposed conditions to the Committee and it was unanimously agreed.

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

1. The development hereby permitted shall be begun before 5 February 2024.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 18/06/01; 18/06/03 Rev L; 18/06/05; 18/06/06; 18/06/07; 18/06/08; 18/06/10; 18/06/11; 18/06/12 (Rev A).
3. The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.
4. All new external joinery at the application property shall be of painted timber only and shall be retained as such thereafter.
5. Prior to the installation of new external doors and new windows as part of the development hereby approved, large scale drawings - including elevations [1:20] and sections through the glazing bars [1:2] - shall be submitted to and approved in writing by local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
6. The measures contained within the Householder Flood Risk Matrix submitted with the planning application and forming part of this permission shall be fully implemented and in place prior to the first occupation of the development hereby permitted and shall be retained in perpetuity.
7. Large-scale drawings of the railings, including the gate – illustrating the dimensions of individual components, the gaps between each rail and their finer detailing – shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be carried out in accordance with the approved details and retained as such thereafter.
8. The railings shall be painted white, with such details of the type of paint and finished appearance, to be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be carried out in accordance with the approved details and retained, including regular maintenance of its approved visual appearance, as such thereafter.

70. 22/00368/HOUSE- THE MOORINGS, SEAVIEW PARADE, ST. LAWRENCE, ESSEX

Application Number	22/00368/HOUSE
Location	The Moorings, Seaview Parade, St Lawrence, Essex
Proposal	Single storey rear extensions, two storey rear extension and first floor additions to the front and rear.
Applicant	Mr Ross Patience
Agent	Mr Michael Lewis – Bailey Lewis
Target Decision Date	3 May 2022 (Agreed EOT Until 22 May 2022)
Case Officer	Hayley Sadler
Parish	ST LAWRENCE

Reason for Referral to the Committee / Council	Member Call In Councillor Mrs P A Channer has called in the application for the following policy reasons: Local Development Plan (LDP) policy D1 (Design Quality and Built Environment) and H4 (Effective use of Land)
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A verbal Members' Update was provided that amended the 'Reason for Refusal' at Section 8 of the published report removing reference to the Planning (Listed Buildings and Conservation Areas) Act 1990 as the application was not within a conservation area. Following the Officer's presentation, the Agent, Mr Lewis addressed the Committee. The Chairman then opened the discussion.

Councillor Channer commented that having reviewed the current report and the previously refused application she felt this time round there were significant improvements and on balance she supported the application. She had visited the area and given the existing properties overlooking the bay together with the multitude of designs already in existence, this was not incongruous within the street scene. Councillor Helm concurred and said he had no problem with the application.

Councillor Fluker supported the application and proposed that it be approved contrary to the Officer's recommendation on the grounds that it met the criteria of Policies D1 and H4 of the Local Development Plan, the design, scale, and bulk was acceptable, with both the river and street scene.

The Chairman put the proposal to the Committee to approve contrary to the Officer's recommendation for the aforementioned reasons and with conditions delegated to Officers in consultation with the Chairman, and it was unanimously agreed.

RESOLVED that the application be **APPROVED** with conditions delegated to Officers in consultation with the Chairman.

71. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRMAN DECIDES ARE URGENT

The Chairman was congratulated on being appointed Chairman of the South Eastern Area Planning Committee at the Statutory Annual meeting of the Council on 12 May 2022.

It was noted that an informal meeting to discuss enforcement would be coordinated between the Chairman and planning officers.

The meeting closed at 9.05 pm.

