



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
6 APRIL 2022**

PRESENT

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

612. CHAIRMAN'S NOTICES

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

613. APOLOGIES FOR ABSENCE

There were none.

614. MINUTES OF THE LAST MEETING

RESOLVED by assent that the Minutes of the meeting of the Committee held on 9 March 2022 be approved and confirmed.

Members expressed concern regarding the outstanding update on the previously deferred item from the December committee, namely application 21/00745/VAR – Land Rear of Red Lyons Farm, Burnham Road, Latchingdon, Essex. It was noted that officers were working on this and it would be circulated in due course.

Issues around enforcement were also raised and Members agreed that a meeting be co-ordinated with Planning as soon as possible. It was further agreed that the Council resolution on the enforcement process be circulated to the Committee.

615. DISCLOSURE OF INTEREST

It was noted that all members were acquainted with the applicant on Agenda Item 6. 21/01240/VAR - Paton Place, Nipsells Chase, Mayland, Essex, CM3 6EJ

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

616. 21/01160/VAR - WOODPECKERS, 15 MANGAPP CHASE, BURNHAM-ON-CROUCH, CM0 8QQ

Application Number	21/01160/VAR
Location	Woodpeckers, 15 Mangapp Chase, Burnham-On-Crouch, CM0 8QQ
Proposal	Variation of condition 2 on approved planning permission 20/01288/FUL (Demolition of existing outbuildings and erection of 5 no. dwellings)
Applicant	Mr D Daniel
Agent	David James - Enhance Planning
Target Decision Date	14.01.2022 EOT requested
Case Officer	Hannah Bowles
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Not Delegated to Officers – Requires a Section 106 agreement to secure the payment of monies to the Council Major Application

Following the Officer's presentation, the Chairman opened the debate.

A brief discussion ensued where Members commented on the change of scheme from a bungalow to a two-storey dwelling. In response to a query regarding changes to layout the Lead Specialist: Development Management confirmed that layout changes had taken place, however, he advised the Committee that the change of scheme did not alter the conditions. Councillor A S Fluker proposed that the application be approved in accordance with the officer's recommendation, and this was seconded by Councillor Helm.

Councillor Boyce expressed a wish that the commuted sums under the Section 106 agreement be ring-fenced for development in Burnham-on-Crouch and the Lead Specialist: Development Management advised that a case could be made for allocation as appropriate. The Committee then requested that a report on S106 allocations and where they had originated from be circulated to all members outside of the meeting. In addition, Councillor Channer, referring to Councillor Boyce's earlier request on ring-fencing, asked that legal advice be sought to determine if a clause could be inserted in the Section 106 agreement to that effect.

At this point both Councillor R G Boyce and Councillor Mrs P A Channer declared a non-pecuniary interest as trustees of an Almshouse charity.

There being no further discussion the Chairman put Councillor Fluker's proposal to approve the application in accordance with the Officer's recommendation to the Committee and it was agreed. It was noted that Councillor N Skeens did not support the application.

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

1. The development hereby permitted shall be begun before the 2nd July 2024.
2. The development hereby permitted shall be carried out and retained in accordance with the following approved plans and documents:
 - 18/36/01
 - 18/36/02
 - 18/36/09
 - SK.2113.2A
 - SK.2113.1

- SK.2113.3
 - SK.2113.4
 - 18/36/08
3. Prior to their use in the development hereby permitted, full written details and photographs of the external materials used in the development hereby approved shall be submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the details as approved.
 4. No development shall commence until information has been submitted and approved in writing by the local planning authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:
 - Tree survey detailing works required
 - Trees to be retained
 - Tree retention protection plan
 - Tree constraints plan
 - Arboricultural implication assessment
 - Arboricultural method statement (including drainage service runs and construction of hard surfaces)

The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the local planning authority. The tree protection measures shall be carried out in accordance with the approved detail.

5. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period.

The Plan shall provide for:

- a) the parking of vehicles of site operatives and visitors
- b) loading and unloading of plant and materials
- c) storage of plant and materials used in constructing the development
- d) wheel and underbody washing facilities

The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:

- 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.

