



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
2 SEPTEMBER 2020**

PRESENT

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

1. CHAIRMAN'S NOTICES

The Chairman welcomed everyone to the remote meeting, held under new regulations which came into effect on 4 April 2020 in response to the COVID-19 pandemic. He took Members through some general housekeeping issues, together with the etiquette for the meeting and then asked Officers present to introduce themselves.

This was followed by a roll call of all Members present.

2. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor R P F Dewick.

3. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 5 August 2020 be approved and confirmed.

4. DISCLOSURE OF INTEREST

Councillor Mrs P A Channer, CC, disclosed a non-pecuniary interest in all items on the agenda as a member of Essex County Council, a consultee on highways, access, waste, education and all planning related matters. She further declared on Agenda Items 7 20/00459/FUL- Abaco House, Foxhall Road, Southminster, Essex and 8 20/00549/OUT – Land Adjacent to 64 Southminster Road, Tillingham, as she knew the agent.

Councillor A S Fluker declared in the interest of openness and transparency on Agenda Item 7 20/00459/FUL- Abaco House, Foxhall Road, Southminster, Essex, as he knew

the agent and Item 8 20/00549/OUT – Land Adjacent to 64 Southminster Road, Tillingham, as he knew both the applicant and the agent. Following an enquiry from Councillor Bassenger he clarified that both were non- pecuniary declarations.

5. 20/00411/FUL - LAND SOUTH OF RED LYONS LODGE, BURNHAM ROAD, LATCHINGDON, ESSEX

Application Number	20/00411/FUL
Location	Land South Of Red Lyons Lodge, Burnham Road, Latchingdon Essex
Proposal	New dwelling with cart lodge garage
Applicant	Mr Baldock
Agent	Mr Sebastian Walsh - Hibbs And Walsh Associates Ltd
Target Decision Date	EOT 07.08.2020
Case Officer	Annie Keen
Parish	LATCHINGDON
Reason for Referral to the Committee / Council	Departure from Local Plan

A Members’ Update was submitted detailing an additional letter of support.

Following the Officer’s presentation, the Chairman moved the recommendation that planning application 20/00411/FUL, Land South of Red Lyons Lodge, Burnham Road, Latchingdon be approved subject to the conditions as detailed in Section 8 of the report. This was seconded by Councillor Boyce.

Both Ward Members agreed that this was a previously agreed site with no valid planning reasons to refuse.

Councillor Channer expressed grave concerns regarding the previous approval in 2016 approved under the old Local Development Plan (LDP) requiring no Unilateral Agreement in relation to the Essex Coast RAMS. She felt it contravened the adopted LDP, there had been no technical start therefore previous approval had expired and should now be treated as a new application.

The Lead Specialist Place, noting that to a certain extent this was correct, reminded the Committee that each application had to be considered on its own merits. In this instance the planning permission was granted in 2016 therefore the principle had been established and accepted. Officers considered that the previous decision of approval was substantial and should be a material consideration in this application. Furthermore, the decision to grant planning permission now would cause no additional harm than when last granted in 2016 when it was found to be acceptable by the Inspector.

There being no further discussion the Chairman put the Officer’s recommendation of approval to the Committee. Upon a vote being taken and there being an equality of votes the Chairman exercised his casting vote and the application was approved.

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.

REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).

- 2 The development shall be carried out in accordance with the following approved plans and documents: 20/26/01, 20/26/02 Rev A, 20/26/03 Rev C, 20/26/04 Rev A, 20/26/05 Rev A, 20/26/06 Rev A, 20/26/07, 20/26/08, 20/26/09.

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

- 3 No development works above ground level shall take place until written details or annotated high-quality photographs of samples of all materials to be used in the construction of the external surfaces of 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.

REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

- 4 Within the first available planting season (October to March inclusive) following the commencement of the development a hedgerow shall be planted and maintained along the boundaries of the access to the site and along the east and south eastern boundaries of the site. Unless otherwise first agreed in writing with the local planning authority the hedgerow shall be of the following specification:

- Field Hedge - A mixed indigenous hedgerow to be made up of at least 80% Hawthorn (*Crataegus monogyna*), with the remaining a mixture of other locally indigenous species such as holly, hazel, blackthorn, or elder, and incorporating within the hedgerow trees of a species chosen from the following - Oak (*Quercus robur*), Ash (*Fraxinus excelsior*),

Field Maple (*Acer campestre*). - The hedgerow plants shall be planted as a double staggered row, with rows 300mm apart and plants spaced at 450mm centres along each row.