R P F DEWICK
CHAIRMAN

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
20 JULY 2022**

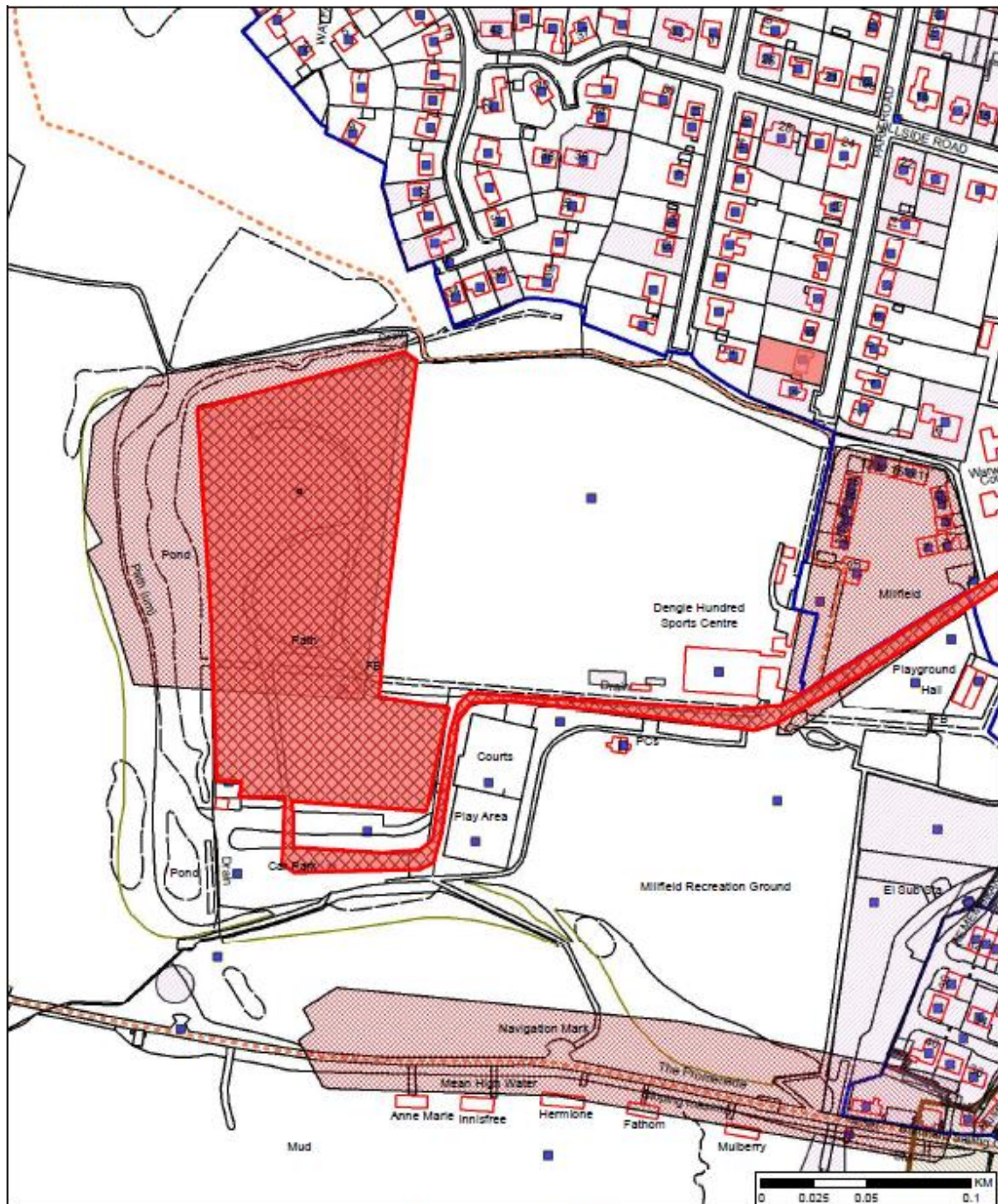
Application Number	22/00075/VAR
Location	Millfields Caravan Park, Millfields, Burnham-On-Crouch, Essex
Proposal	Variation of conditions 2 & 3 on approved planning permission 18/00381/FUL (Erection of building to be used as offices, shop, shower/toilet facilities, spa, pool facilities and gym, formation of hardstanding to be used as road and parking and enhanced landscaping, in association with an existing caravan site)
Applicant	Birch's Leisure Parks Ltd - C/o Agent
Agent	Mr David Hancock - Laister Planning Limited
Target Decision Date	22.07.2022
Case Officer	Anna Tastsoglou
Parish	BURNHAM SOUTH
Reason for Referral to the Committee / Council	Council Owned Land

1. **RECOMMENDATION**

APPROVE subject to the conditions (as detailed in Section 8 of this report).

2. **SITE MAP**

Please see below.



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Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: Not Set

Date: 30/08/2019

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site, according to the Local Development Plan (LDP), forms part of the Riverside Park, which is approximately 23.15 hectares in size, to the southeast of Burnham-on-Crouch. The site is located east of Station Road and the Dengie Hundred Sports Centre, north of the River Crouch marshes, outside the settlement boundary of Burnham-on-Crouch.
- 3.1.2 The site is accessed via a west turning head onto Station Road. It is approximately 2 hectares in size and it is mainly grassed over with sporadic trees and hedges along the boundaries. A ditch traverses the site. The site has a lawful use as a caravan park and although at present there appears to be only a small utilities' structure on site, the site was occupied by caravans since 2006.
- 3.1.3 The Burnham-on-Crouch Rugby Union Football Club and the Dengie Hundred Sports Centre lie to the east of the site, a car park is located to the south of the site, residential properties are sited to the north, while to the west is public open space and the Burnham-on-Crouch marina.
- 3.1.4 Whilst the application site is flat, topographically the land rises steeply to the south and west of the site. The site is located within flood zone 3.

Description of Proposal

- 3.1.5 Planning permission for the erection of a single storey multi-purpose building, formation of hardstanding to be used as an access road and provide off-street parking and the stationing of a total of 52 caravans was approved on 13 September 2019 under the terms of application 18/00381/FUL. The current proposal seeks permission to vary condition 2 of the approved application (18/00381/FUL) to intensify the existing use of the site by increasing the number of caravans on the site from 52 to 55 as well as the associated car parking for those caravans (three additional car parking spaces). No other changes to the approved layout, multi-purpose building, hardstanding or landscaping are proposed.

- 3.1.6 Condition 2 attached to permission 18/00381/FUL requires the following:

The development hereby permitted shall be carried out in complete accordance with approved drawings: ATS/537/03; 10955-0020-002; 10955-0001-007; RCEF64080-SK002 REV B and RCEF64080-SK003 REV A.

REASON: To ensure the development is carried out in accordance with the details as approved.

- 3.1.7 Condition 3 attached to permission 18/00381/FUL requires the following:

The development hereby permitted shall only be used ancillary to the caravan park proposed as shown on approved drawing 10955-0001-007 and for no other purpose, including any type of residential accommodation, at any time.

REASON: To ensure that the development would only provide facilities ancillary to the existing lawful use of the site in the interests of the character and appearance of the area, the adjoining designated nature conservation site and minimising flood risk in accord with policies S1, S8, E5, D1, D2, D5 and N2 of the approved Local Development Plan, policies EC.6, EN.1 and EN.3 of the Burnham-on-Crouch Neighbourhood Plan and the guidance contained within the National Planning Policy Framework.

