



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
15 AUGUST 2016**

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, CC, Mrs P A Channer, CC, Mrs H E Elliott, M W Helm and R Pratt

388. CHAIRMAN'S NOTICES

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

389. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors P G L Elliott and N R Pudney.

390. MINUTES

RESOLVED

- (i) that the Minutes of the South Eastern Area Planning Committee held on 18 July 2016 be received.

Minute 302 – Minutes

Councillor Mrs B F Acevedo advised that her declaration in these Minutes was incorrect as she did not declare anything in relation to Agenda Item 7 – FUL/MAL/16/00246 – Pixies Folly, 14 Mountview Crescent, St. Lawrence. She also advised of a non-pecuniary interest in relation to FUL/MAL/16/00577 – Manor Farm, Old Heath Road, Southminster.

RESOLVED

- (ii) that subject to the above amendment, the Minutes of the South Eastern Area Planning Committee held on 18 July 2016 be approved and confirmed.

391. DECLARATIONS OF INTERESTS

Councillor A S Fluker declared that in interests in the interest of openness and transparency:

- Agenda Item 7 - FUL/MAL/16/00498 – Brook Farm, Marsh Road, Burnham-on-Crouch, he knew the applicant;
- Agenda Items 8 - FUL/MAL/16/00577 – Manor Farm, Old Heath Road, Southminster, he knew some of the objectors;
- Agenda Item 9 - HOUSE/MAL/16/00604 – Little Foxes, Summerhill, Althorne – the he knew the objectors.

Councillor Mrs P A Channer disclosed a non-pecuniary interest in relation to all agenda items as she was a Member of Essex County Council who was consulted on highways and education matters. Councillor Mrs Channer also declared a pecuniary interest in Agenda Item 9 – HOUSE/MAL/16/00604 – Little Foxes, Summerhill, Althorne, as the application site was next door to her house, and Agenda Item 10 - MLA/MAL/16/00630 – 1-3 Fairman Close and 13-36 Woodside, Southminster, as she was a member of an Almshouse charity. Councillor Channer advised that she would leave the Chamber for these two items.

Councillor R G Boyce, MBE, CC disclosed a pecuniary interest in Agenda Item 10 - MLA/MAL/16/00630 – 1-3 Fairman Close and 13-36 Woodside, Southminster, as he was a member of an Almshouse charity. He advised that he would leave the Chamber for this item.

Councillor M W Helm disclosed pecuniary interest in Agenda Item 10 - MLA/MAL/16/00630 – 1-3 Fairman Close and 13-36 Woodside, Southminster, as a member of an Almshouse charity and advised that he would leave the Chamber for this item.

Councillor R Pratt disclosed pecuniary interest in Agenda Item 10 - MLA/MAL/16/00630 – 1-3 Fairman Close and 13-36 Woodside, Southminster, as a member of an Almshouse charity and advised that he would leave the Chamber for this item.

392. MEMBERS' BRIEFING

The Chairman notified the committee there was no Members' briefing.

393. FUL/MAL/16/00445 - LAND ADJACENT WHISPERING TREE, MAYLAND GREEN, MAYLAND

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those items included in the Members' Update circulated at the meeting.

Application Number	FUL/MAL/16/00445
Location	Land Adjacent Whispering Trees, Mayland Green, Mayland
Proposal	Construction of a one bedroom bungalow
Applicant	Miss Tessa Ford
Agent	Mr Matthew Letten - Spectrum Town Planning Consultants
Target Decision Date	12 September 2016
Case Officer	Kara Elliott, TEL: 01621 875860
Parish	MAYLAND
Reason for Referral to the Committee / Council	Previous Committee Decision

Following the Officer's presentation, Mr Stone, on behalf of the Applicant addressed the Committee.

Councillor R P F Dewick declared for the benefit of the meeting that he knew Mr Stone.

Members discussed this application and concerns were raised over the fact that the application site falls within a flood zone 3 area.

In response to a question, the Group Manager - Planning Services explained that the Government guidance advises that we should clearly steer any development away from flood zone 3 as it has a high risk of flooding. Regard must be given to the safety of current and future occupiers and also or people that would have to rescue them in the event of a flood and, therefore, wherever possible development should not be in flood zone 3. The scheme is very similar to the previous application and has not overcome both the Council and the Planning Inspector's concerns.

RESOLVED that this application be **REFUSED** for the following reasons:

- 1 The proposed dwelling, by reason of its design, scale, bulk and siting would represent a contrived development within this small, irregular shaped plot out of character with the prevailing pattern of development within the area and the street scene. The development would, due to the design and siting, visually conflict with Whispering Trees and its spacious setting. Therefore, the proposed development would be detrimental to the visual amenity of the street scene and the surrounding area, as well as the spacious setting of Whispering Trees. As such the proposal is contrary to policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of the submission Local Development Plan, and Government guidance contained within the National Planning Policy Framework.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm. The Local Planning Authority considers that options for development of the site for residential accommodation has been exhausted and therefore would not welcome future applications for a revised development.