- The plants shall be planted into ground previously cleared of all weed growth and mulched with a fabric/polythene sheet mulch and/or organic mulch.
- Shrub guards should be used to protect the plants. If within five years of the planting of the hedge any plant is removed, uprooted, destroyed or dies another plant of the same species and size shall be planted in the first available planting season, unless the local planning authority gives written consent to any variation.

REASON: To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

- 6 The cartlodge garage/studio hereby permitted shall only be used for those purposes ancillary and incidental to the use of the dwelling house to which it relates and not for any commercial or business purpose or as annex accommodation. The stables hereby to be retained shall be used solely for the private stabling of horses and no business or commercial use including for the purposes of livery or any riding school activity shall take place at the site.

REASON: To ensure the outbuildings are used for their specific and justified purpose in the interests of site's location within the rural countryside in accordance with policies S8 and D1 of the Local Development Plan.

- 7 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the local planning authority.

REASON: To protect the character and appearance of the rural countryside from any significant outbuilding development within the site in accordance with policies S8 and D1 of the Local Development Plan.

- 8 There shall be no raising of ground levels within the site and no development works above ground level shall occur before details of the ground floor slab level have been submitted to and approved by the local planning authority and the scheme shall be implemented in accordance with the details so approved.

REASON: To ensure that the visual impact of the development in its wider setting is respected in accordance with policies S8 and D1 of the Local Development Plan.

- 9 No development works above ground level shall take place until full details of hard landscape works to be carried out have been submitted to and approved in writing by the local planning authority. These details shall include the layout of the hard-landscaped areas with the colour materials and finishes to be used and the proposed method(s) of surface water drainage. The hard landscape works shall be carried out as approved prior to the first occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority.

REASON: To ensure the appearance of appropriate hardstanding within the rural area and appropriate methods of releasing surface water through permeable surfaces across the site in accordance with policies S8 and D1 of the Maldon District Local Development Plan.

- 10 Full details of the provision and subsequent retention of soft landscape works on the site shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include:

- 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.
- 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support.
- 3) Details of the aftercare and maintenance programme.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise agreed in writing by the local planning authority. If within a period of five years from the

date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

REASON: To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

- 11 No development works above ground level shall commence until details of the foul and surface water drainage schemes to serve the development have been submitted to and agreed in writing by the local planning authority. The agreed schemes shall be implemented prior to the first occupation of the development.

REASON: To ensure that no flood risk is presented to the occupiers of adjacent land and to prevent potential pollution in accordance with policy D5 of the Maldon District Local Development Plan.

- 12 Prior to works above ground level the mobile home and all resulting materials are to be removed from the site.

REASON: In the interest of the character and appearance of the area in accordance with policies D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

6. 20/00452/FUL - MILLFIELDS CARAVAN PARK, MILLFIELDS, BURNHAM-ON-CROUCH

Application Number	20/00452/FUL
Location	Millfields Caravan Park, Millfields, Burnham-on-Crouch
Proposal	Removal of condition 6 (wintering bird period) on approved planning permission 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)
Applicant	Birch's Leisure Parks Ltd
Agent	Mr Philip Kratz – GSC Solicitors LLP
Target Decision Date	09.09.2020
Case Officer	Devan Hearnah
Parish	BURNHAM SOUTH
Reason for Referral to the Committee / Council	Council owned land

A Members' Update was submitted that detailed a letter of objection.

Following the Officer's presentation, the Chairman moved the recommendation that planning application 20/00452/FUL, Millfields Caravan Park, Millfields, Burnham-on-Crouch be approved subject to the conditions as detailed in Section 8 of the report. This was seconded by Councillor Bell.

A brief discussion ensued around the ecology of Burnham-on-Crouch, the need to protect both over wintering birds and spring and summer nesting birds together with concerns that the application site had not been visited by the Royal Society for the Protection of Birds (RSPB). However, it was noted that the Conservation Officer had offered no objections to the application.

There being no further discussion the Chairman put the Officer's recommendation of approval to the Committee. Upon a vote being taken the application was approved.

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 13 September 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; 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 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 Neighbourhood 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) approved under planning permission 18/00381/FUL. 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 Neighborhood Plan and the guidance contained within the National Planning Policy Framework.
- 6 The development shall be carried out in accordance with the foul drainage scheme approved under the terms of 20/05056/DET. The scheme shall be implemented 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).

7 In accordance with the detail contained within The Phase 2 Environmental Investigation Report (13 March 2020), discharged under the terms of 20/05056/DET, 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).

8 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).

