



**MINUTES of  
SOUTH EASTERN AREA PLANNING COMMITTEE  
13 AUGUST 2018**

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**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, M W Helm and R Pratt, CC

**340. CHAIRMAN'S NOTICES (PLEASE SEE OVERLEAF)**

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

**341. APOLOGIES FOR ABSENCE**

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

**342. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 16 July 2018 be approved and confirmed.

**343. DISCLOSURE OF INTEREST**

All Members declared a non-pecuniary interest in Agenda Item 5 - TPO 4/18- Paton Place, Nipsells Chase, Mayland and Agenda Item 6 - TPO 8/19 – The Orchard, Nipsells Chase Mayland as one of the interested people was a fellow member of Maldon District Council.

In addition Councillor A S Fluker, in the interest of openness and transparency, declared a non-pecuniary interest in Agenda Item 8 - **FUL/MAL/18/00787** -Land East of Goldsands Road, Southminster, as he knew the applicant and Agenda Item 11 Urgent Business- Request to Consider a Reason for Refusal as he knew the applicant and two of the agents. He further declared that he had attended a site visit in relation to Agenda Items 5 and 6 on the agenda.

Councillor R Pratt, CC, declared a non-pecuniary interest as a member of Essex County Council, a consultee on planning matters and disclosed that he had attended a site visit in relation to Agenda Items 5 and 6 on the agenda.

Councillor Acevedo declared that she had attended a site visit the previous week in relation to Agenda Items 5 and 6 on the agenda.

Councillor Mrs P A Channer declared a non-pecuniary interest as a member of Essex County Council, a consultee on planning application matters with respect generally to highways, matters of access and education primarily. She further declared an interest in Agenda Item 8 - **FUL/MAL/18/00787** – Land East of Goldsands Road, Southminster as she knew the applicant and had an interest in an area of land close to the site. She informed the Committee that she would leave the chamber for consideration of this item of business.

Councillor M W Helm declared a non-pecuniary interest in Agenda Item 7 as he knew the owner and Agenda Item 8 - , **FUL/MAL/18/00787** – Land East Of Goldsands Road, Southminster, as he knew the family.

#### **344. TPO 4/18 - PATON PLACE, NIPSELLS CHASE, MAYLAND**

<b>Tree Preservation Officer</b>	<b>TPO 4/18</b>
<b>Location</b>	Paton Place, Nipsells Chase, Mayland
<b>Proposal</b>	Confirmation of TPO 4/18
<b>Confirmation by</b>	11.11.2018
<b>Case Officer</b>	Emma Worby
<b>Parish</b>	<b>MAYLAND</b>
<b>Reason for Referral to the Committee / Council</b>	Decision on confirmation of a Tree Preservation Order as per the Council's scheme of delegation

The Chairman informed the committee that given Item 5 -**TPO 4/18** - Paton Place, Nipsells Chase, Mayland and Item 6 -**TPO 8/91** - The Orchard, Nipsells Chase, Mayland were a continuation of a deferral from the previous meeting the items would be considered together.

Following the Officer's presentation Members discussed the merits of the proposed new preservation order. It was noted that a site visit had taken place with the Council's Tree Consultant in attendance to give Members an opportunity to better assess the area in question.

The issue of placing tree preservation orders on fruit trees was raised again given recent advice from arboriculturalists that fruit trees should not be subject to a preservation order. The Council's Tree Consultant, Mr Andy Day, informed the Committee that providing the protection of a preservation order allows an orchard to develop appropriately without risk. Members felt that this was problematic, going forward, in relation to pruning and could also discourage people from planting trees.

Councillor A S Fluker proposed that, contrary to the Officer's recommendation to confirm the Tree Preservation Order (TPO) without any modifications, it be confirmed

with the removal of G1 and G2. This was duly seconded, the Chairman put the proposal to the Committee and it was agreed.

**RESOLVED** that the TPO be **CONFIRMED** subject to the following modifications

1. To exclude Groups G1 and G2 from the Tree Preservation Order.

**345. TPO 8/91 - THE ORCHARD, NIPSELLS CHASE, MAYLAND**

<b>Tree Preservation Order</b>	<b>TPO 8/91</b>
<b>Location</b>	The Orchard, Nipsells Chase, Mayland
<b>Proposal</b>	Revocation of TPO 8/91
<b>Target Decision Date</b>	N/A
<b>Case Officer</b>	Emma Worby
<b>Parish</b>	<b>MAYLAND</b>
<b>Reason for Referral to the Committee / Council</b>	Decision on the revocation of a Tree Preservation Order as per the Council's scheme of delegation.

The Committee noted that as with Item 5 this item of business had been deferred from the previous committee. This was to allow a site visit to take place with the Council's Tree Consultant, Andy Day, in attendance.

The Chairman brought the Committee's attention to the recommendation that the Tree Preservation Order be revoked subject to confirmation of TPO 4/18. This was unanimously agreed in accordance with the Officer's recommendation.

It was agreed that given the regulatory changes an open discussion between Officers and Members on tree preservation issues would be beneficial.

