



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
13 FEBRUARY 2017**

PRESENT

Chairman	Cllr R P F Dewick
Vice-Chairman	Cllr A S Fluker
Councillors	Mrs B F Acevedo, B S Beale MBE, R G Boyce MBE, Mrs P A Channer, CC, Mrs H E Elliott, P G L Elliott, M W Helm and R Pratt, CC

971. CHAIRMAN'S NOTICES (PLEASE SEE OVERLEAF)

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

972. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor N R Pudney.

973. MINUTES OF THE LAST MEETING

RESOLVED

- (i) That the Minutes of the meeting of the Committee held on 16 January 2017 be received.

Minute 870 – Minutes of the last meeting

Councillor A S Fluker advised that the comment made was actually for Agenda Item 10 - FUL/MAL/16/01058 – The Dell, 102 The Drive, Mayland and not Agenda Item 11 - FUL/MAL/16/01114 - Agricultural Barn Goldsands Road Southminster Essex.

Minute 874 - FUL/MAL/16/00511 - St Lawrence Caravans Limited St Lawrence Caravan Site Main Road St Lawrence

The Committee asked for an update from the Interim Head of Planning Services as to whether the application and recommendation were sent to the Secretary of State and this was confirmed.

RESOLVED

- (ii) That subject to the above amendments, the Minutes of the meeting of the Committee held on 16 January 2017, be approved.

974. DISCLOSURE OF INTEREST

Councillor Mrs P A Channer, CC declared a non-pecuniary interest in relation to all items insofar as they related to Essex County Council as she was also a Member of Essex County Council who was consulted on highways, footpaths, education and other matters. She also declared a non-pecuniary interest in relation to:

Agenda Item 6 - OUT/MAL/16/00224 – Whitecap Mushroom Farm, Mill Road, Mayland, as she knew some of the supporters.

Councillor Mrs B F Acevedo declared a non-pecuniary interest in:

Agenda Item 6 – OUT/MAL/16/00224 – Whitecap Mushroom Farm, Mill Road, Mayland as she knew the applicants.

And an interest in: Agenda Item 10 – FUL/MAL/16/01441 – 164 Station Road Burnham-On-Crouch Essex CM0 8HJ and ADV/MAL/16/01441 – 164 Station Road Burnham-On-Crouch Essex CM0 8HJ as she knew the applicants.

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

Agenda Item 6 - OUT/MAL/16/00224 – Whitecap Mushroom Farm, Mill Road, Mayland as he knew some of the objectors.

Agenda Item 10 - FUL/MAL/16/01441 – 164 Station Road Burnham-On-Crouch Essex CM0 8HJ and ADV/MAL/16/01441 – 164 Station Road Burnham-On-Crouch Essex CM0 8HJ as he owned a property nearby.

975. MEMBERS' BRIEFING

The Chairman advised there would be no Members' briefing.

976. OUT/MAL/16/00224 - WHITECAP MUSHROOM FARM, MILL ROAD, MAYLAND

Application Number	OUT/MAL/16/00224
Location	Whitecap Mushroom Farm Mill Road Mayland Essex
Proposal	Demolition of former Mushroom Farm and associated buildings and erection of up to 35 dwellings with associated landscaping, open space and upgrading of Mill Road to adoptable standard
Applicant	Mr Alen Powl
Agent	Mr Andy Butcher - Strutt And Parker LLP
Target Decision Date	27 June 2016
Case Officer	Kara Elliott, TEL: 01621 875860
Parish	MAYLAND
Reason for Referral to the Committee / Council	Departure from the Local Plan 2005 Major Application Previous Committee Decision

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.

Following the Officers' presentation Brenda Major, an objector, Lorraine Evers, a supporter and Andy Butcher, the agent, addressed the Committee.

The members discussed the application, particular discussions were had around the access to the site, with the Group Manager for Planning Services reading out the twelve conditions Highways had recommended the Council use, he also clarified that Highways had no objections to this application but had just suggested the conditions in relation to access.

In answer to a question the Interim Head of Planning Services explained the current process behind viability assessments, he advised that he felt that this information should be supplied to members within the committee reports but to move forward with this in the future, he recommended that Councillors be trained on how to read and interpret viability information.

It was agreed to go with the officer recommendation.

