



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
19 JUNE 2017**

PRESENT

Chairman	Councillor R P F Dewick
Vice-Chairman	Councillor A S Fluker
Councillors	Mrs B F Acevedo, B S Beale MBE, R G Boyce MBE, Mrs P A Channer, CC, P G L Elliott, M W Helm and N R Pudney

162. CHAIRMAN'S NOTICES

The Chairman drew attention to the list of notices published on the back of the agenda.

163. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs H E Elliott and R Pratt.

164. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 22 May 2017 be approved and confirmed.

165. DISCLOSURE OF INTEREST

The following declarations were made in respect of Agenda Item 6 -
OUT/MAL/17/00383 – Land South of Charwood, Stoney Hills, Burnham-on-Crouch:

- Councillor R P F Dewick disclosed a pecuniary interest as he had carried out work for the applicant.
- Councillor N R Pudney advised that he had in laws that lived up Stoney Hills and knew the Agent.
- Councillor A S Fluker advised that in the interest of openness and transparency he knew the Agent, Applicant and some of the objectors.
- Councillors M S Helm, Mrs P A Channer and Mrs B F Acevedo declared non-pecuniary interests as they knew the Agent.

Councillor Mrs P A Channer declared a non-pecuniary interest as a Member of Essex County Council who were consulted on matters of highways, access etc. and in particular had made comments on Agenda Item 7 - FUL/MAL/17/00388 – Bradwell Power Station Ponds and Vault Complex, Downhall Beach, Bradwell-on-Sea.

166. FUL/MAL/17/00324 - ESPERO, TINNOCKS LANE, ST. LAWRENCE

Application Number	FUL/MAL/17/00324
Location	Espero Tinnocks Lane St Lawrence Essex
Proposal	Variation of condition 2 on approved planning permission FUL/MAL/16/01237 (Demolition of existing bungalow and erection of new three-bedroom dwelling)
Applicant	Mr & Mrs John & Margaret Skerritt
Agent	Ms Lisa Shell - Lisa Shell Architects Ltd
Target Decision Date	07/06/2017
Case Officer	Nicola Ward, TEL: 01621 875864
Parish	ST LAWRENCE
Reason for Referral to the Committee / Council	Parish Trigger

It was noted from the Members' Update that an incorrect response from the Parish Council had been detailed on the Officers' report and paragraph 5.2.5 had been included in error and should be deleted.

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

1. The development hereby permitted shall be begun before the expiration of the original permission on 17 January 2020.
2. The development hereby permitted shall be carried out in complete accordance with the approved drawings as detailed on this decision notice.
3. No development shall take place until samples of all materials to be used in the construction of the external surfaces of 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.
4. Prior to the commencement of the development hereby permitted existing ground levels and finished floor levels of the new dwelling shall be submitted to and approved in writing by the Local Planning Authority. There shall be no alteration to these approved finished floor levels.
5. No works or development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the Local Planning Authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers / densities and details of the planting scheme's implementation and maintenance programme. 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 that 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.
6. No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including 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 use / occupation of the development to which it relates and be retained as such thereafter.

7. No development shall commence until details of the measures to be taken for the disposal surface water shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.
8. Finished floor levels of the development hereby approved shall be a minimum of 5.67mAOD.

In response to his earlier declaration Councillor R P F Dewick left the meeting at this point.

IN THE CHAIR : COUNCILLOR A S FLUKER

167. OUT/MAL/17/00383 - LAND SOUTH OF CHARWOOD, STONEY HILLS, BURNHAM-ON-CROUCH

Application Number	OUT/MAL/17/00383
Location	Land South Of Charwood Stoney Hills Burnham-On-Crouch Essex
Proposal	Proposed construction of two bungalows
Applicant	Think Green Energy Ltd
Agent	Mr Anthony Cussen - Cussen Construction Consultants
Target Decision Date	5 July 2017
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Departure from the Local Plan 2005 Parish Trigger

Following the Officer presentation Councillor Vanessa Bell on behalf of Burnham-on-Crouch Town Council and Mr Cussen the Agent, addressed the Committee.

In response to a comment from the Agent, the Group Manager - Planning Services advised the Committee that planning history was material consideration for determination. The recent appeal decision referred to hung on a pond on the site which had recently been refilled and the Planning Inspector had made reference to Great Crested Newts. The proposed conditions relating to this application, if agreed, included the requirement for a habitat survey to be undertaken prior to development.

In response to a question from the Committee, the Group Manager - Planning Services highlighted the site area and those adjacent sites where planning permission had recently been granted, including those permissions granted on appeal.