If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors, Environmental Health at Maldon District Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974.

Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.

Where any soils that are known to be contaminated are being excavated or exposed, a site waste plan must be prepared in order to store, treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter.

Where there is requirement for dewatering the site, the relevant consent must be sought from the Environment Agency.

Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained from Essex County Council.

6. The development shall be undertaken in accordance with the terms and specifications contained within the Ecology Report (MH1187 V1 dated 03.12.2020) which is attached to and forms part of this permission.
7. Full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include, for example:
 - i. Proposes finished levels contours;
 - ii. Means of enclosure;
 - iii. Car parking layouts;
 - iv. Other vehicle and pedestrian access and circulation areas;
 - v. Hard surfacing materials;
 - vi. Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting);
 - vii. Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc, indicating lines, manholes, supports);
 - viii. Retained historic landscape features and proposals for restoration, where relevant.

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

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

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

8. No works above ground level shall take place until details of the siting, height, design, and materials of the treatment of all boundaries including existing hedging, gates, fences, walls, railings, and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the first occupation of the development to which it relates and be retained as such thereafter.
9. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking, or re-enacting that Order) no garages, extensions or separate buildings (other than incidental outbuildings not exceeding 10 cubic m in volume) shall be erected within the site without planning permission having been obtained from the local planning authority.
10. No works above ground level shall take place until details of the foul drainage scheme to serve the development has been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.
11. No development 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 local planning authority. 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.

The applicant 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 local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

Prior to first occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed in writing, by the local planning authority.

12. No dwelling hereby approved shall be occupied until the car parking spaces have been laid out for each plot and sufficient space for vehicles to turn so that they may enter and leave the site in forward gear has been provided, in accordance with drawing no SK.2113.4 Proposed Site Plan, and that space shall thereafter be kept available for such purposes in perpetuity.
13. No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title, has submitted an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site. Such archaeological assessment shall be approved by the local planning authority and will inform the implementation of a programme of archaeological work. The development shall be carried out in a manner that accommodates such approved programme of archaeological work.
14. No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title, has secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.
15. Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation, and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one-day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.
16. Notwithstanding the details on the planning drawing No. SK.2113.4 prior to first occupation of the development, the shared vehicle access shall be constructed at right angles to the highway boundary and to the existing carriageway. The

- width of the access at its junction with the highway shall be narrowed to no more than 6m wide for the first 6m within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge to the specifications of the Highway Authority.
17. Prior to first occupation of the development, and as shown in principle on planning drawing No. SK.2113.4 the vehicular access for the single dwelling shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 4.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.
 18. Prior to occupation of the development, each access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4m by 4 m in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access road is first used by vehicular traffic and retained free of any obstruction at all times.
 19. No unbound material shall be used in the surface treatment of the vehicular access within 6m of the highway boundary.
 20. There shall be no discharge of surface water onto the Highway.

617. 21/01240/VAR - PATON PLACE, NIPSELLS CHASE, MAYLAND, ESSEX, CM3 6EJ

Application Number	21/01240/VAR
Location	Paton Place, Nipsells Chase, Mayland, Essex, CM3 6EJ
Proposal	Variation on condition 2 and removal of condition 8 on approved planning application 21/00628/FUL (Proposed construction of a single storey self build live/work dwelling)
Applicant	Mr & Mrs Kenny Paton
Target Decision Date	15/02/2022
Case Officer	Nicola Ward
Parish	MAYLAND
Reason for Referral to the Committee / Council	Councillor / Member of Staff

Following the Officer's presentation and there being no debate on the application, the Chairman put the Officer's recommendation of approval 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 three years from the 15 October 2021.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 1056/03 Rev B, 1056/04A, 1056/05, 1056/06A, 1056/07A, Arboricultural Method Statement 27 September 2021.
- 3 Prior to their use in the development hereby approved, written details and photographs of the materials to be used shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details as approved.
- 4 Full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include, for example:
 - i. Proposes finished levels contours;