9 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).

- 10 The Construction Method Statement approved under the terms of application 20/05056/DET shall be adhered to throughout the construction period.

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 BE1 and T2 of the adopted Replacement Local Plan, and policies D1 and T2 of the submitted Local Development Plan.

- 11 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.

7. **20/00459/FUL - ABACO HOUSE, FOXHALL ROAD, SOUTHMINSTER, ESSEX**

Application Number	20/00459/FUL
Location	Abaco House, Foxhall Road, Southminster, Essex
Proposal	Change of use of land from agriculture to B8 storage and distribution and construction of storage building
Applicant	Mr Peter Herrington
Agent	Mr Anthony Cussen - Cussen Construction Consultants
Target Decision Date	08.09.2020
Case Officer	Annie Keen
Parish	SOUTHMINSTER

Reason for Referral to the Committee / Council	Departure from Local Plan Member Call In – Councillor A S Fluker Reason – Policies S1, E1 and E4
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Following the Officer’s presentation, the Chairman moved the Officer’s recommendation that planning application 20/00459/FUL, Abaco House, Foxhall Road, Southminster, Essex be refused for the reasons as detailed in Section 8 of the report. This was seconded by Councillor Channer.

Councillor Fluker, a Ward Member, opened the discussion by saying that the Parish Council supported the application and he knew the site well which was surrounded by commercial buildings. He pointed out that the area had been used for industrial purposes for some time and under Policies E1 and E4 converting agriculture to commercial, where applicable, would regenerate, regularise, modernise and expand an existing employment site. He proposed that the application be approved contrary to the Officer’s recommendation and to support local business. Councillor Beale, a Ward Member, said he would support this view as the site was not large enough for agriculture therefore better served for industrial purposes.

Councillor Channer disagreed as she felt there was no evidence to determine what the planned use was and that however small the piece of land it should be retained as agricultural. She noted that Environmental Health had concerns regarding noise issues resulting in loss of residential amenity which was a serious issue.

The Lead Specialist Place addressing a number of points raised clarified that this was not an expansion of an existing site therefore Policy E4 was not entirely relevant. There was no loss of employment as the use of the site hadn’t commenced. He said that there was no evidence in the application of planned use and that as the decision-makers, whilst statutory consultees were an integral part of the process, the Committee must ensure that decisions were based on policies and caselaw. He reminded members of the demonstrable harm incurred by noise nuisance.

The Lead Specialist Development Management said that this area demonstrated an encroachment by employment sites into the countryside. There was a need to have regard to planning history, the lawful use of sites and protecting those sites.

The Chairman then put the Officer’s recommendation of refusal to the Committee. Upon a vote being taken and there being an equality of votes the Chairman exercised his casting vote and the Officer’s recommendation was lost.

The Chairman then reverted to Councillor Fluker’s proposal to approve the application contrary to the Officer’s recommendation for the reasons that given its location it would not cause demonstrable harm to the character and appearance of the site and it was not contrary to policies S1, S8, D1 and E1 of the Design Guide.

The Lead Specialist Place advised that should Members be minded to approve the application that conditions be delegated to Officers (including Environmental Health) in consultation with the Chairman.

The Chairman put the proposal to approve the application contrary to the Officer’s recommendation to the Committee. Upon a vote being taken and there being an equality of votes the Chairman exercised his casting vote and the application was approved.

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

8. 20/00549/OUT - LAND ADJACENT TO 64 SOUTHMINSTER ROAD, TILLINGHAM

Application Number	20/00549/OUT
Location	Land Adjacent to 64 Southminster Road, Tillingham
Proposal	Outline application with all matters reserved for a proposed construction of a detached 3 bedroom bungalow.
Applicant	Mr Richard Embling
Agent	Mr Anthony Cussen – Cussen Construction Consultants
Target Decision Date	4.09.2020
Case Officer	Louise Staplehurst
Parish	TILLINGHAM
Reason for Referral to the Committee / Council	Member Call In by Councillor A S Fluker Reason: In relation to policies D1, S1, H2, H4 and S8

Following the Officer's presentation, the Chairman moved the recommendation that planning application 20/00549/OUT, Land Adjacent to 64 Southminster Road, Tillingham be refused for the reasons as detailed in Section 8 of the Officer's report. This was seconded by Councillor Boyce.

Councillor Fluker opened the discussion by saying that the Parish Council had no objections, no other letters of objection had been received, the intrinsic character of the countryside was not adversely impacted, and it was in a sustainable location supported by local services.

