



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
10 APRIL 2024**

PRESENT

Chairperson	Councillor V J Bell
Vice-Chairperson	Councillor A Fittock
Councillors	M G Bassenger, D O Bown, A S Fluker, L J Haywood, W J Laybourn, M G Neall, R G Pratt and W Stamp, CC

705. CHAIRPERSON'S NOTICES

The Chairperson welcomed everyone to the meeting and went through some general housekeeping arrangements for the meeting.

706. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor U C G Siddall-Norman.

707. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the meeting of the Committee held on 14 February 2024 be received.

Minute No. 479 - any other items of business that the chairperson of the committee decides are urgent

Councillor A S Fluker proposed the wording of this Minute be amended to include additional context, specifically reference to Steve Wright, a Creeksea resident, being a Radio DJ who had previously attended this Committee and promoted Burnham-on-Crouch. This amendment was duly noted.

The Chairperson then moved that the Minutes be confirmed, subject to the above amendment and this was duly agreed.

RESOLVED

- (ii) that subject to the above amendment the Minutes of the meeting of the Committee held on 14 February 2024 be confirmed.

708. DISCLOSURE OF INTEREST

Councillor R G Pratt declared a pecuniary interest in agenda item 7. 24/00105/FUL - Town Steps, The Quay, Burnham-on-Crouch, Essex, due to him being the Chairman of the Charity Board which had been claiming ownership of the land on which the pontoon

would be placed. Councillor Pratt confirmed that he would leave the Chamber for that item and not return.

At this point of the meeting and with the permission of the Chairperson, Councillor W Stamp brought to the attention of the Committee that an individual had been telephoning some of the female Council Members. She wanted to reassure Members that the issue was being taken seriously and being dealt with by the Council.

Councillor W Stamp declared she had an interest in agenda item 5. 23/00925/FUL - Land Adjacent 39 Green Lane, Burnham-on-Crouch, and would leave the Chamber for this item.

The Chairperson declared that Members of the Committee had the required dispensation from the Monitoring Officer regarding agenda item 7. 24/00105/FUL - Town Steps, The Quay, Burnham-on-Crouch, Essex, due to this being a Council application.

At this point of the meeting and in accordance with her earlier declaration Councillor Stamp left the Chamber.

709. 23/00925/FUL - LAND ADJACENT 39 GREEN LANE, BURNHAM-ON-CROUCH

Application Number	23/00925/FUL
Location	Land Adjacent 39 Green Lane, Burnham-on-Crouch
Proposal	Erection of a four-bedroom detached chalet style dwelling.
Applicant	Mr S Latif
Agent	Mr David DeVries
Target Decision Date	17.04.2024
Case Officer	Hayley Sadler
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Departure from the local plan

Following the Officer's presentation, the Chairperson opened the floor for debate.

Councillor A S Fluker proposed that the application be approved in accordance with the Officer's recommendation and this was duly seconded. The Chairperson put the proposal of Councillor Fluker 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: LP1, PL.1, X01 Rev A, X02 Rev B, 05 Rev A.
- 3 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.
- 4 No development above slab level shall take place until details of all hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - a) means of boundary enclosure
 - b) hard surfacing materials

- c) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and
- d) implementation timetables.

All hard and soft landscape works shall be carried out in accordance with the approved details. Any plant material removed, dying or becoming seriously damaged or diseased within 5 years of planting shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

- 5 Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.
- 6 Prior to first occupation of the development, cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.

At this point of the meeting Councillor Stamp returned to the Chamber.

710. 23/01212/FULM - LAND SOUTH OF 97 SOUTH STREET, TILLINGHAM

Application Number	23/01212/FULM
Location	Land South of 97 South Street, Tillingham
Proposal	Residential development for 11 dwellings, formation of new vehicular and pedestrian access, associated open space, parking and landscaping
Applicant	Mr B Levy – Countryside Style Ltd
Agent	Mr Chris Wragg – Arcady Architects Ltd
Target Decision Date	03.05.2024
Case Officer	Devan Hearnah
Parish	TILLINGHAM
Reason for Referral to the Committee / Council	Departure from the local plan Major Application Member Call In by Councillors A S Fluker and M G Neall – Policies D1, D2, D3, E4 and S8

It was noted from the Members’ Update that since the publication of the agenda, a formal response from the Local Lead Flood Authority had been received.

Following the Officer’s presentation an objector Mr Williams and the Agent Mr Wragg addressed the Committee.

The Chairperson moved the Officer’s recommendation as set out in the report which was duly seconded.

A lengthy debate ensued during which some Members raised concerns regarding the Officers’ proposal and the following points were discussed:

- The application site was situated outside the defined settlement boundaries and was therefore contrary to Policy S8 of the Local Development Plan (LDP) (2017).
- The Council could currently demonstrate a Five Year Housing Land Supply (5YHLS) which met with the requirements of the National Planning Policy Framework (NPPF).
- The development would be detrimental to the character and openness of the Countryside in which Tillingham sits in.

- The site had not been identified by the Council for development to meet future needs for the District.
- Although the application would provide affordable housing due to the rural location and facilities available it was questioned whether this would be better suited in a location with better access to employment and facilities.

Councillor A Fittock outlined how he felt the application would conflict with the Council's core policies and then proposed that the application be refused, contrary to the Officer's recommendation, on the grounds that it was contrary to Policies S1, S2 and S8 of the LDP and that the benefit did not outweigh the harm. This proposal was duly seconded by Councillor M G Neall.

In accordance with Procedure Rule No. 13 (3) Councillor A S Fluker requested a recorded vote. This was duly seconded.