**RESOLVED** that the revocation of TPO 8/91 be **CONFIRMED**.

**346. FUL/MAL/18/00445 - LAND REAR OF 32 STEEPLE ROAD, MAYLAND, ESSEX**

<b>Application Number</b>	<b>FUL/MAL/18/00445</b>
<b>Location</b>	Land Rear of 32 Steeple Road Mayland
<b>Proposal</b>	Erection of 2No. bungalows and attached garages.
<b>Applicant</b>	Mr Penny – Penny Homes Ltd
<b>Agent</b>	Andrew Pipe – Andrew Pipe Associates
<b>Target Decision Date</b>	EOT: 14.08.2018
<b>Case Officer</b>	Devan Lawson Tel: 01621 875845
<b>Parish</b>	<b>MAYLAND</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In Cllr. Channer, Cllr. Helm Reason: Public Interest, Local knowledge and nearby planning history.

Following the Officer's presentation, Parish Councillor, Mr Peter Spires, Mayland Parish Council, addressed the Committee.

A discussion ensued around access and the proposed use of the site. It was noted that the development would represent an unjustified sprawl of built form into the countryside and an unnecessary visual intrusion. Furthermore it would also be contrary to policies S1, S2, S8, E1 and H4 of the Maldon District Local Development Plan (MDLDP) (2017) and Government advice contained within the National Planning Policy Framework (NPPF) (2018).

The Chairman put the Officer's recommendation to the Committee. The Committee agreed to refuse the application in accordance with the Officer's recommendation.

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

1. Part of the application site lies outside of the defined settlement boundary of 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 Maldon District Local Development Plan to meet the objectively assessed needs for housing in the district. The proposal would therefore, represent the unjustified encroachment of built form into the countryside, with associated visual impacts. Furthermore, there has been no evidence provided to demonstrate that the proposal would not involve the unacceptable loss of employment or that there is a significant under-use of land. The development would therefore be unacceptable and contrary to policies S1, S2, S8, E1 and H4 of the Maldon District Local Development Plan (2017) and government advice contained within the National Planning Policy Framework (2018).

Councillor Mrs P A Channer left the Chamber for this Item of business.

**347. FUL/MAL/18/00787 - LAND EAST OF GOLDSANDS ROAD, SOUTHMINSTER**

<b>Application Number</b>	<b>FUL/MAL/18/00787</b>
<b>Location</b>	Land East Of Goldsands Road, Southminster
<b>Proposal</b>	Proposed agricultural workers dwelling.
<b>Applicant</b>	Mr John Fisher - D.J.Fisher (Farms) Limited
<b>Agent</b>	Mr Mike Otter - GPO Designs Ltd
<b>Target Decision Date</b>	21.08.18
<b>Case Officer</b>	Anna Tastsoglou Tel: 01621 875741
<b>Parish</b>	<b>SOUTHMINSTER</b>

<b>Reason for Referral to the Committee / Council</b>	Member Call In by Cllr Fluker on the grounds of public interest and the idiosyncratic and subjective reasoning regarding design, size, bulk and sustainability of the proposed development
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Councillor B S Beale declared an interest in this item as he knew the applicant.

Following the Officer's presentation, Mr Fisher, the Applicant, addressed the Committee.

A debate ensued around the question of sustainability. It was noted that this proposed development was sustainable given that it was close to all essential amenities. The location of the proposed development was appropriate as it was for the benefit of the farm. Furthermore, contrary to the Officer's view, it was felt that it did not contravene policies S1, S8, H7, TI and T2 of the Maldon District Local Development Plan (MDLDP).

Councillor A S Fluker proposed that the application be approved contrary to the Officer's recommendation and this was duly seconded by Councillor M W Helm.

The Chairman put the proposal to approve to the Committee and this was unanimously agreed.

**RESOLVED** that the application be **APPROVED** subject to conditions and that those conditions be agreed in consultation with Ward Members and the Chairman of the Committee.

Councillor Mrs P A Channer returned to the Chamber.

#### **348. URGENT ITEM OF BUSINESS**

The Chairman announced that in accordance with Section 100B (4) of the Local Government Act 1972 he had agreed to allow the Director of Strategy to raise an urgent item of business as it was necessary to consider and make a decision on it prior to the next meeting of the Committee being Agenda Item 11 –Reason to Consider a Request for Refusal. Due to the nature and content of this item the Committee agreed to consider it in close session.

#### **349. EXCLUSION OF PUBLIC AND PRESS**

**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 it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

#### **350. REQUEST TO CONSIDER A REASON FOR REFUSAL**

The Committee considered the urgent report of the Director of Strategy.

Members were advised that this was an Appellant request for the South Eastern Area Committee to consider whether to invite an application at land south of Charwood, Stoney Hills following the refusal of applications OUT/MAL/17/00752 and OUT/MAL/01107.

Following a debate on the Appellant's request Councillor A S Fluker proposed that the Committee support the request, this was not seconded. Through the Chairman a counter proposal was put forward that the South Eastern Area Planning Committee determined that the Local Planning Authority should not invite an application and therefore expect to proceed to defend the reasons for the refusal of the previous applications at appeal. Upon a vote being taken this was agreed.

Councillor A S Fluker requested that his vote to support the Applicant's request be recorded.

Councillor B S Beale requested that his vote to refuse the Applicant's request be recorded.

**RESOLVED** that the South Eastern Area Planning Committee **DETERMINED** that the Local Planning Authority should not invite an application and therefore expect to proceed to defend the reasons for the refusal of the previous applications at appeal.

There being no further items of business the Chairman closed the meeting at 8.38 pm.

R P F DEWICK  
CHAIRMAN