3.2 Conclusion

3.2.1 Having taken all material planning considerations into account, it is considered that the proposed amendment to the development described above, through the variation of conditions 2 and 3 would be acceptable in principle and in accordance with policies S8 and E5 of the approved LDP. The impact of the amended development on the character of the area and the amenities of the neighbouring occupiers has been assessed and found to be acceptable. The amended proposal would not result in an unacceptable impact on highway safety or the free flow of traffic and it would provide sufficient off-street parking to meet the needs of the proposed amended development. The amended scheme would not result in a material increase in flood risk on site or elsewhere and surface water will be managed by condition. The amended development, by reason of its scale and nature, would not pose an additional threat to nature conservation sites or protected species from that already assessed and found acceptable under the terms of the previously approved application. For those reasons the development is considered acceptable and in accordance with the aims of the Development Plan Policies.

4. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

4.1 National Planning Policy Framework 2021 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 81-85 Building a strong, competitive economy
- 92-103 Promoting healthy and safe communities
- 104-109 Promoting sustainable transport
- 119-125 Making effective use of land
- 126-136 Achieving well-designed places
- 152-169 Meeting the challenge of climate change, flooding and coastal change
- 174-182 Conserving and enhancing the natural environment

4.2 Maldon District Local Development Plan (2014 – 2029) approved by the Secretary of State:

- S1 Sustainable Development
- S7 Prosperous Rural Communities
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment

- D2 Climate Change and Environmental Impact of New Development
- D5 Flood Risk and Coastal Change
- E5 Tourism
- N1 Green Infrastructure Network
- N2 Natural Environment and Biodiversity.
- T1 Sustainable Transport
- T2 Accessibility

4.3 Burnham-on-Crouch Neighbourhood Development Plan (7th September 2017):

- Policy EC.6 Tourism
- Policy EN.1 Flood Prevention
- Policy EN.3 Enhancement of the Natural Environment
- Policy RI.2 Design Sensitivity of Riverside Developments

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide SPD (MDDG) (2017)
- Maldon District Vehicle Parking Standards SPD (VPS)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 It is noted that the principle of development providing ancillary facilities to support the existing tourist use of the site, which has a lawful use as a caravan site, were previously assessed and found acceptable. As noted in the committee report drafted for the original application (18/00381/FUL) given the lawful use of the site, as a caravan park, no permission is required for the siting of the caravans, as long as they comply with the dimensions stated in The Caravan Act. Therefore, the provision of three additional caravans and associated car parking on site would be acceptable in principle.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.

- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

- 5.2.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context. Similar support for high quality

design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).

- 5.2.4 The application site lies outside the defined settlement boundaries. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.2.5 As noted above the proposed development seeks permission to increase the number of caravans on site by three (from 52 to 55) together with the associated parking, which would include additional hardstanding for three vehicles. No other changes to the previously approved application are proposed. The previously approved multi-purpose amenity building, and development associated with the caravan site, remain unaltered. Furthermore, no changes to the landscaping scheme are proposed.
- 5.2.6 The visual impact of the development on the character and appearance of the area previously assessed was found acceptable. It is considered that the increase to the number of caravans and associated hardstanding for the parking of three vehicles proposed on site would be minimal, considering the quantum of development approved on site, and therefore, the visual impact would only be marginally affected. It is therefore considered that the amended proposal would be acceptable in terms of its impact on the character of the area and the minor increase in the number of caravans and hardstanding on site would not result in a detrimental impact on the visual amenity of the site, the scheme as previously approved or the wider area.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is also supported by section C07 of the MDDG (2017).
- 5.3.2 The proposed amended scheme would intensify the use of the site by increasing the number of caravans on site. However, it should be noted that although the site is currently and has been in recent years vacant, it is noted that its lawful use as a caravan site has not ceased and thus, it could be re-used as a caravan site at any time, without the need of planning permission. Furthermore, it is considered that the intensification of the use would be minimal, as it would only result in an increase in the number of caravans on the site by three, taking into account the number of caravans that has been approved as being acceptable to be stationed on site (52 caravans).
- 5.3.3 The proposed additional hardstanding for the formation of three parking spaces, would have no impact on the residential amenity of the nearby occupiers.
- 5.3.4 No other changes to the operational development previously approved on site is proposed to be amended and therefore, the development would not have a further impact on residential amenity.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring a development proposal, inter alia, to sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The proposal would not alter the vehicular access to the site and therefore, no objection is raised in relation to the proposed access to the site.
- 5.4.3 The impact of the development on the highway network in terms of trip generation was previously assessed and found acceptable. The proposed development would only increase the number of caravans on site by three, from 52 to 55. It is considered that this minimal increase to the number of caravans on site would not result in a material increase in the trips generated by the proposed development to a degree that would have a material and detrimental impact on the highway network, and as such is considered acceptable.
- 5.4.4 With regard to parking, it is noted that one parking space would be provided per new caravan and pitch in accordance with the Vehicle Parking Standards SPD. No other changes are proposed to the previously approved scheme in terms of parking provision and therefore, the amended proposal would meet the off-street parking needs of the scheme.
- 5.4.5 In terms of cycle parking, one cycle parking space per 4 members of staff and one per 10 pitches would be required to be provided. The amended proposal would not result in an increase in the number of cycle parking spaces on site. The details of safe and secure cycle parking would be secured by condition.