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

1. The site is in a sensitive rural location outside of the defined settlement boundary for Mayland where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Local Development Plan to meet the objectively assessed needs for housing in the District. The proposal would have an unacceptably intrusive urbanising effect upon the site adversely affecting the intrinsic character and beauty of the countryside. As such the proposal does not represent sustainable development and the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the scheme contrary to policies S2, H1, CC6 and BE1 of the adopted Maldon District Replacement Local Plan, policies S1, S8 and D1 of the Maldon District Submitted Local Development Plan and the guidance and provisions of the National Planning Policy Framework.
2. The proposed development would not meet the requirements for affordable housing provision in this part of the District. The development would not therefore contribute to a strong vibrant community because it would not provide a supply of housing required to meet the needs of present and future generations and as such is not considered to represent sustainable development contrary to policies S2 and H1 of the adopted Maldon District Replacement Local Plan, policies S1, S8, H1 and I1 of the Maldon District Local Development Plan and the guidance and provisions of the National Planning Policy Framework, in particular Paragraphs No. 7, 14, 17 and 50.

977. FUL/MAL/16/01129 - FISHERIES LABORATORY, REMEMBRANCE AVENUE, BURNHAM-ON-CROUCH

Application Number	FUL/MAL/16/01129
Location	Fisheries Laboratory Remembrance Avenue Burnham-On-Crouch Essex
Proposal	Variation of conditions 4 (external materials) and 8 (external joinery) of approved planning application FUL/MAL/15/00019 (Application for variation of Condition 2 Reference Number: FUL/MAL/12/01062) Amendments to scheme to reflect conservation issues relating to the site to include: Painted timber fascias and soffits to traditional eaves in lieu of tall parapets. Amendments to fenestration and detailing of elevations. Windows and doors to be painted timber. Minor amendments to plans to dwellings 08-12 and revisions to plots 13 and 14 to include replacement of round tower and omission of link. Variation of condition 2 to amend the design of plots 08-14 as revised drawings 1420/08-15.) Plots 1 - 7 inclusive shall be carried out in accordance with drawings 1244-012 Rev D.
Applicant	Mr M Hughes - Lynton Homes Ltd
Agent	Mr Richard Bennett - Bennetts(SA)LLP
Target Decision Date	10 April 2017
Case Officer	Rebecca Greasley, TEL: 01621 875805
Parish	BURNHAM SOUTH
Reason for Referral to the Committee / Council	Parish Trigger Major Application

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.

The members discussed how previously with this application they had agreed with the initial materials but since then the applicant has come back to the Council on several occasions to change the conditions and that they were no longer happy to continue with this pattern.

It was mentioned that the previous conservation officer had spent a lengthy amount of time working with the applicants to agree the appropriate materials to be used within the conservation area and that now this was being disregarded.

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

1. Given the sites prominent location on the waterfront, and proximity to the Conservation Area, the proposed materials are not considered to be appropriate or to safeguard the character and appearance of the adjacent Conservation Area

or the locality contrary to policies BE1 and BE13 of the adopted Maldon District Replacement Local Plan, D1 and D3 of the submitted Local Plan and the guidance contained within the National Planning Policy Framework.

It was noted that Councillor R Pratt was nominated to represent this application should it go to appeal.

978. OUT/MAL/16/01357 - LAND WEST OF THE HOLLIES, STONEY HILLS, BURNHAM-ON-CROUCH

Application Number	OUT/MAL/16/01357
Location	Land West Of The Hollies Stoney Hills Burnham-On-Crouch Essex
Proposal	Erection of a two-storey detached dwelling and detached double garage with associated access from Stoney Hills.
Applicant	Mr J Losi & Mr N Cooper - Amex Estates
Agent	Mrs Lisa Skinner - Bidwells
Target Decision Date	15 February 2017
Case Officer	Kara Elliott, TEL: 01621 875860
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Departure from the Local Plan 2005 Parish Trigger

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.

The officer presenting this report advised the committee that there were some typographical errors within the condition and listed the changes to be made subject to the committee approving this application.

Following the Officers' presentation Stephen Butler, the agent, addressed the Committee.

RESOLVED that this 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, scale of the site (hereinafter called "the reserved matters") for which approval shall be obtained from the Local Planning Authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.

REASON: The application as submitted does not give particulars sufficient for consideration of the reserved matters.

