



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
20 JULY 2022**

PRESENT

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

175. CHAIRMAN'S NOTICES

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

176. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors V J Bell, M W Helm and N J Skeens.

177. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 19 May 2022 be approved and confirmed.

178. DISCLOSURE OF INTEREST

Councillor W Stamp declared a non-pecuniary interest as a Member of Essex County Council who were statutory consultees.

179. 22/00075/VAR - MILLFIELDS CARAVAN PARK, MILLFIELDS, BURNHAM-ON-CROUCH, ESSEX

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

Following the Officers' presentation the Agent, Mr Hancock addressed the Committee.

During the debate that ensued Members were reminded by Officers that the application sought an alteration to conditions, with the principle of development having been approved it could not be judged against any other criteria.

Councillor A S Fluker proposed that the Officers' recommendation be approved. This was duly seconded.

In response to questions raised Officers advised that:

- there were no horse riding routes or bridleways on the site.
- the approved layout plans detailed the maximum size and dimensions of the caravans on the site;
- condition 3 would ensure that no-one permanently lived on site following assessment of the flood risk and other factors as part of the previous related decision on this site.

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

The Chairman put the proposal of approval to the Committee and the voting was as follows:

For the recommendation:

Councillors B S Beale, R G Boyce, Mrs P A Channer and A S Fluker

Against the recommendation:

Councillors M G Bassenger and W Stamp.

Abstention:

Councillors R P F Dewick and A L Hull.

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

- 1 The development hereby permitted shall be begun before the expiration of permission 18/00381/FUL, dated 13.09.2019.
- 2 The development hereby permitted shall be carried out in complete accordance with approved drawings: ATS/537/03; 10955-0020-002; 10955-0001-007 (Dated January 2022); RCEF64080-SK002 REV B and RCEF64080-SK003 REV A.
- 3 The development hereby permitted shall only be used ancillary to the caravan park proposed as shown on approved drawing 10955-0001-007 (Dated January 2022) and for no other purpose, including any type of residential accommodation, at any time.
- 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.
- 5 The use of the site hereby permitted shall be implemented in accordance with the Flood Warning and Evacuation Plan (dated 19.02.2019) submitted with this application. The Plan shall be made available to all users of the site at all times throughout the lifetime of this permission.
- 6 No development shall be constructed during the wintering bird period between October – March inclusive.
- 7 The foul drainage scheme to serve the development shall be implemented in accordance with the details approved under the terms of application 20/05056/DET prior to the first occupation of the development.
- 8 The development shall be implemented in accordance with the Phase 2 Environmental Investigation Report (March 2020) details approved under the terms of application 20/05056/DET prior to the first occupation of the development.
- 9 Where identified as necessary in accordance with the requirements of condition 8, no development shall commence, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The

development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

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

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

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

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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

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

180. TPO 3/22 - CAP AND FEATHERS INN, SOUTH STREET, TILLINGHAM, CM0 7TJ

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

Councillor A S Fluker raised a point of order referring to Procedure Rule 21 (Suspension of Standing Orders) and asked that the applicant be allowed to address the Committee if he so wished.

In response, the Lead Specialist: Development Management provided an overview of the application and the recommendation from Officers. Clarification was also provided at this time in relation to the Council's Public Speaking Protocol.

Councillor Fluker proposed that Standing Orders be suspended, and the applicant be allowed to speak. This was duly seconded.

Following further discussion the Chairman moved the proposal to suspend Standing Order. Upon a vote being taken this was duly agreed.

Following the Officers' presentation Mr Cole, the applicant addressed the Committee. Members were reminded that they had to focus on the trees which were the subject of this applicant and anything outside of this was a personal opinion.

During the debate that followed concern about approving the proposed TPO was raised this included the height of the trees, existing life of the trees and effect on neighbours from debris etc. It was also noted that the trees were within a Conservation Area. The Officer highlighted that assessments had not shown that the arguments for the works had been justified and reminded Members of the need for consistency.

Councillor Fluker proposed that the TPO not be confirmed on the grounds that the trees were afforded enough protection by being in a Conservation Area, were reaching their end of life and would burden the owner of the property if they had to be replaced in the future because this would not alleviate the problems. This proposal was duly seconded.

The Chairman put the proposal in the name of Councillor Fluker and upon a vote being taken this was duly agreed.

RESOLVED that Tree Preservation Order 3/22 **not be confirmed** for the reasons detailed above.

181. 22/00616/WTPO - CAP AND FEATHERS INN, SOUTH STREET, TILLINGHAM, CMO 7TJ

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

Members were advised by the Planning Officer that this application was dependent on confirmation of the Tree Preservation Order (TPO) being approved. As this was not approved the application falls away any as the Council was unable to approve or refuse works on a tress which did not have a TPO.

It was clarified that any works to the tree would need to be via an application for works to Trees in a Conservation Area (TCA) which in accordance with legislation would be dealt with under delegated powers following a six week consultation period. In response to questions raised the Officers clarified that conditions could not be added to a TCA.

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

Councillor W Stamp advised the Committee that the IT Team had finished works at the Burnham-on-Crouch Town Council offices to allow meetings of this Committee to return to the Town Council offices.

There being no other items of business the Chairman closed the meeting at 8.30 pm.

R P F DEWICK
CHAIRMAN