394. FUL/MAL/16/00498 - BROOK FARM, MARSH ROAD, BURNHAM-ON-CROUCH

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

Application Number	FUL/MAL/16/00498
Location	Brook Farm, Marsh Road, Burnham-On-Crouch
Proposal	Enlarge mini lagoon/pit 21m x 6m. Install reedbed treatment system 75m(mean) x 50m(mean)
Applicant	Mr Allman Fowler - Fowler Bros. (Latchingdon) Ltd
Agent	Mr John Bailey
Target Decision Date	18 August 2016
Case Officer	Hilary Baldwin
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Major Application

RESOLVED that this application be **APPROVED** for the following reasons:

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 specifically referenced on this decision notice
3. The development hereby approved shall be managed and maintained in accordance with the terms and specifications contained within the Management and Maintenance Plan dated July 2016 which is attached to and forms part of this permission. The development shall be maintained in accordance with the approved details. .
4. The development hereby approved shall only be used for liquid effluent from the slaughterhouse, yard and roofs within the site.
5. The development shall be undertaken in accordance with the terms and specifications contained within the Ecology Report which is attached to and forms part of this permission.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

395. FUL/MAL/16/00577 - MANOR FARM, OLD HEATH ROAD, SOUTHMINSTER

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members' Update circulated at the meeting.

Application Number	FUL/MAL/16/00577
Location	Manor Farm, Old Heath Road
Proposal	Revised orientation of farm worker's dwelling and use of roof void incorporating rear dormer (Revision of FUL/MAL/10/00702, 13 October 2010)
Applicant	Mr Russell Forde - Smart Planning
Agent	N/A
Target Decision Date	19 August 2016
Case Officer	Kara Elliott, TEL: 01621 875860
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Parish Trigger

Following the Officers' presentation Mr Paul Lyons, on behalf of Mr Mark Howman, an Objector who was unable to attend the meeting, addressed the Committee.

Councillor R Pratt declared a non-pecuniary interest as the site was near to where he lived.

Members discussed this application at length, with concerns over the agricultural use of this site.

In response to a question, the Group Manager - Planning Services explained that permission had already been approved for the dwelling and this application is to look at the design aspect only.

During the discussion the Chairman clarified to Members that there was existing consent for a dwelling on this site and, therefore, they could only discuss any change in design.

It was argued that the original design was acceptable and Members were reminded again that they were not there to discuss that aspect.

Councillor A S Fluker, a Ward Member, proposed that this application be refused contrary to the Officers' recommendation. This proposal was not supported.

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

- 1 The development hereby permitted shall be carried out in complete accordance with the approved plans which are attached to and form part of this permission and the submitted detailed specifications unless otherwise agreed in writing by the local planning authority.
- 2 The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application unless otherwise agreed in writing by the local planning authority.

- 3 The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture as defined within the Town & Country Planning Act 1990 (as amended) or in forestry, or a widower of such a person, and to any resident dependants.
- 4 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 1995 (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.
- 5 The dwelling hereby permitted shall only be used in connection with the agricultural land edged red on the approved plan and shall not be separated from that holding.
- 6 The residential curtilage associated with the dwelling hereby permitted shall only relate to the land hatched blue as shown on the attached site plan and shall be used only for purposes incidental to the residential enjoyment of the dwelling to which this permission relates. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order), no buildings, swimming pools, or other structures shall be constructed nor any hardstanding be laid on the garden area without express planning permission having been granted by the local planning authority.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Councillor Mrs P A Channer left the Chamber at this point in the meeting.

396. HOUSE/MAL/16/00604 - LITTLE FOXES, SUMMERHILL, ALTHORNE

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members' Update circulated at the meeting.

Application Number	HOUSE/MAL/16/00604
Location	Little Foxes Summerhill Althorne
Proposal	Two storey rear extension, internal remodelling and insertion of obscured windows to existing first floor side elevations.
Applicant	Mr & Mrs East
Agent	Mr Daniel Cross - FRONT Architecture Ltd
Target Decision Date	21 July 2016 EOT 19 August 2016
Case Officer	Hannah Bowles
Parish	ALTHORNE
Reason for Referral to the Committee / Council	Director of Planning and Regulatory Services Call In

Following the Officers' presentation Mr Douglas Channer of The Tree House, Summerhill, Althorne, Essex, an Objector, addressed the Committee.

Councillor R P F Dewick declared for the record that he knew the Objector.