Councillor Elliot made reference to a number of concerns highlighted to him by residents relating to the unsociable hours that construction in the vicinity took place. Members were advised that Government guidance in relation to noise and disturbance during the construction of a development was not really a planning issue. A condition would need to show that that it was stopping some demonstrable harm.

Councillor P G L Elliott proposed that should Members be mindful to approve the application an additional condition be added to specify that any works on a Saturday or Sunday can only take place internally. Following further advice from Officers, Councillor Elliott revised his proposal stating that no external works to be allowed on Saturday after 13:00 or at any time on Sundays and bank holidays. This was duly seconded.

The Chairman then put the Officers recommendation of approval with the additional condition as proposed. Upon a vote being taken this was agreed.

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

- 1 Details of the access, appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Application for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.

- The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.
- 2 No development shall take place including any demolition or clearance works, until a comprehensive ecological survey of the site has been undertaken to ascertain if any protected species are present. The results of the survey shall be submitted to and approved in writing by the local planning authority along with details of the provision and implementation of ecological mitigation to protect any protected species if found to be present. The development shall be carried out and completed in accordance with the approved mitigation scheme.
- 3 As part of the reserved matters details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be constructed prior to the first use / occupation of the development to which it relates and be retained as such thereafter.
- 4 Unless otherwise shown to be removed on the approved plan all of the hedgerow boundaries shall be retained and maintained at all times thereafter.
- 5 The public’s rights and ease of passage over public footpath no 5 (Burnham-on-Crouch parish) shall be maintained free and unobstructed at all times.
- 6 The landscaping details referred to in Condition1 shall provide full details and specifications of both hard and soft landscape 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, 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 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, 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.

- 7 The scheme to be submitted pursuant to the reserved matters shall make provision for car parking within the site in accordance with the Council's adopted car parking standards. 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.
- 8 No development shall commence until details of existing ground levels and proposed finished ground, and its relation 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.
- 9 The development shall be single storey only comprising of one floor of accommodation.
- 10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared. This must be conducted in accordance with the Department for Environmental Food and Rural Affairs (DEFRA) and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

- 11 Development shall not commence until a scheme for the provision and implementation of surface water drainage incorporating Sustainable Urban Drainage Schemes (SUDs) and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans and prior to the occupancy of the development.
- 12 Development shall not commence until details of foul water drainage have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be constructed and completed in accordance with the approved plans and prior to the occupancy of the development.

- 13 During the construction of the development hereby approved, no external works shall be carried out on Saturdays after 13:00 or at any time on Sundays and bank holidays.

Councillor Dewick returned to the chamber.

IN THE CHAIR : COUNCILLOR R P F DEWICK

168. FUL/MAL/17/00388 - BRADWELL POWER STATION PONDS AND VAULT COMPLEX, DOWNHALL BEACH, BRADWELL-ON-SEA

Application Number	FUL/MAL/17/00388
Location	Bradwell Power Station Ponds And Vault Complex Downhall Beach Bradwell-On-Sea Essex
Proposal	Construction of a permanent building envelope to enclose the redundant Ponds and Vaults Complex providing protection from the prevailing weather during the 100 year care and maintenance period.
Applicant	Magnox Limited
Agent	Ms Clare Heeley - AECOM
Target Decision Date	5 July 2017
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	BRADWELL-ON-SEA
Reason for Referral to the Committee / Council	Major Application

In response to a question, the Group Manager - Planning Services provided Members with details of the proposed material for the cladding and clarified that the proposed building was not to control the waste from the power station but sit over the existing structure.

A debate ensued and concern was raised regarding the proposed cladding and whether it was combustible.

Councillor A S Fluker proposed that the Officers' recommendation of approval as set out in the report be agreed.

Councillor P G L Elliott proposed that a condition seeking that any cladding applied was not combustible be added. This was duly seconded

In accordance with Procedure Rule No. 13 (3) Councillor A S Fluker requested a recorded vote, which was duly supported.

The Chairman then put the proposal of an additional condition to the Committee and the voting was as follows:

For the recommendation:

Councillors Mrs B F Acevdo, Mrs P A Channer CC, P G L Elliott, M W Helm and N R Pudney

Against the recommendation:

Councillors B S Beale, R G Boyce and A S Fluker.

Abstention:
Councillor R P F Dewick.

In accordance with Procedure Rule No. 13 (3) Councillor A S Fluker requested a recorded vote, which was duly supported.

