



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
26 JULY 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 and M G Neall

177. CHAIRPERSON'S NOTICES

The Chairperson welcomed everyone present, apologised for the meeting starting late due to technical issues and then went over some general housekeeping arrangements for the meeting.

178. APOLOGIES FOR ABSENCE

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

179. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 28 June 20223 be approved and confirmed.

At this point, Councillor A S Fluker referred to an application this Committee had previously deferred to the District Planning Committee for consideration and requested more information on this matter. Officers confirmed with Members that they would seek clarity from the Monitoring Officer and provide an update.

180. DISCLOSURE OF INTEREST

Councillor A S Fluker disclosed a non-pecuniary interest for Agenda Item 5 - 22/01005/FUL - Land at Theedhams Farm, David Fisher Way, Southminster, CM0 7BD, in that he was a director of a company which operated nearby and he believed that he knew the land owner.

181. **22/01005/FUL - LAND AT THEEDHAMS FARM, DAVID FISHER WAY, SOUTHMINSTER, CM0 7BD**

Application Number	22/01005/FUL
Location	Land at Theedhams Farm, David Fisher Way, Southminster, CM0 7BD
Proposal	New medical practice with dispensary retail unit and other ancillary uses together with access onto David Fisher Way; associated car parking facilities and other hard and soft landscaping works.
Applicant	Assura Aspire Ltd
Agent	Mr M. Robinson - Simpson Hilder Associates
Target Decision Date	17.02.2023 EoT to 28.07.2023
Case Officer	Jonathan Doe
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Call in by Councillor A S Fluker with reference to policies D1 and E3. The proposal is a Major development outside a defined settlement boundary

Councillor M G Bassenger requested his disagreement to continue the meeting due to the continued technical issues be noted. During the Officers presentation the Officer suggested an amendment to condition 3 of the report to change the level of obscured glass from level 1 to level 5 on the 'Pilkington' scale of obscuration and that should Members be mindful to approve the application this amendment would be included with guidance to the wording from Senior Officers.

Following the Officers presentation, a Supporter Mrs Message and Dr Philips (speaking on behalf of the Applicant), addressed the committee. The Chairperson then opened the discussion.

Councillor Fluker proposed that the application be approved, in line with the Officers recommendation, and this was duly seconded.

A debate ensued, after which and in accordance with Procedure Rule No. 13 (3) Councillor A S Fluker requested a recorded vote. This was duly seconded and the voting was as follows:

For the recommendation:

Councillors M G Bassenger, V J Bell, D O Bown, A Fittock, A S Fluker, M G Neall and L J Haywood.

Against the recommendation:

None.

Abstention:

None.

The Chairperson declared that the application was therefore approved subject to an amendment to Condition 3 as detailed by the Officer.

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:

- 9412-P001 Rev B Block and location plan
 - 9412-P002A Existing site plan
 - 9412-P003B Proposed site plan
 - 9412-P004 Rev B Proposed ground and first floor plans
 - 9412-(2-) 001 Proposed ground floor plan
 - 9412-(2-) 002 Proposed first floor plan
 - 9412-P005 Rev E Proposed elevations
 - 9412-P006 Rev B Proposed roof plan
 - 9412-P007 Rev B Streetscene
 - Design and access statement issue 02
 - Geo-Environmental Assessment by Delta Simons dated June 2022
 - Flood Risk Assessment and drainage report by Civic Engineers dated 1 September 2022
 - Flood Risk Assessment and drainage report by Civic Engineers dated 22 August 2022
 - External Light Management Strategy
 - Transport Statement by Rossi Long Consulting dated August 2022
 - Environmental Noise Assessment by Hunter Acoustics dated 08/09/2022
 - Preliminary Ecological Appraisal by Geosphere Environmental dated 08/09/2022
 - Flood Response Plan by Simpson Hilder Associates Ltd
3. Notwithstanding the elevation drawing hereby approved, prior to the first occupation of the building hereby permitted, windows in the upper floor to the northern elevation of the building shall be non-opening, with the exception of any top hung fanlight (which shall be at least 1.7m above internal floor level), and glazed using obscured glass to level 5 on the 'Pilkington' scale of obscuration and those windows shall remain permanently glazed as such thereafter.
 4. Prior to the first use of the development the vehicular access as shown on the approved plans shall be provided with a dropped kerb crossing of the footway with all details to be agreed with the Highway Authority. The visibility splays and vegetation height shall be maintained as shown on the approved plan for the life of the development.
 5. Prior to first use of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided with the turning areas being hard surfaced, sealed and marked out and the parking spaces being marked out. The parking and turning areas shall be retained in perpetuity as such for their intended purpose. No hard-standing areas to be constructed until the works have been carried out in accordance with a drainage strategy.
 6. 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 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.

7. Should the existence of any contaminated ground or groundwater and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, it must be reported in writing immediately and a risk assessment of the site shall be undertaken and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future.

The work will be undertaken by a competent person in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination (CLR 11), the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and current UK best-practice guidance and policy.

8. No extraction or ventilation equipment, vents, air conditioning units or similar plant equipment including air source heat pumps shall be installed or fitted to any external part of the building except in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The scheme as approved and installed shall be retained as such thereafter.
9. Notwithstanding the information already provided in respect of the external lighting scheme, further details of the spread of light and operating hours of the lights shall be submitted to and approved in writing by the local planning authority prior to first use of the development hereby approved. All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site unless otherwise agreed in writing by the local planning authority.
10. Prior to construction above damp-proof course a scheme for biodiversity net gain and nature conservation enhancement of the site, along the lines referred to in the Preliminary Ecological Appraisal (Geo Environmental, September 2022), shall have been submitted to and approved in writing by the local planning authority. 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. 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) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The scheme as approved shall be implemented prior to first use of the development hereby approved and retained as such.