Members debated this application in depth and, in particular, the loss of light to the kitchen at the neighbouring kitchen. In response to questions the Group Manager - Planning Services advised:

- that the previous application did not contain a refusal for the reason of impact on the neighbouring dwelling;
- that the kitchen did have other sources of light;
- that for demonstrable harm to be shown it would be determined on the test of reasonableness;
- a larger extension would be possible under permitted development, although there would need to be a larger gap between the existing property and the neighbouring property.

Following discussion the Chairman put to the meeting the Officers' recommendation to approve this application and on a vote being taken this was not agreed.

In response to the Chairman's request for a separate proposal to refuse this application, potential reasons for refusal were identified and agreed.

Councillor A S Fluker requested that his abstention from voting on this application be recorded in the Minutes.

RESOLVED that this application be **REFUSED** for the following reason:

- 1 The proposed development, due to its siting and depth, would result in an unneighbourly form of development to the detriment of the amenity of the neighbouring dwelling, The Tree House, resulting in an oppressive relationship and perceived and actual loss of light, contrary to Maldon District Replacement Local Plan policies BE1 and BE6 and policy D1 of the submitted Local Development Plan as well as government guidance contained within the National Planning Policy Framework.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal by clearly setting these out in the reason for refusal. Members of the planning committee took the decision to refuse planning permission. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development. Details of our pre-application advice service can be found on our website; https://www.maldon.gov.uk/info/20046/development_management/9227/planning_advice_and_information

Councillors R G Boyce, M W Helm and R Pratt left the Chamber at this point in the meeting.

397. MLA/MAL/16/00630 - 1-3 FAIRMAN CLOSE AND 13-36 WOODSIDE, SOUTHMINSTER

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

Application Number	MLA/MAL/16/00630
Location	1-3 Fairman Close and 12-36 (even) Woodside, Southminster
Proposal	Application for a modification to the existing Section 106 Legal Agreement (executed under planning application OUT/MAL/96/00655).
Applicant	Colne Housing Society
Agent	Devonshires Solicitors
Target Decision Date	5th August 2016 (EOT to 22 nd August 2016)
Case Officer	Joy Thomas TEL : 01621 875879
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	In accordance with Area Planning Committee Terms of Reference

Councillor A S Fluker, a Ward Member, commented that he had noticed that the Strategic Housing Officer supported this application and proposed to go with the Officer's recommendation of approval. This was duly agreed.

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

Add New Clause 6

The provisions in this Agreement shall not be binding on a mortgagee or chargee (or any receiver (including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a Receiver)) or any persons or bodies deriving title through such mortgagee or chargee or Receiver.

Councillors R G Boyce, MBE, CC, Mrs P A Channer CC, M W Helm and R Pratt returned to the Chamber at this point in the meeting.

398. ADV/MAL/16/00723 - EAST END ROAD, BRADWELL-ON-SEA

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received

Application Number	ADV/MAL/16/00723
Location	East End Road, Bradwell-on-Sea
Proposal	Advertisement Consent for Visitor information / interpretation point
Applicant	Mr Jack Ellum - Maldon District Council
Agent	
Target Decision Date	22 August 2016
Case Officer	Kara Elliott
Parish	BRADWELL-ON-SEA
Reason for Referral to the Committee / Council	Applicant is Maldon District Council

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

- 1 The express consent hereby granted shall be for a period of 5 years beginning from the date hereof.
- 2 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- 3 No advertisement shall be sited or displayed so as to:-
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military)
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purposes of security or surveillance or for the measuring the speed of any vehicle.
- 4 Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- 5 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- 6 Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

399. OTHER AREA PLANNING AND RELATED MATTERS

The Committee considered the report of the Director of Planning and Regulatory Services and Members' Update on the following matters:

(i) Appeals Lodged:

Councillor R G Boyce, MBE, CC advised that whilst the Appeal relating to application number OUT/MAL/15/00255 – Land North of Willow Grange, Cold Norton Road, Latchingdon was not in the South Eastern Area, it was included as it was adjacent to his Ward and, as a Ward Member, he had submitted a letter of objection to the Appeal.

(ii) Appeal Decisions:

Members discussed Appeal Decisions and, in particular, the decision relating to Application Number OUT/MAL/14/00613 - Theedhams Farm, Steeple Road, Southminster. Members were of the opinion that Appeal Decisions should be reported back to the Committee that had originally made the decision, so that the relevant Committee was aware of the Planning Inspector's decision. Furthermore, Committee should be made aware when an award of costs had been made against the Council.

In this instance, as the Council had determined the application, it was agreed that the Appeal Decision should be reported back to the Council.

400. DELEGATED PLANNING APPLICATIONS

The Committee received and noted the list of decisions on planning applications taken by the Director of Planning and Regulatory Services under delegated powers, circulated prior to the meeting for the period 16 July – 4 August 2016.

There being no further items of business the Chairman closed the meeting at 9.02 pm

R P F DEWICK
CHAIRMAN