The Chairman then put the Officers' proposal of approval subject to the conditions listed in the report and additional condition to the Committee and the voting was as follows:

For the recommendation:
Councillors Mrs B F Acevdo, R G Boyce, B S Beale, Mrs P A Channer CC,
P G L Elliott, A S Fluker, M W Helm and N R Pudney

Against the recommendation:
None.

Abstention:
Councillor R P F Dewick.

Following a question, the Chairman clarified that the vote just taken was for approval subject to the conditions listed in the report and additional condition agreed by the Committee.

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

- 1 The development hereby permitted shall begin no later than three years from the date of this decision.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
- 3 No works for the cladding of the building or for the installation of any other external treatment of the building shall take place until samples of the facing material, which shall not be combustible, to be used, including glazing, have been submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved details.
- 4 The construction of the building hereby approved shall be carried out in accordance with the details, proposed measures and recommendations contained within the Ponds Construction Methodology Management Plan referenced JT/001 and dated 21/03/2017, the Environmental Management Plan referenced BRAD/ES/EMP/011 - ISSUE 1, the Biodiversity Appraisal referenced BRAD/EN/REP/226 – ISSUE 2 and dated 30/03/2017, and the Construction Noise Assessment referenced 60522693-REP-00013 and dated 30 March 2017.

169. OTHER AREA AND PLANNING RELATED MATTERS

The Committee received and noted the report of the Chief Executive on the following matters:

(i) Appeals Lodged

Appeal Start Date: 31/05/2017

Application Number: WTPO/MAL/16/01456 (APP/TPO/X1545/6122)

Site: Holyrood Lodge, Green Lane, Burnham-On-Crouch, Essex, CM0 8PU
Proposal: TPO 13/1 T9 Horse Chestnut - Reduce height by 5M crown Lift by 3M cut back to boundary by 3M. T8 London Plane - Reduce height by 8M crown Lift by 6M cut back to boundary by 6M. T7 Horse Chestnut - Reduce height by 5M crown Lift by 3M cut back to boundary by 3M. T5 Horse Chestnut - Reduce height by 5M crown Lift by 3M cut back to boundary by 3M. T4 & T2 London Plane - Reduce height by 8M crown Lift by 6M cut back to boundary by 6M. T1 Horse Chestnut - Reduce height by 5M crown Lift by 3M cut back to boundary by 3M. T10 - T1 Various Species - Removal of large roots and where necessary the insertion of root barrier along boundary edge.

Appeal by: Mr David J Kennedy

Appeal against: Non Determination

Appeal procedure requested: Fast Track Appeal

Appeal Start Date: 14/06/2017

Application Number: FUL/MAL/16/01438 (APP/X1545/W/17/3175598)

Site: Land Adjacent To 17 Brickwall Close Burnham-On-Crouch

Proposal: Construction of 2 storey 2 bedroom house

Appeal by: Mr Jerry Thornton

Appeal against: Refusal

Appeal procedure requested: Written Representations

(ii) Appeal Decisions

FUL/MAL/16/00331 (Appeal Ref: APP/X1545/W/16/3165484)

Proposal: Proposed construction of two chalet style houses and carport

Address: Land Adjacent The Bungalow, Southminster Road, Asheldham, Essex

Decision Level: Committee as per Officer recommendation to refuse

APPEAL DISMISSED – 16 May 2017

FUL/MAL/16/00408 (Appeal Ref: APP/X1545/W/17/3161178)

Proposal: Erection of 3 dwellings on land to the north of The Hollies and associated access from Stoney Hills

Address: Land Rear Of The Hollies, Stoney Hills, Burnham-On-Crouch, Essex

Decision Level: Committee overturned Officer recommendation to approve

APPEAL ALLOWED– 16 May 2017

FUL/MAL/16/00673 (Appeal Ref: APP/X1545/W/16/3166974)

Proposal: Change of use of tea room and storage area to dwellinghouse

Address: Tea Room - Sailing Club Clubhouse (East Of) The Quay - Burnham On Crouch

APPEAL DISMISSED – 22 May 2017

DECISION LEVEL: Delegated

HOUSE/MAL/16/01091 (Appeal Ref: APP/1545/D/17/3170920)

Proposal: Front porch, rear garden room and first floor extensions and internal alterations to existing residence.