2. Application for the approval of the reserved matters (appearance, landscaping, scale), shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

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.
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
4. The scheme to be submitted as part of 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.
REASON: To ensure appropriate parking is provided in accordance with policy T8 of the adopted Maldon District Replacement Local Plan.
5. Prior to the commencement of the development details of the surface water drainage scheme to serve the development shall be 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.
REASON: To ensure appropriate drainage in accordance with policy CON5 of the Maldon District Replacement Local Plan.
6. Prior to the commencement of development, details and samples of the external materials to be used on the dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: To protect the rural character of the area in accordance with policy BE1 and CC6 of the Maldon District Replacement Local Plan.
7. As part of the reserved matters details of the boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: To protect the rural character of the area in accordance with policy BE1 and CC6 of the Maldon District Replacement Local Plan.
8. As part of the reserved matters full details of both hard and soft landscape works to be carried out shall be 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, 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, 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.
REASON: To protect the rural character of the area in accordance with policy BE1 and CC6 of the Maldon District Replacement Local Plan.
9. No hedges within the site shall be removed, cut back in any way, or damaged, unless or otherwise first agreed in writing with the local planning authority. No

development shall commence until fencing/ground protection to protect the hedges/shrubs to be retained has been erected in accordance with BS5837:2012, details of which shall have been submitted to the local planning authority for written approval. The ground protection shall be laid as per the Arboricultural method statement in accordance with British Standard 5837:2012 (Trees in relation to construction) unless otherwise agreed in writing. The protective fencing shall be erected before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site. The protective fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone nothing shall be stored or placed, no fires lit, no vehicle shall gain access, ground levels shall not be altered, no excavation shall be made and no structure shall be erected, unless otherwise first agreed in writing with the local planning authority. If within five years from the completion of the development a retained shrub or hedge is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement shrub or hedge shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the local planning authority.

REASON: To protect the character and appearance of the locality in accordance with policy CC6 and BE1 of the Maldon District Replacement Local Plan.

979. RES/MAL/16/01423 - LAND AT JUNCTION OF STEEPLE ROAD AND MILL ROAD, MAYLAND

Application Number	RES/MAL/16/01423
Location	Land At Junction Of Steeple Road And Mill Road Mayland Essex
Proposal	Reserved matters application for the approval of layout on approved planning application OUT/MAL/12/00452 (Application for 60 bed single storey nursing home for frail elderly people in the later stages of dementia)
Applicant	Mr Daniel Wylie - Autumn Care Part Of Aldanat Group
Agent	Mr Christopher Mathews - Mathews Serjeant Architects
Target Decision Date	7 March 2017
Case Officer	Rebecca Greasley, TEL: 01621 875805
Parish	MAYLAND
Reason for Referral to the Committee / Council	Major Application

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.

Following the Officers' presentation Peter Spires, an objector, addressed the Committee.

There was a small discussion about whether the outline planning permission expiry deadline had expired.

The Group Manager for Planning Services confirmed that this reserved matters application was submitted within the 3 year time frame from the decision notice on the outline application.

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

1. The development hereby permitted shall be begun before the expiration of two years from the date of this permission.

REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.

REASON: To ensure that the development is carried out in accordance with the details as approved.

980. FUL/MAL/16/01441 AND ADV/MAL/16/01442 164 STATION ROAD, BURNHAM-ON-CROUCH

Application Number	FUL/MAL/16/01441
Location	164 Station Road Burnham-On-Crouch Essex CM0 8HJ
Proposal	Change of use from A1 to A2, with alterations to shop front and side elevation. Demolition of rear ground floor extension.
Applicant	Mr B Levy
Agent	Miss Kate Palmer - Arcady Architects Ltd
Target Decision Date	8 February 2017
Case Officer	Nigel Hebden, TEL: 01621 875741
Parish	BURNHAM SOUTH
Reason for Referral to the Committee / Council	Departure from the Local Plan Parish Trigger

Application Number	ADV/MAL/16/01442
Location	164 Station Road Burnham-On-Crouch Essex CM0 8HJ
Proposal	Display of two non-illuminated fascia signs
Applicant	Mr B Levy
Agent	Miss Kate Palmer - Arcady Architects Ltd
Target Decision Date	3 February 2017
Case Officer	Nigel Hebden, TEL: 01621 875741
Parish	BURNHAM SOUTH
Reason for Referral to the Committee / Council	Departure from the Local Plan Parish Trigger

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.