11. Prior to first construction 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.
12. Prior to the construction above damp-proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme. The agreed scheme shall be implemented prior to the first use or occupation of the building hereby permitted.
13. No development works above ground level shall occur until details of a surface water drainage scheme to serve the development have 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. The scheme shall ensure that for a minimum: 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance. 2) 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.
14. Details of an appropriate level of treatment for all rainwater runoff leaving the site, with particular regard to treatment to water from the roof of the medical practice, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753, shall be submitted to and approved in writing by the local planning authority prior to construction of the medical practice building above ground level. The details as approved shall be implemented and retained as approved.

182. **23/00574/FUL - LAND REAR OF MILL FARM, STONEY HILLS, BURNHAM-ON-CROUCH**

Application Number	23/00574/FUL
Location	Land Rear Of Mill Farm, Stoney Hills, Burnham-On-Crouch, Essex
Proposal	Construction of 4 chalet-style bungalows
Applicant	Mrs P Green
Agent	Mr O Dickens – Design Designed Ltd
Target Decision Date	02.08.2023
Case Officer	Kathryn Mathews
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Departure from the local plan

It was noted from the Members' Update circulated prior to the meeting that Officers had suggested a revision to the recommendation and amended paragraph 3.1.4 of the report. In addition, consultation responses had been received from Essex County Council Highways and Environmental Health.

Following the Officers presentation, an Objector, Mr Heaton, addressed the Committee. The Chairperson then opened the debate.

A lengthy debate ensued after which Councillor A S Fluker proposed that the application be approved, in line with the Officers recommendation, and this was duly seconded.

There being no further discussion the Chairperson put the proposal of Councillor Fluker to the Committee, and it was agreed by assent.

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 complete accordance with the approved drawings and documents as follows:
 - 000_S2/06 Site Location Plan
 - 000_SL/01 Site Block Plan
 - 00_SL-03 Landscape Plan
 - 000_H1/04 Design Notes – House 1
 - 000_H2/04 Design Notes – House 2
 - 000_H3/04 Design Notes - House 3
 - 000_H4/04 Design Notes - House 4
 - 000_H1/01 Proposed Plans Ground and First – House 1
 - 000_H2/01 Proposed Plans Ground and First – House 2
 - 000_H3/01 Proposed Plans Ground and First – House 3
 - 000_H4/01 Proposed Plans Ground and First – House 4
 - 000-H1/02 Proposed Plans Roof – House 1
 - 000_H2/02 Proposed Plans Roof – House 2
 - 000_H3/02 Proposed Plans Roof – House 3
 - 000_H4/02 Proposed Plans Roof – House 4
 - 000_H1/03 Proposed elevations – House 1
 - 000_H2/03 Proposed elevations- House 2
 - 000_H3/03 Proposed elevations – House 3
 - 000_H4/03 Proposed elevations – House 4
 - Renewable Energy Statement

- Sewage & Surface Water Management Strategy
- Preliminary Ecological Assessment (January 2022)

- 3 The boundary treatments shall be constructed as approved prior to the first occupation of the development and be retained as such thereafter.
- 4 The hard landscape 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 available 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 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.
- 5 The parking spaces and means of access proposed shall be constructed, surfaced, laid out and made available for use in accordance with the approved scheme along with the provision of an electric vehicle charging point for each dwelling prior to the occupation of the dwellings and shall be retained as such thereafter.
- 6 The dwellings shall not be occupied until each dwelling has been provided with cycle storage in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The approved storage shall be retained as approved thereafter.
- 7 The development shall be carried out in accordance with the Construction Method Statement hereby approved throughout the construction period.
- 8 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Assessment (ASW Ecology Ltd, January 2022).
- 9 No development above slab level shall take place until a Biodiversity Enhancement Strategy has been submitted to and approved in writing by the Local Planning Authority following the recommendations made within the Preliminary Ecological Assessment (ASW Ecology Ltd, January 2022). 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 works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

- 10 The dwellings hereby permitted shall not be occupied until a lighting design scheme for biodiversity has been 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 approved scheme and maintained thereafter in accordance with the scheme. No other external lighting shall be installed without prior consent from the Local Planning Authority.

- 11 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 metres in volume) shall be erected within the site without planning permission having been obtained from the Local Planning Authority.
- 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 dormer window(s) or other form of addition or opening shall be constructed in the roofs or gable walls of the buildings hereby permitted without planning permission having been obtained from the Local Planning Authority.
- 13 No dwelling shall be occupied until the foul and surface water drainage schemes for the site have been completed in accordance with the submitted details. The drainage schemes shall be managed and maintained as approved, thereafter.
- 14 No air source heat pump shall be installed unless and until details of its location have been submitted to and approved in writing by the Local Planning Authority. The air source heat pump(s) shall be retained as approved, thereafter.
- 15 No dwelling shall be occupied unless and until details of the means of collection of refuse from the site has been submitted to and approved in writing by the Local Planning Authority. Refuse collection shall be carried-out in accordance with the approved details, thereafter.
- 16 No windows or other fenestration shall be added to the rear elevations of dwellings hereby approved for Plots 3 or 4.

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

V J BELL
CHAIRPERSON