5.5 Flood Risk

- 5.5.1 The application site is located within Flood Zone 3a, defined by Planning Policy Guidance as having a high probability of flooding. Policy D5 of the LDP, in line with national policy, provides local flood risk considerations and seeks to direct development to the lower risk flood zones.
- 5.5.2 Policy D5 of the LDP states that the Council's approach is to direct strategic growth towards lower flood risk areas, such as Flood Zone 1 as identified by the Environment Agency. Where development is not located in Flood Zone 1 and in order to minimise the risk of flooding, it should be demonstrated that the Sequential and Exception Tests, where necessary, have been satisfactorily undertaken in accordance with national planning policy.
- 5.5.3 The impact of the development in terms of flood risk was previously assessed and found acceptable. The amended scheme would result in an increase of the number of caravans on site; however, the site benefits from a lawful use as a caravan site and therefore, the stationing of caravans in this location was previously considered acceptable in terms of flood risk.
- 5.5.4 The additional hardstanding to provide three parking spaces would cover a very limited area of space when compared to the total area of the caravan park, and therefore, it is not considered the hardstanding would result in a material increase to

the flood risk liability of the site. Conditions to secure the submission and approval of details to manage surface water are attached to the recommendation

- 5.5.5 In light of the above assessment, it is considered that the development would be acceptable in terms of flood risk, it would not result in an unacceptable risk of flooding and would not increase flood risk elsewhere.

5.6 Ecology

- 5.6.1 Policy D2 seeks all development to minimise its impact on the environment by incorporating measures to minimise all forms of possible pollution including air, land, water, odour, noise and light. Any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.
- 5.6.2 Policy N2 of the LDP states that where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 5.6.3 The site is located near the River Crouch; thus, near a number of nature conservation sites, such as Special Protection Area (SPA), a Ramsar site and a Special Site of Scientific Interest (SSSI).
- 5.6.4 The impact of the development on the nature conservation sites was previously assessed and found acceptable. The proposed addition of three caravans and the associated hardstanding to provide three additional parking spaces, would not result in a significant increase in the impacts of the development on the nearby nature consideration sites. Conditions to secure appropriate mitigation measures are attached to the recommendation
- 5.6.5 It is noted that a separate Habitat Regulation Assessment (HRA) was previously prepared by the Local Planning Authority to assess the likely significant effect of the proposed development on the European sites, which concluded that the development would be acceptable and would not have an adverse effect on the integrity of the designated sites or wildlife. The amended scheme would not materially result in a greater impact on either nature designations or wildlife habitats and therefore, it is considered that the previously prepared HRA would still be applicable.

5.7 Other Matters

Contamination

- 5.7.1 A condition was previously imposed to control contamination on site. Details of a Phase 2 Site Investigation was resubmitted under the terms of application 21/05056/DET and following consultation with the Environmental Health Team it was considered that the details were sufficient for the condition to be discharged. The amended scheme will not pose an additional threat in terms of contamination and therefore, the previously approved details are still considered applicable, and the implementation of the recommendation included in the Phase 2 Site Investigation will be secured by condition.

6. ANY RELEVANT SITE HISTORY

- 6.1 The relevant planning history is set out below:

- **94/00782/FUL** - Increase ceiling height to pump house and erection of pitched roof over slop sink - Planning permission granted
- **18/00381/FUL - 94/00782/FUL** - Increase ceiling height to pump house and erection of pitched roof over slop sink. Planning permission granted – Planning permission granted
- **20/05056/DET** - Compliance with conditions notification FUL/MAL/18/00381 Erection of building to be used as offices, shop, shower/toilet facilities, spa, pool facilities and gym, formation of hardstanding to be used as road and parking and enhanced landscaping, in association with an existing caravan site. Condition 7 - Foul Drainage. Condition 8 - Contamination. Condition 12 - Construction Method Statement. – Details approved

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Burnham-on-Crouch Town Council	No comment	Noted

7.2 Statutory Consultees and Other Organisations

Name of Internal Consultee	Comment	Officer Response
Essex County Council (ECC) Highways Authority	No objection.	Noted.
Cadent	No objection in principle to the proposed development. It is noted though that Cadent Gas have assets in the area. It is stated that if the development would affect the high pressure pipelines, it is a statutory requirement that the Applicant inputs the details into the Health and Safety Executive's (HSE) Planning Advice Web Application.	Noted. An informative will be added as a reminder for the applicant of the statutory requirements.
Lead Local Flood Authority (LLFA)	No comment	Noted.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health Team	No comments.	Noted.