- ii. Means of enclosure;
- iii. Car parking layouts;
- iv. Other vehicle and pedestrian access and circulation areas;
- v. Hard surfacing materials;
- vi. Minor artefacts and structures (e.g furniture, refuse or other storage units, lighting);
- vii. Proposed and existing functional services above and below ground (e.g drainage power, communications cables, pipelines etc, indicating lines, manholes, supports);
- viii. Soft landscaping - Details of proposed schedules of species of trees and shrubs to be planted and planting layouts.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

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

- 5 No works above ground level shall take place until details of the siting, height, design and materials of the treatment of all boundaries including existing hedging, gates, fences, walls, railings and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the first occupation of the development to which it relates and be retained as such thereafter.
- 6 Prior to occupation of the development, details of cycle parking shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the occupation of the development.
- 7 Prior to the first occupation of the development hereby approved, two parking spaces measuring 2.9m wide and 5.5m deep shall be provided at the site as well as a suitable 6m turning area. Furthermore, a fast-charging point shall be provided adjacent to at least one parking space. These spaces shall remain available for the parking of cars in perpetuity.
- 8 No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:
 - i. The development should be able to manage water on site for 1 in 100-year events plus 40% climate change allowance.
 - ii. Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1-year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield

rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield).

You are advised that in order to satisfy the soakaway condition the following details will be required: - details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

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

10 The public's rights and ease of passage over public footpath No.17 (Mayland) shall be maintained free and unobstructed at all times.

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

12 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than incidental outbuildings not exceeding 10 cubic m in volume) shall be erected within the site without planning permission having been obtained from the local planning authority.

13 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 building hereby permitted without planning permission having been obtained from the local planning authority.

14 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Extended Phase 1 Ecological Habitat Survey Report (Hone Ecology, July 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

15 Prior to works above ground level, a Biodiversity Enhancement Strategy for Protected and Priority species 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 (where relevant).

- The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.
- 16 Prior to the installation of any external lighting, 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 (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

- 17 All tree works, including tree protection shall be carried out in accordance with the Arboricultural Method Statement dated 27 September 2021, including the identified schedule of supervision visits to ensure protection measures are in place and are being maintained and adhered to.

618. 22/00224/HOUSE - POND HOUSE, SCOTTS HILL, SOUTHMINSTER, CM0 7BE

Application Number	22/00224/HOUSE
Location	Pond House, Scotts Hill, Southminster, CM0 7BE
Proposal	Demolition of existing side extension, construction of new single storey side extension, part single and part two storey rear extension, construction of raised terrace and alterations to fenestration.
Applicant	Mr S Bell
Agent	Miss Andrea Savill – Athena Architectural Services
Target Decision Date	03 April 2022
Case Officer	Hannah Dungate
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Member Call In Councillor A S Fluker has called in the application for the following policy reasons: Policy D1 Councillor M G Bassenger has called in the application for the following policy reasons: Scale and Bulk – Policies S1 / H4

Following the Officer's presentation, the Applicant, Mr Steven Bell, addressed the Committee. It was requested that given the content of Mr Bell's statement a transcript be submitted to the Director of Service Delivery for action. The Chairman then opened the debate.

A brief discussion ensued where the consensus was that this application be supported. Councillor Fluker proposed that the application be approved contrary to the Officer's recommendation for the reasons that it satisfied policy D1, the alterations visually appeared subservient and that given the remote location there was no negative impact on amenity. This was seconded by Councillor Channer.

The Chairman put Councillor Fluker's proposal to approve the application, subject to standard conditions delegated to Officers in consultation with the Chairman, to the Committee and it was agreed by assent.

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

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

The Chairman updated the Committee on progress regarding the return to Burnham-on-Crouch Town Council Offices as the meeting venue. She advised that discussions were underway with the Council's IT department and the IT supplier for Burnham-on-Crouch Town Council Offices.

Members then reiterated the need for an enforcement meeting between Officers and Members. The Chairman concluded by thanking all in attendance for their contributions.

The meeting closed at 8.35 pm.

V J BELL
CHAIRMAN

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