Councillor Stamp supported the Officer's recommendation and warned of establishing a dangerous precedent by not heeding the advice of professional Planning Officers who had fought long and hard to impede over development in the Tillingham area.

The Lead Specialist Place, taking into consideration other comments regarding Parish Council support, reminded Members that the Committee as the decision-maker could not delegate to parishes. Planning caselaw and legislation had regard to policies and this site contravened those policies. The site was not sustainable, outside the development area with no adequate street lighting and not close to facilities. The key material consideration here was Planning History, and this had been refused on two previous occasions. He said this would set a very dangerous precedent for future applicants as how can these types of developments be stopped if the first of its kind is accepted.

Councillor Stamp echoed these sentiments and said she supported the Officer's recommendation of refusal.

The Chairman put the Officer's recommendation of refusal to the Committee and upon a vote being taken it was duly refused.

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

- 1 The application site lies outside of the defined settlement boundary of Tillingham where policies of restraint apply. 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 in the district. The proposal would therefore, represent the unjustified encroachment of built form onto undeveloped land, with associated visual impacts. Furthermore, the proposed development, by reason of the unavoidable implications of the siting of the development, would result in a development being proposed that is further north of the existing building line and out of keeping with the prevailing pattern of development in the area, to the detriment of the visual amenity of the site, the streetscene and the wider surrounding area. The proposal is therefore contrary to policies S1, S2, S8, D1 and H4 of the Local Development Plan and core planning principles and guidance contained in the National Planning Policy Framework.

- 2 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the impacts of the development on the European designated nature conservation sites, the development would have an adverse impact on those European designated nature conservation sites, contrary to Policies S1, and I1 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

9. 20/00552/FUL - 1 STONES PARK, STONEY HILLS, BURNHAM-ON-CROUCH

Application Number	20/00552/FUL
Location	1 Stones Park, Stoney Hills, Burnham-On-Crouch
Proposal	S73A application for alterations to rear elevation of plot 1 and 2 for planning permission ful/mal/16/00408 including hip to gable on plot 1 and window to bedroom and second storey extension to plot 2. Change of roof on garages from hip to gable and internal layouts generally.
Applicant	Mr Darren Daniel - Cosy New Homes
Agent	Mr Neil Cooper – Signature Group TM Ltd
Target Decision Date	20.08.2020
Case Officer	Louise Staplehurst
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Departure from Local Plan 2017

A Members' Update was submitted that detailed representation from Burnham Town Council and a further letter of objection.

Following the Officer's presentation, the Chairman addressed a public participation submission from the Agent, Neil Cooper. He then moved the Officer's recommendation that planning application 20/00552/FUL, 1 Stones Park, Stoney Hills, Burnham-on-Crouch be approved subject to the conditions set out in the report at Section 8. This was seconded by Councillor Boyce.

The Lead Specialist Place in response to a question about lawful development and planning permission, advised that the previous application 16/00408/FUL was allowed on appeal in May 2017 which was prior to the LDP being adopted, however it was not considered that the main policies within the emerging LDP and adopted LDP had materially altered in a way that would mean the proposed development should be viewed differently. Furthermore, it should be noted that the Inspector for application 16/00408/FUL considered that the development did comply with policy D1 of the LDP in terms of its impact on the character of the area. In addition, having regard to the development being undertaken within the Stoney Hills area, and given that the principle of erecting two dwellings on the site had been established, it was considered unreasonable for the application to be recommended for refusal on principle.

There being no further discussion the Chairman put the Officer's recommendation to approve the application to the Committee. Upon a vote being taken the application was approved.

It was noted that Councillor Fluker had experienced some technical difficulties and in accordance with Section 4, paragraph 4.7 of the Remote Meeting Protocol (May 2020) did not vote on this item of business.

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: SK03012015.1, PLOT 1 SK/170117/.1, PLOT 1 SK/170116/.1, PLOT 1 Sk/170116/.2, Surface Water Strategy Report, Specification of materials on plot 1 and 2, Plot 1 SK/170116/.2 Landscaping
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 2 The external surfaces of the buildings hereby approved shall be constructed of the materials specified on plan 'Plot 1 – SK/170116/.2 Block Plan and the Specification of materials on plot 1 and 2, and shall be retained as such thereafter.
REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
- 3 The boundary treatments shall be carried out in accordance with drawing Plot 1 – SK/170116/.2 Block Plan and shall be retained as such thereafter.
REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
- 4 The hard landscaping shall be carried out in accordance with plan Plot 1 SK/170116/.2 Landscaping and shall be retained as such thereafter.
REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