Address: Gwalia - Burnham Road - Althorne

APPEAL DISMISSED – 24 May 2017

DECISION LEVEL: Delegated

FUL/MAL/16/00445 (Appeal Ref: APP/X1545/W/17/3168271)

Proposal: Construction of a one bedroom bungalow

Address: Land Adjacent Whispering Trees Mayland Green Mayland

Decision Level: Committee as per Officer recommendation to refuse
APPEAL DISMISSED – 31 May 2017

OUT/MAL/16/00107 (Appeal Ref: APP/X1545/W/16/33160971)

Proposal: Construction of four 2 bedroom bungalows
Address: Land East Of Brook Lane Brook Lane Asheldham
Decision Level: Committee as per Officer recommendation to refuse
APPEAL DISMISSED – 31 May 2017

OUT/MAL/16/01182 (Appeal Ref: APP/X1545/W/17/3169919)

Proposal: Construction of 2 bedroom detached residential bungalow (Resubmission)
Address: Land Adjacent The Old Forge And Thornley Cottage - Burnham Road - Althorne
APPEAL DISMISSED – 31 May 2017
DECISION LEVEL: Committee (overturned Officer recommendation to approve)

FUL/MAL/16/00763 (Appeal Ref: APP/X1545/W/17/3168862)

Proposal: Proposed construction of a chalet style dwelling with attached garage
Address: Land Adjacent Springfields - Steeple Road - Latchingdon
APPEAL DISMISSED – 31 May 2017
DECISION LEVEL: Committee (as per Officer recommendation)

OUT/MAL/16/00418 (Appeal Ref: APP/X1545/W/16/3164833)

Proposal: Demolition of existing garage and erection of two dwellings on land to the west of Sunnyside and associated access from Stoney Hills.
Address: Sunnyside Stoney Hills Burnham-On-Crouch
Decision Level: Delegated
APPEAL DISMISSED – 05 June 2017
APPLICATION FOR PARTIAL AWARD OF COSTS MADE BY APPELLANT - ALLOWED – 05 June 2017

HOUSE/MAL/16/01415 (Appeal Ref: APP/X1545/D/17/3173360)

Proposal: Proposed relocation of front entrance. Proposed internal re-configurations. Proposed pitched roof dormer to front elevation.
Address: 7 Cedar Grove - Burnham On Crouch
APPEAL DISMISSED – 14 June 2017
DECISION LEVEL: Delegated

OUT/MAL/16/00105 (Appeal Ref: APP/X1545/W/17/3167607)

Proposal: Outline planning application for the provision of up to 13 dwellings, provision of public open space and a new vehicular access from Vicarage Court
Address: Glebe Meadow Adjacent King Georges Field Pavilion Station Road Southminster
APPEAL ALLOWED – 14 June 2017
DECISION LEVEL: Committee overturned Officer recommendation to approve

HOUSE/MAL/16/01403 (Appeal Ref: APP/X1545/W/17/3170414)

Proposal: Change of use of existing detached barn/store for residential use as an annexe.
Address: Yeomans 12 Mill Road Mayland
APPEAL ALLOWED – 14 June 2017
DECISION LEVEL: Delegated

(iii) Appeals Withdrawn

OUT/MAL/15/00678 (Appeal Ref: APPX/1545/W/16/3148925)

Proposal: Demolition of former Whitecap Mushroom Farm and associated outbuildings for redevelopment of up to 35 residential dwellings, including

upgrading of Mill Road to an adoptable standard. Access to be taken off Mill Road with some other matters reserved. (Resubmission of planning application ref: OUT/MAL/15/00018)

Address: Whitecap Mushroom Farm - Mill Road - Mayland

APPEAL WITHDRAWN – 2 June 2017

170. DELEGATED PLANNING APPLICATIONS

The Committee received and noted the list of decisions on planning applications taken by the Interim Head of Planning Services under delegated powers, circulated prior to the meeting for the period 19 May – 19 June 2017.

171. EXCLUSION OF THE PUBLIC AND PRESS

The Chairman proposed that the public be excluded from the meeting in accordance with Section 100A(4) of the Local Government Act 1972.

Councillor A S Fluker proposed that page 53 should not be confidential under the Act. In response the Group Manager - Planning Services advised that this particular page was part of the overall report which was confidential. Councillor Fluker requested that the Group Manager - Planning Services and Deputy Monitoring Officer meet with him and following agreement of this he withdrew his proposition. It was agreed that the outcome of the meeting would be circulated to all Members of the Committee.

RESOLVED that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

172. ENFORCEMENT UPDATE

The Committee received and noted the quarterly update on enforcement cases affecting the Committee's area. Various cases were discussed in detail and the Enforcement Officer provided updates where requested to do so and advised Members of planned action to be taken.

There being no further items of business the Chairman closed the meeting at 9.08 pm

R P F DEWICK
CHAIRMAN