RESOLVED that that the planning application be APPROVED and that the application for advertisement consent be **GRANTED ADVERTISEMENT CONSENT** subject to the following conditions:

FUL/MAL/16/01441

1. The development hereby permitted shall begin no later than three years from the date of this decision.

REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the following approved plans and documents: Drawing Nos 16/26/01, 16/26/02 and 16/26/03 Rev A.

REASON: To ensure that the details are acceptable in accordance with the requirements of policies BE1 and BE13 of the Maldon District Replacement Local Plan.

ADV/MAL/16/01442

1. The express consent hereby granted shall be for a period of five years beginning from the date hereof.

REASON: In accordance with Schedule 2 of the Town & Country Planning (Control of Advertisements)(England) Regulations 2007.

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.

REASON: In accordance with Schedule 2 of the Town & Country Planning (Control of Advertisements)(England) Regulations 2007.

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); or
- (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.

REASON: In accordance with Schedule 2 of the Town & Country Planning (Control of Advertisements)(England) Regulations 2007.

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.

REASON: In accordance with Schedule 2 of the Town & Country Planning (Control of Advertisements)(England) Regulations 2007.

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.

REASON: In accordance with Schedule 2 of the Town & Country Planning (Control of Advertisements)(England) Regulations 2007.

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.

REASON: In accordance with Schedule 2 of the Town & Country Planning (Control of Advertisements)(England) Regulations 2007.

7. Prior to the display of the advertisements hereby approved details of the materials and lettering to be used shall first be submitted to and approved by the local planning authority and the signage displayed in accordance with the details so approved.

REASON: To ensure that the signage does not adversely affect the appearance or character of the Burnham-on-Crouch Conservation Area as required by policy BE13 of the Maldon District Replacement Local Plan.

981. 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:

Appeal Start Date: 01.02.2017

Application Number: FUL/MAL/16/00331 (APP/X1545/W/16/3165484)

Site: Land Adjacent the Bungalow, Southminster Road, Asheldham

Proposal: Proposed construction of two chalet style houses and carport

Appeal by: Mrs Mary Anderson

Appeal against: Refusal

Appeal procedure requested: Written Representation

Appeal Start Date: 02/02/2017

Application Number: OUT/MAL/16/00418 (APP/X1545/W/16/3164833)

Site: Sunnyside, Stoney Hills, Burnham-On-Crouch, Essex, CM0 8QA

Proposal: Demolition of existing garage and erection of two dwellings on land to the west of Sunnyside and associated access from Stoney Hills.

Appeal by: Mr & Mrs K Levins

Appeal against: Refusal

Appeal procedure requested: Written Representations

(ii) Appeal Decisions:

FUL/MAL/16/00388 (Appeal Ref: APP/X1545/W/16/3158007)

Proposal: Variation of condition 6 and 7, and removal of condition 8 on planning permission FUL/MAL/07/00842 (development of 12 new houses with workshops) allowed on appeal APP/X1545/A/08/2064100

Address: Drinkwater Farm, Maldon Road, Bradwell-On-Sea, Essex

Decision Level: Delegated

APPEAL DISMISSED – 19 January 2017

APPLICATION FOR FULL AWARD OF COSTS MADE BY LPA

REFUSED – 19 January 2017

APPLICARION FOR FULL AWARD OF COSTS MADE BY

APPELLANT REFUSED – 19 January 2017

OUT/MAL/15/00610 (Appeal Ref: APP/X1545/W/16/3153141)

Proposal: Development of land for 50 new dwellings, new vehicular access onto Orchard Drive, internal roads, footways and cycle links, open space, and landscaping.

Address: Land South West Of Riversleigh, Nipsells Chase, Mayland, Essex

Decision Level: Delegated

APPEAL DISMISSED – 19 January 2017

982. DELEGATED PLANNING APPLICATIONS

Councillor Mrs P A Channer CC asked the Interim Head of Planning Services to look into why on the Members' Update under Delegated Applications the application ADV/MAL/17/00113 was delegated as it's on Council land and should have gone to Committee. The Interim Head of Planning Services advised he would look into this matter and come back to Councillor Mrs Channer with an answer.

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

There were none.

There being no further items of business the Chairman closed the meeting at 9.05 pm

R P F DEWICK
CHAIRMAN