7.4 Representations received from Interested Parties

7.4.1 No representations have been received.

8. PROPOSED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of permission 18/00381/FUL, dated 13.09.2019.
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 complete accordance with approved drawings: ATS/537/03; 10955-0020-002; 10955-0001-007 (Dated January 2022); RCEF64080-SK002 REV B and RCEF64080-SK003 REV A.
REASON: To ensure the development is carried out in accordance with the details as approved.
- 3 The development hereby permitted shall only be used ancillary to the caravan park proposed as shown on approved drawing 10955-0001-007 (Dated January 2022) and for no other purpose, including any type of residential accommodation, at any time.
REASON: To ensure that the development would only provide facilities ancillary to the existing lawful use of the site in the interests of the character and appearance of the area, the adjoining designated nature conservation site and minimising flood risk in accord with policies S1, S8, E5, D1, D2, D5 and N2 of the approved Local Development Plan, policies EC.6, EN.1 and EN.3 of the Burnham-on-Crouch Neighbourhood Plan and the guidance contained within the National Planning Policy Framework.
- 4 The proposed development shall be implemented in accordance with the forms of mitigation included in Ecology Survey Report (dated November 2018) and be retained as such in perpetuity.
REASON: In order to ensure that there is no adverse effect to the adjoining designated nature conservation site in line with policies S1, S8, E5, D1, D2 and N2 of the approved Local Development Plan, policy EN.3 of the Burnham-on-Crouch Neighborhood Plan and the guidance contained within the National Planning Policy Framework.
- 5 The use of the site hereby permitted shall be implemented in accordance with the Flood Warning and Evacuation Plan (dated 19.02.2019) 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.
REASON: In order to ensure that the impact from any flood events is limited in line with policy D5 of the approved Local Development Plan, policy EN.1 of the Burnham-on-Crouch Neighbourhood Plan and the guidance contained within the National Planning Policy Framework.
- 6 No development shall be constructed during the wintering bird period between October – March inclusive.
REASON: In the interests of protecting the natural conservation designations and protected species in accordance with the guidance contained within the NPPF and Policy N2 of the approved Local Development Plan.
- 7 The foul drainage scheme to serve the development shall be implemented in accordance with the details approved under the terms of application 20/05056/DET prior to the first occupation of the development.
REASON: To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon Local Development Plan (2017).
- 8 The development shall be implemented in accordance with the Phase 2 Environmental Investigation Report (March 2020) details approved under the terms of application 20/05056/DET prior to the first occupation of the development.
REASON: To prevent the undue contamination of the site in accordance with policy D2 of the approved Maldon Development Local Plan (2017).

- 9 Where identified as necessary in accordance with the requirements of condition 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 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.

Following completion of measures identified in the approved remediation scheme, verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

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.

REASON: To prevent the undue contamination of the site in accordance with policy D2 of the approved Maldon Development Local Plan (2017).

- 10 Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to the Local Planning Authority for approval in writing. These approved schemes shall be carried out before the development is resumed or continued. Following completion of measures identified in the approved remediation scheme, a verification report demonstrating the effectiveness of the remediation scheme carried out must be submitted to the Local Planning Authority for approval in writing.

REASON: To prevent the undue contamination of the site in accordance with policy D2 of the approved Maldon Development Local Plan (2017).

- 11 The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment and the following mitigation measures detailed within the FRA:

- Infiltration testing in line with BRE 365. If infiltration is found unviable the run-off rates from the site should be limited to 2.4 l/s
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.

The mitigation measures shall be fully implemented prior to occupation and subsequently 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 local planning authority.

Storage should half empty within 24 hours wherever possible. An assessment of the performance of the system and the consequences of consecutive rainfall events occurring should be submitted to and approved in writing by the Local Authority. If the storage required to achieve this via infiltration or a restricted runoff rate is considered to make the development unviable.

The mitigation measures shall be fully implemented prior to occupation and subsequently 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 local planning authority.

REASON: To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon Local Development Plan (2017).

- 12 The development shall be implemented in accordance with the Construction Traffic Management Plan details approved under the terms of application 20/05056/DET during the construction of the development.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with policies D1 and T2 of the submitted Local Development Plan.

- 13 Prior to works above ground level, details of the external materials to be used in the construction of the outbuilding hereby approved shall be submitted to the Local Planning Authority for approval in writing. The construction of the outbuilding shall be carried out in accordance with the approved details and retained as such in perpetuity.

REASON: In the interests of the character and appearance of the site and the surrounding area, in accordance with policy D1 of the Maldon District Local Development Plan.

INFORMATIVES

1. It is noted that the Cadent gas owns asset/s in the area. You are therefore reminded that if the application affects one of our high pressure pipelines, it is a statutory requirement that the application input the details into the HSE's Planning Advice Web App. For further details, visit www.hse.gov.uk/landuseplanning/planning-advice-web-app.htm.
2. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall 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.
3. Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
4. Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
5. Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

6. It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
7. The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
8. 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.

