



**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 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 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

<p>Reason for Referral to the Committee / Council</p>	<p>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)</p>
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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