



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
28 JUNE 2023**

PRESENT

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

123. CHAIRPERSON'S NOTICES

The Chairperson welcomed everyone present and went over some general housekeeping arrangements for the meeting.

124. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R G Pratt and U C G Siddall-Norman.

125. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 25 June 2023 be approved and confirmed.

126. DISCLOSURE OF INTEREST

Councillor V J Bell disclosed that all members of the committee knew the Applicant for agenda item 6 - 23/00076/FUL - Land North West of Riversleigh, Nipsells Chase, Mayland.

Councillors L J Haywood and A S Fluker disclosed that they knew the applicants for agenda item 6 - 23/00076/FUL - Land North West of Riversleigh, Nipsells Chase, Mayland.

127. 22/01071/OUT - LAND AT THE OLD RECTORY, EAST END ROAD, BRADWELL-ON-SEA, CM0 7PX

Application Number	22/01071/OUT
Location	Land at The Old Rectory, East End Road, Bradwell-on-Sea, CM0 7PX.
Proposal	Outline planning application (with all matters of detail reserved) for a detached self-build dwelling.
Applicant	Mr & Mrs David and Christine Gould
Agent	Mr James Caan – Planning Direct
Target Decision Date	29.03.2023 (EOT to deadline)
Case Officer	Lisa Greenwood

Parish	BRADWELL-ON-SEA
Reason for Referral to the Committee / Council	The application was called in (11 January 2023) to be determined by the Planning Committee by Councillor R P F Dewick, on the grounds of Policy D1, design. It also represents a departure from the Local Plan.

Following the Officers presentation, the Applicant, Mr Gould, addressed the committee.

Councillor A S Fluker proposed to approve the application in accordance with the Officer's recommendation and this was duly seconded. The Chairperson put the proposal to the committee and this was agreed by assent.

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

1. The development shall be carried out in accordance with plans and particulars relating to the appearance, landscaping, layout and scale of the site (hereinafter called "the reserved matters"), for which approval shall be obtained from the Local Planning Authority in accordance with the details as approved.
2. Application (s) for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.
4. The development shall be carried out in accordance with drawing 03 Revision 6 as far as it relates to the access of the site.
5. No works above ground level shall take place until written details of the proposed materials to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials and details as approved.
6. The scheme to be submitted pursuant to the reserved matters shall make provision for car parking standards within the site in accordance with the Council's adopted Vehicle Parking Standards Supplementary Planning Document (2018). Prior to the occupation of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.
7. The landscaping details referred to in Condition no.1 shall provide full details and specifications of both hard and soft landscaping works which shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used, together with details of the means of enclosure (fencing and boundaries), car parking layout, vehicle and pedestrian accesses. The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers / densities and details of the planting scheme's implementation, aftercare and maintenance programme.
The hard landscaping works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within the first planting season (October to March inclusive) following the commencement of the development, unless otherwise first 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 planted in its replacement is removed, 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.

8. Prior to the commencement of the development the applicant shall submit in writing a construction management plan to the local planning authority for approval. Within the construction management plan it must consider the following requirements:

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 a 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.

9. 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.
10. No works above ground level shall take place until details of the surface water 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 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 Local Planning Authority. The development shall be carried out in accordance with the approved details.
12. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (The Landscape Partnership, December 2023) 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.

13. Concurrent with reserved matters and prior to commencement a Great Crested Newt Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newt during the construction phase.

The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

14. Concurrently with reserved matters prior to any works above slab 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 or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

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

15. Concurrently with reserved matters and prior to occupation, 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 plans, x 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.

16. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
17. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.
18. Prior to first occupation of the development, the cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.
19. 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.

20. Concurrently with reserved matters and prior to the commencement of development an Arboricultural Method Statement (including any demolition, groundworks and site clearance) shall be submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:
- a. Measures for the protection of those trees and hedges on the application site that are to be retained,
 - b. Details of all construction measures within the 'Root Protection Area' (defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstandings, roads and footpaths,
 - c. A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained.
- The development shall be carried out in accordance with the approved Method Statement unless agreed in writing by the Local Planning Authority.
21. Concurrently with reserved matters and prior to the commencement of development a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to commencement of any development, site works or clearance in accordance with the approved details and shall be maintained and retained until the development is completed. Within the root protection areas, the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas, they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
22. Concurrently with reserved matters no development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.
23. Notwithstanding the provisions of Article 3 of the Town and 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 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.

128. ADJOURNMENT OF THE MEETING

RESOLVED that the meeting be adjourned at 7:44pm due to technical difficulties.

129. RESUMPTION OF BUSINESS IN OPEN SESSION

RESOLVED that the business of the meeting resumed in open session at 8:08 pm.

130. 23/00076/FUL - LAND NORTH WEST OF RIVERSLEIGH, NIPSELLS CHASE, MAYLAND

Application Number	23/00076/FUL
Location	Land North West of Riversleigh, Nipsells Chase, Mayland
Proposal	Change of use from agricultural building to 2 bedroom bungalow (C3 Use) and alterations to fenestration
Applicant	Mr & Mrs Kenny Paton
Agent	None
Target Decision Date	13.04.2023
Case Officer	Devan Hearnah
Parish	MAYLAND
Reason for Referral to the Committee / Council	Member of the Council

It was noted from the Members' Update that since the meeting of the South Eastern Area Planning Committee held on 23 May 2023 at which this application was deferred, the Council has issued an Enforcement Notice against the breach set out within the Committee Report, which was served on 15 June 2023.

Following the Officers presentation, the Legal Agent, Mr Whale, address the Committee. The Chairperson then opened the debate.

Councillor W J Laybourn raised concerns with the Officer's report, stating it was one sided, disproportionate, the case law was unrelated to the case, questioned the enforcement investigation and the harm, and agreed with the representative of the applicants. Councillor Laybourn then proposed to approve the application contrary to Officer's recommendation, this was seconded by Councillor W Stamp.

A lengthy debate ensued around the current use of the building including comments from Councillors A S Fluker, T Fittock and M G Bassenger raising concerns over the proposal. Cllr Stamp highlighted documentation relating to food standards for the care and storage of apples and was concerned over proposed enforcement action. The Head of Development Management stated the evidence and legal position as set out in the officer's report, demonstrated that the development had not been built in accordance with the approved scheme and as such. the change of use could not be approved as a lawful decision if members were minded to approve the application contrary to Officers recommendation. Members subsequently aired concerns around the implications for the Council of such a decision if this application progressed without a legal advisor being present.

Councillor Fluker raised further concerns over Officers not being aware of letters that had been sent to Members only, alleging the use of the building as an apple store. He then proposed that the application be deferred to the next meeting of the District Planning Committee on 11 July 2023, to ensure that the Council would have a legal advisor present, this was seconded by Councillor M G Neall.

The Chairperson considered the proposal from Councillor Fluker and thought it would be the most pragmatic approach going forward and asked if Councillor Laybourn would

consider withdrawing her proposal to allow proposal of Councillor Fluker to be put to Members. Councillor Laybourn then withdrew her proposal.

The Chairperson put the proposal of Councillor Fluker to the Committee and this was agreed by assent.

RESOLVED that the application be **DEFERRED** until the next meeting of the District Planning Committee to be held on 11 July 2023.

There being no other items of business the Chairperson closed the meeting at 8.48 pm.

V J BELL
CHAIRPERSON

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