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
20 JULY 2022**

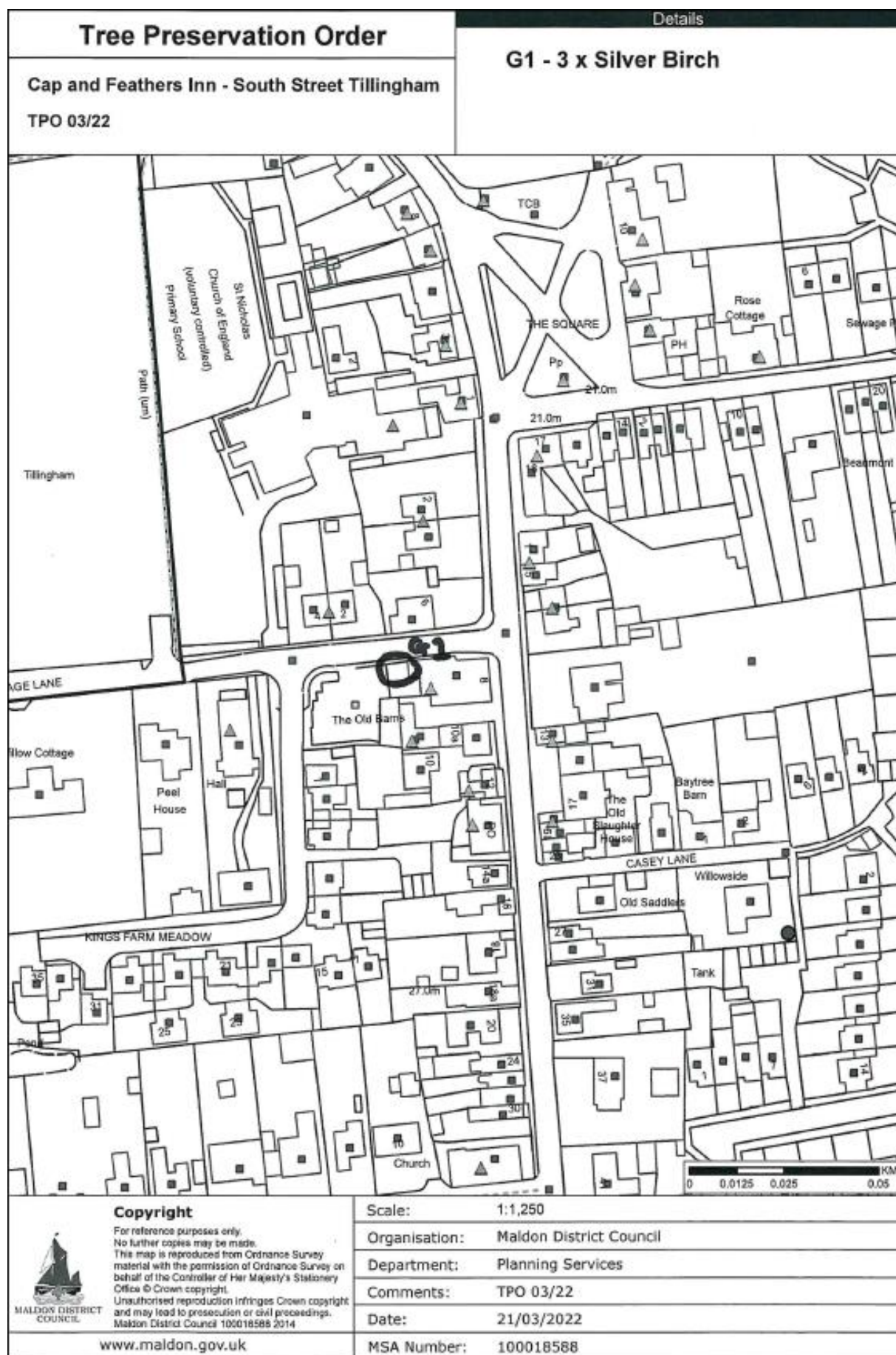
Application Number	TPO 3/22
Location	Cap and Feathers Inn – South Street – Tillingham – CM0 7TJ
Proposal	Confirmation of TPO 3/22
Owner's	Mr Sean Cole - Cap and Feathers Inn – South Street – Tillingham – CM0 7TJ
Confirmation by	05.10.2022
Case Officer	Hayley Sadler
Parish	TILLINGHAM VILLAGE COUNCIL
Reason for Referral to the Committee / Council	Decision on confirmation of a Tree Preservation Order as per the Council's scheme of delegation

1. RECOMMENDATION

CONFIRM Tree Preservation Order (TPO) 3/22 without any modifications

2. SITE MAP

Please see below.



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 In February 2022, the Council received a notification under the terms of section 211 of the Town and Country Planning Act 1990, to undertake works to trees within a Conservation Area. The notification proposed to reduce the height by 1.5 metres and remove the lower branch overhanging the outside seating area of 3 x Silver Birch trees located to the rear of the Cap And Feathers Inn, South Street, Tillingham. Due to the prominent location and the size of the tree, and lack of any Arboricultural justification for its removal, it was considered by the Council that the unjustified works to the trees would materially impact on the amenity of the area and the future health of the trees. Therefore, a Tree Evaluation Method for Preservation Orders (TEMPO) assessment, which is a professionally and nationally accepted system of scoring the amenity value of a trees, was carried out. The TEMPO assessment scored the trees 20 out of 25 and concluded that the Silver Birch trees were worthy of a Tree Preservation Order (TPO). Therefore, a TPO was served on 5 April 2022.
- 3.1.2 One letter of objection has been received relating to the serving of TPO 3/22 located at the Cap And Feathers Inn, South Street, Tillingham.
- 3.1.3 The objection remains unresolved; therefore, the question of whether or not to confirm the TPO has been brought before members to determine.

3.2 The site

- 3.2.1 The G1 (Silver Birch x 3) are located within the rear garden of the Cap and Feathers Inn within the pub garden area on the boundary with the car park and are highly visible from within the streetscene of both South Street and Vicarage Lane, due to their proximity to Vicarage Lane and them not being screened by buildings and/or other protected trees.

4. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

4.1 Corporate Plan 2019-2023:

- 4.1.1 Impact on Strategic Themes: The Environment - protected and improved environment for residents and visitors. Partnership working to protect our countryside and coastline.

4.2 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)

4.3 Government Guidelines:

- 4.3.1 Government guidelines advise that: the Local Planning Authority (LPA) is required to take into account all duly made objections and representations before deciding whether to confirm the TPO.
- 4.3.2 If Members decide to confirm TPO 3/22, the owners have the right to make an application to the High Court to challenge the validity of the TPO. There are specific grounds on which this application must be made:

1. that the TPO is not within the powers of the Act, or,
 2. that the requirements of the Act or Regulations have not been complied with in relation to the TPO.
- 4.3.3 There are costs involved in this procedure which can be awarded. An application must be made within six weeks of the date the TPO was confirmed.