- 5 The soft landscaping shall be carried out in accordance with plan Plot 1 SK/170116/.2 Landscaping and retained as such. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place.
REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
- 6 The surface water drainage shall be as set out on within the Surface Water Strategy Report and shall be retained as such thereafter.
REASON: To ensure that adequate provision is made for surface water drainage in accordance with policies D1 and D5 of the Local Development Plan and guidance contained within the National Planning Policy Framework.
- 7 The foul drainage at the site shall be connected to the mains sewer and set out in accordance with the details shown on plans Plot 1 SK/170116/.1 – Plot 1 Proposed floor plans and elevations, and Plot 1 SK/170117/.1 – Plot 2 proposed floor plans and elevations, and shall be retained as such thereafter.
REASON: To ensure that adequate provision is made for foul drainage in accordance with policies D1 and D5 of the Local Development Plan and guidance contained within the National Planning Policy Framework.
- 8 The parking areas and means of access thereto as shown on the approved plan Plot 1 – SK/170116/.2 Block Plan which is attached to and forms part of this permission shall be constructed, surfaced, laid out and made available for use in accordance with the approved scheme prior to the occupation of any dwelling and retained for such purposes thereafter.
REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policies D1 and T2 of the Local Development Plan and guidance contained within the National Planning Policy Framework.
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other amending, revoking or re-enacting that Order) and Section 55 of the Town and Country Planning Act 1990, or as may be subsequently amended or re-enacted, the garages for each dwelling hereby permitted shall be used only for the parking of vehicles and storage of domestic items incidental to the enjoyment of the associated dwelling and for no other commercial, business or domestic use.
REASON: To ensure that the garage remains incidental to the occupancy of the dwelling and to prevent the formation of an independent residential unit in accordance with policies S1, S8, H4 and D1 of the Maldon District Local Development plan and the guidance in the National Planning Policy Framework.
- 10 Prior to the first occupation of the building hereby permitted, the first-floor windows in the southern and northern flank elevations on the dwelling on plot 1 and on the northern flank elevation on the dwelling on plot 2, shall be glazed with opaque glass and of a non- openable design with the exception of a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.
REASON: In the interests of neighbouring amenity in accordance with policy D1 of the Local Development Plan and guidance contained within the National Planning Policy Framework.

10. **20/00577/FUL- LAND ADJACENT 20 CHAPEL LANE, TILLINGHAM**

Application Number	20/00577/FUL
Location	Land Adjacent 20 Chapel Lane, Tillingham
Proposal	Two new dwellings and associated works.
Applicant	Mr Mike Otter – GPO Designs Ltd
Agent	N/A
Target Decision Date	04.09.2020
Case Officer	Louise Staplehurst
Parish	TILLINGHAM
Reason for Referral to the Committee / Council	Member Call In by Councillor A S Fluker Reason: policies D1, D3, H4- Backland and Infill Development

A Members' Update was submitted that detailed the submission of a signed Unilateral Agreement, comments from consultees and a further letter of objection.

Following the Officer's presentation, the Chairman addressed two public participation submissions, the first from Objectors Janet and David Beard and the second from the Agent, Mike Otter.

The Chairman then moved the Officer's recommendation that planning application 20/00577/FUL, Land Adjacent 20 Chapel Lane, Tillingham be to approved subject to a signed Unilateral Undertaking to confirm that the developer will contribute to Essex Coast RAMS and the conditions (as detailed in Section 9 of the report). This was seconded by Councillor Stamp.

Councillor Fluker opened the discussion by acknowledging the hard work of the agent. However, he said that this was not supported by the parish council and given this was a conservation area could create a dangerous precedent allowing pairs of semi-detached houses in this type of streetscene. He proposed that the application be refused under Policy D1 as it did not enhance the character of the local context or make a valuable contribution in terms of architectural style. This was supported by Councillor Skeens.

It was noted that Councillors Bell and Boyce had left the meeting.

The Chairman then put the Officer's recommendation of approval to the Committee. Upon a vote being taken this was lost.

Councillor Hull had experienced some technical difficulties during the discussion and in accordance with Section 4, paragraph 4.7 of the Remote Meeting Protocol (May 2020) did not vote on this item of business.

The Chairman then put Councillor Fluker's proposal to refuse the application for the reasons previously outlined to the Committee. Upon a vote being taken it was refused.

RESOLVED that the application be **REFUSED** for the reasons as previously outlined.

There being no further items of business the Chairman closed the meeting at 3.23 pm.

M W HELM
CHAIRMAN