In response to queries raised by Members, the Team Manager - Development Control advised that there were several factors that Officers had given great weight to when coming to their recommendation of approval. These included the provision of affordable housing ensuring that the Council maintained its 5YHLS figure for the remainder of the plan and reference to recent appeal decisions for adjacent sites. The facilities of the village were also looked at and the range of facilities present would be able to sustain everyday need. In answer to a question, about approval creating a precedent, members were advised that each application is treated on its own merits and that to approve the application would not weaken the case for members in considering applications for sites elsewhere in the District.

The Chairperson put the Officers' recommendation of approval to the Committee and the voting was as follows:

For the recommendation:

Councillors A S Fluker, W J Laybourn and R G Pratt.

Against the recommendation:

Councillors M G Bassenger, D O Bown, A Fittock, L J Haywood, M G Neall and W Stamp.

Abstention:

Councillor V J Bell.

The Chairperson advised that the recommendation of approval was therefore not agreed.

The Chairperson then put Councillor Fittock's proposal to refuse the application to the Committee and upon a vote being taken this was agreed. It was agreed that reasons for refusal should refer to the departure from the Local Plan.

It was agreed that Councillor Neall would represent the Committee at appeal, if required.

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

- 1 The application site lies outside of the defined settlement boundaries where policies of restraint apply and the proposed development would be detrimental to the character and openness of the countryside. The Council can demonstrate a five-year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the

Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing and employment in the District. The development is therefore contrary to Policies S1, S2 and S8 of the Maldon District Local Development Plan (2017).

- 2 The proposed development would represent an unnecessary encroachment and visual intrusion into the countryside harmful to the setting and identity of Tillingham to the detriment of the rural character of the area. The development is therefore contrary to Policies S1, S2 and D1 of the Maldon District Local Development Plan (2017) and the National Planning Policy Framework.

At this point of the meeting and in accordance with his earlier declaration Councillor Pratt left the Chamber and did not return.

711. 24/00105/FUL - TOWN STEPS, THE QUAY, BURNHAM-ON-CROUCH, ESSEX

Application Number	24/00105/FUL
Location	Town Steps The Quay Burnham-on-Crouch Essex
Proposal	Construction and installation of a replacement town pontoon, which includes replacement floating pontoon, refurbishment and reinstallation of access walkway and associated works.
Applicant	Ms Katy Moore – Maldon District Council
Agent	Mr Alan Dempsey – Nex Architecture
Target Decision Date	10.04.2024
Case Officer	Juliet Kirkaldy
Parish	BURNHAM SOUTH
Reason for Referral to the Committee / Council	Council application

Following the Officer's presentation and with the permission of the Chairperson the Team Manager - Development Control read out a statement provided by the Council's Senior Project Manager acting as the Applicant for the application.

Before opening the debate, the Chairperson expressed her disappointment in the like for like replacement that was in front of the Committee for determination rather than what had been promised initially and the time that Members of the Committee and residents of Burnham-on-Crouch had waited for this development.

The Chairperson moved the Officer's recommendation of approval as set out in the report and this was duly seconded.

In response to a question regarding amending condition 1 so that work can be completed as soon as possible, Officers confirmed that the starting timeframe could be amended, however, there would need to be a sound planning reason for this.

Councillor W Stamp advised that if the development was not started by 2025 then the Council would lose the funding for the project.

Members felt that the proposed application needed to be completed as soon as possible due to the pontoon being of great importance to the local community and businesses as a tourist facility. It was agreed that if Members were minded to approve

the application condition 1 would be amended to ensure that work had begun before the expiration of one year from the date of the approval of the application.

The Chairperson put the Officer's recommendation of approval to the Committee, subject to the above amendment to condition 1 and this was agreed 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 one year from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with following approved plans and documents:
 - 117-Nex-00-XX-DR A – 102 REV P1 Pontoon Site Location Plan – existing
 - 117-Nex-00-XX-DR A – 103 REV P1 Pontoon Block Plan – existing
 - 117-Nex-00-XX-DR A – 251 REV P1 Pontoon Site Elevation – proposed
 - 117-Nex-00-XX-DR A – 252 REV P1 Pontoon Elevations – proposed
 - 117-Nex-00-XX-DR A – 120 REV P1 Pontoon Plan – existing
 - 117-Nex-00-XX-DR A – 121 REV P1 Detail Plan – existing
 - 117-Nex-00-XX-DR A – 230 REV P1 Pontoon Plan – proposed
 - 117-Nex-00-XX-DR A – 231 REV P1 Pontoon Detail Plan – proposed
3. The materials used in the construction of the development hereby approved shall be as stated within plans no. 117-Nex-00-XX-DR A – 251 REV P1, 117-Nex-00-XX-DR A – 252 REV P1, 117-Nex-00-XX-DR A – 230 REV P1, 117-Nex-00-XX-DR A – 231 REV P1 and shall be retained as such in perpetuity.
4. The public's rights and ease of passage over public footpath 11 (Burnham-on-Crouch) shall be maintained free and unobstructed at all times
5. Prior to commencement a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the local planning authority, in line with the Preliminary Ecological Appraisal (James Blake Associates, January 2024). The CEMP shall include the following:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

6. Prior to construction a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority, in line with the Preliminary Ecological Appraisal (James Blake Associates, January 2024). The content of the Biodiversity Enhancement Strategy shall include the following:
 - a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs or product descriptions 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 (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

- 7. The surface of the access way shall be finished in a non-slip material.

There being no other items of business the Chairperson closed the meeting at 8.43 pm.

V J BELL
CHAIRPERSON