5. MAIN CONSIDERATIONS

- 5.1 The G1 (Silver Birch x 3) are located within the rear garden of the Cap and Feathers Inn within the pub garden area on the boundary with the car park and are highly visible from within the streetscene of both South Street and Vicarage Lane, due to their proximity to Vicarage Lane and them not being screened by buildings and/or other protected trees.
- 5.2 Planning Practice Guidance states (Paragraph 10 reference ID: 36-010-21040306) *'It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.'* As part of the Section 211 notice regarding the height reduction of the G1 (Silver Birch x3), the applicant claims that the reduction in height would remove wind sail. The applicant also applied for the removal of 200mm lower branch that overhangs the seating area to the rear of the pub garden, however, no suitable arboricultural evidence or further supporting information has been provided to demonstrate that the reduction in height or removal of the branch would overcome the issues of wind sail. Therefore, the proposed works under the Section 211 notification were not considered to be suitably evidenced or justified and the branch removal would leave a large wound which could impact on the trees' future health and longevity.
- 5.3 In the interest of protecting this prominent landscape feature and the amenity value of these trees within the locality, the Silver Birch trees were assessed using the TEMPO which is designed as a guide to decision making and stands as a record that a systematic assessment has been undertaken. The TEMPO considers all of the relevant factors in the TPO decision making chain including amenity assessment, expediency assessment and decision guide. Within the assessment the Silver Birch trees scored satisfactory for the suitability of a TPO for its amenity due to its prominent size and location which is clearly visible within the public realm. The expediency assessment reflected the immediate threat of the trees as mentioned in section 5.2. The Silver Birch trees scored an overall total 20 out of 25 which means that the Silver Birch trees would definitely merit a TPO.
- 5.4 It is worth noting that the guidance provided to sit alongside the TEMPO assessment acknowledged that the reason for serving the TPO can be quite minor (precautionary only). However, as the enquiry was to reduce the height by 1.5 metres and remove

the lower branch overhanging the seating area, it is considered by the Council that this was a precautionary threat and a threat to the future health of the trees.

- 5.5 It should be noted that the TPO would not prevent works to the trees from being carried out, however it would control any such works to ensure that they were suitable, justified and did not harm the health of the trees or the amenity value it offers to the surrounding area. Furthermore, TPOs can serve as a useful control by securing and protecting replacement planting which is not an option under a Section 211 notification. It is considered relevant to note that whilst no suitable arboricultural justification for the works to reduce the height of the trees has been provided under this application, a subsequent Section 11 application could be submitted with such justification and without a TPO in place, the LPA would be unable to secure the replacement of such an important landscape feature.

6. **ANY RELEVANT SITE HISTORY**

- **06/00108/TCA** - Fell Wild Plum tree due to causing damage by branches to adjoining property, and potential damage to foundations from roots, Allowed To Proceed, 22/02/2006
- **22/00340/TCA** - G1 (3 x Silver Birch) - Reduce height by 1.5 metres. The removal of the lower branch over the seating area., TPO Served, 30/03/2022.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 **Representations received from Interested Parties**

- 7.1.1 1 letter from the owner was received **objecting** to the serving of the TPO 3/22 and the reasons for objection are summarised in the table below:

Objection Comment	Officer Response
The trees are lifting the slabs in the pub garden creating areas that cannot be used and cause trip hazards	The concerns raised are noted, however, this application is to consider the confirmation of the TPO, to ensure that any works carried out would protect its integrity, health, character and the amenity of the area to which it contributes.
The trees are very tall and the works would decrease the wind sail.	Responded to in 5.4 and 5.5
The trees currently cover 50-60% of the garden seating area and drops resin on the seating area as well as mess from the pigeons sitting in the tree.	As above. Confirmation does not prevent works being carried out subject to management and works being suitable in the interests of the trees and the area.

8. **CONCLUSION**

- 8.1 The 3 x Silver Birch trees, the subject of the TPO makes a significant contribution to the character and appearance of the surrounding area due to their size and the prominent location of the trees. Given that the trees have a TEMPO score of 20, it is considered that the TPO should be confirmed to prevent the loss of these trees without securing appropriate protection from the proposed works and replacement trees if required, which could harm the amenity value of the Conservation Area.

Please see below photos of the 3 x Silver Birch trees:





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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
20 JULY 2022**

Application Number	22/00616/WTPO
Location	Cap And Feathers Inn – South Street – Tillingham – CM0 7TJ
Proposal	TPO 3/22 G1 Silver Birch - Crown reduction by 1.5 metres.
Applicant	Mr Sean Cole
Agent	Mr James Bussey – Rochfords Tree Services Limited
Target Decision Date	8 th July 2022
Case Officer	Hayley Sadler
Parish	TILLINGHAM
Reason for Referral to the Committee / Council	Member Call In – Councillor A S Fluker

1. RECOMMENDATION

APPROVE subject to the conditions (as detailed in Section 8 of this report).

2. SITE MAP

Please see below.

Cap And Feathers Inn - South Street - Tillingham

22/00616/WTPO



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Maldon District Council 100018588 2014



www.maldon.gov.uk

Scale: 1:625

Organisation: Maldon District Council

Department: Department

Comments: South East Area Committee

Date: 27/06/2022

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the western side of South Street on a corner plot which adjoins and is on the southern side of Vicarage Lane, within the settlement boundary of Tillingham and the Conservation Area. The site is occupied by a Grade II listed building which is used as a public house. The trees subject to this application are located in the garden of the public house, and close to the roadside of Vicarage Lane.
- 3.1.2 The trees are protected under TPO 03/22 which is awaiting confirmation.
- 3.1.3 An application has been submitted to reduce the height of the G1 group (3 x Silver Birch) by 1.5 metres and remove the lower branch over the seating area.
- 3.1.4 The application form states the works are justified to prevent wind sail and reduce the overhang of the pub outdoor seating area and make the trees more visually appealing.

3.2 Conclusion

- 3.2.1 It is considered that the proposed works to reduce the crown of the G1 (Silver Birch x3) would not have a detrimental impact on the amenity value or character and appearance of the surrounding area which is a conservation area and therefore the works can be found acceptable.

4. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

4.1 Relevant Planning Guidance / Documents:

- National Planning Policy Guidance – Tree Preservation Orders and trees in conservation areas

5. MAIN CONSIDERATIONS

5.1 Impact on the Character and Appearance of the Area

- 5.1.1 Trees can be vital to the general character of an area and can be at the heart of the amenity of the site and wider area. Sections 197-198 of the Town and Country Planning Act 1990 (TCPA) (as amended) sets out the Local Planning Authority's (LPA) duty to preserve trees of amenity value through serving Tree Preservation Orders (TPOs), whilst section 202D of the TCPA and section 17 of The Town and Country Planning (Tree Preservation) (England) Regulations 2012 (as amended) allow the LPA to approve works to trees of amenity value which are protected by virtue of a TPO.
- 5.1.2 The G1 (Silver Birch x 3) are located within the rear garden of the Cap and Feathers Inn within the pub garden area on the boundary with the car park and are highly visible from within the streetscene of both South Street and Vicarage Lane, due to their proximity to Vicarage Lane and not being obscured by buildings and/or other protected trees.

- 5.1.3 The Council's Tree Consultant has advised that he has some concerns in relation to the proposed works to reduce the crown and considered them unnecessary and have not been justified. However, it has advised that the 1.5 metre crown reduction would not significantly impact on the tree's general amenity and natural looking shape provided the works are carried out in a careful manner. Because of the minor nature of the works and to protect the remainder of the trees during the undertaking additional conditions have been suggested for the works to ensure the trees do not get accidentally damaged, which could then impact on their amenity or health. Should permission be granted, the suggested conditions could be imposed which would ensure that the amenity and health of the trees are protected.

5.2 Health of the Tree

- 5.2.1 Maldon District Council's Tree Consultant has not reported any damage or decay to the trees and the trees visually appears to be in good condition. The works are therefore not justified on health grounds.

5.3 Justification of the Proposed Works

- 5.3.1 The applicant seeks to justify the works as the proposed crown reduction is an attempt to reduce wind sail, keep overhang off of the pub seating area and make the trees more visually appealing. All work will conform to BS3998 and work will be carried out when the trees area is approaching dormancy to reduce the risk of bleeding. The Council's Arboriculturist states that no suitable, arboricultural justification has been provided to demonstrate that the works proposed would address the risk of wind throw. The trees are relatively sheltered by the surrounding buildings and the nature of the wood of this species of tree is flexible, meaning it is more likely to flex during strong winds.

However, whilst this is not considered to wholly justify the proposal, the works might give the applicant some resolve and peace of mind if allowed. The proposed 1.5m reduction would not significantly impact on the tree's general amenity and natural looking shape if done in a careful manner. Conditions suggested.

6. ANY RELEVANT SITE HISTORY

- **06/00108/TCA** - Fell Wild Plum tree due to causing damage by branches to adjoining property, and potential damage to foundations from roots, Allowed To Proceed, 22/02/2006
- **22/00340/TCA** - G1 (3 x Silver Birch) - Reduce height by 1.5 metres. The removal of the lower branch over the seating area., TPO Served, 30/03/2022.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tillingham Village Council	No response received	N/A

7.2 External Consultees

Name of External Consultee	Comment	Officer Response
Tree Consultant	<p>No suitable, arboricultural justification has been provided to demonstrate the works applied for would address the risk of wind throw.</p> <p>The crown reduction is somewhat unnecessary, however would resolve and give peace of mind if the works area allowed.</p> <p>Because of the minor nature of the works and to protect the remainder of the tree during the undertaking I suggest the following conditions are imposed on the works to ensure the tree does not get accidentally damaged, which could then impact on its amenity or health.</p>	Comments noted and if the application is approved the extra conditions can be imposed

7.3 Representations received from Interested Parties

7.3.1 No letters of representation for the application have been received.

8. **PROPOSED CONDITIONS**

- The works hereby permitted shall be carried out in accordance with the British Standard Recommendations for Tree Works (BS3998:2010).
REASON: To safeguard the health and appearance of the tree.
- The works hereby permitted shall be carried out within 2 years from the date of this permission.
REASON: To ensure that the works are carried out whilst they are still relevant to the condition of the tree.
- The works are undertaken in accordance with BS3998:2010 and undertaken from a mobile elevated platform.
REASON: To ensure smaller branches are not damaged or need to be removed due to accidental damage to facilitate the works, which could then result in the need for repair pruning which could impact on the trees shape, amenity and health.
- The works are undertaken using hand saws and secateurs, and no branch larger than 5cm in diameter being pruned.
REASON: Due to the small branches that will need to be pruned the use of hand tools and limiting the diameter of branches worked on, will ensure minimal cuts are undertaken to achieve the works, so as not to result in larch wounds not healing which could impact on the trees future health and longevity.

INFORMATIVE

- 1 The applicant is advised that it is an offence to disturb, kill or injure protected species and their associated breeding site/s and/or resting place/s under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2017. Should a protected species be found during the course of the works, the applicant should stop work and contact Natural England for further advice.