



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
8 OCTOBER 2018**

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, Mrs H E Elliott, P G L Elliott, M W Helm, R Pratt, CC and N R Pudney

496. CHAIRMAN'S NOTICES

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

497. APOLOGIES FOR ABSENCE

There were no apologies for absence.

498. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 10 September 2018 be approved and confirmed.

499. DISCLOSURE OF INTEREST

Councillor M W Helm declared a non-pecuniary interest as he used to own a mushroom farm and he knew the applicant on Agenda Item 5 - **FUL/MAL/18/00684** – Maythorne, The Endway, Althorne. In relation to Agenda Item 6 – **FUL/MAL/18/00798** – Rooms 8 & 9, Mayland Industrial Estate, Steeple Road, Mayland, he knew the supporter.

Councillor R Pratt declared a non-pecuniary interest as a Member of Essex County Council, a consultee on all planning matters.

Councillor Mrs B F Acevedo declared a possible pecuniary interest in Agenda Item 5 – **FUL/MAL/18/00684** – Maythorne, The Endway, Althorne. She informed the Committee that this was on advice from the Monitoring Officer and that she would leave the chamber for this item.

Councillor A S Fluker, in the interest of openness and transparency, declared an interest under Agenda Item 7 – **OUT/MAL/18/00971** – Land North of Rosemary, Mangapp Chase, Burnham-on-Crouch, as he knew the applicant and the agent.

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 also declared a non-pecuniary interest in Agenda Item 5 - **FUL/MAL/18/00684** – Maythorne, The Endway, Althorne, as she knew the agent.

Councillor P G L Elliott declared a non-pecuniary in Agenda Item 7 – **OUT/MAL/18/00971** – Land North of Rosemary, Mangapp Chase, Burnham-on-Crouch as he knew the applicant.

Councillor Mrs B F Acevedo left the Chamber for this Agenda Item.

500. FUL/MAL/18/00684 - MAYTHORNE, THE ENDWAY, ALTHORNE

Application Number	FUL/MAL/18/00684
Location	Maythorne The Endway Althorne
Proposal	Section 73A application for the change of use of the barns to three dwellinghouses, including new link to boiler room, garden extensions and shed conversion to garages
Applicant	Mr A Powl
Agent	Mr David Wallis – Smart Planning Ltd
Target Decision Date	18.10.2018
Case Officer	Anna Tastsoglou
Parish	ALTHORNE
Reason for Referral to the Committee / Council	Member Call In Councillor Mrs B E Acevedo

A Members' Update had been submitted reflecting the correct number of bedrooms being proposed and providing details from an additional letter of support received post publication of the report.

Following the Officer's presentation, Councillor Paul Burgess, on behalf of Althorne Parish Council, and Mr Andrew Powl, the Applicant, addressed the Committee.

A long debate ensued and a range of issues were raised. Whilst some Members expressed sympathy with the applicant they also acknowledged the valid reasons for refusal put forward by Officers. Furthermore it was noted that although the permitted development legislation allowed for the conversion of agricultural buildings it required that new build retained the same shape and size as previous and this development did not adhere to that requirement.

It was considered that the development would represent an unsustainable form of development and represent urban sprawl into the countryside, detracting from the character and appearance of the site and the area, contrary to both local plan policies and the principles of the National Planning Policy Framework (NPPF).

In response to questions raised Officers advised that the material consideration that is the former prior approval application is not considered to outweigh the harm highlighted

above. This was for a number of reasons including that the prior approval cannot be implemented as work has already been undertaken

Councillor M J Helm proposed that the application be approved contrary to the Officer's recommendation. This was not seconded.

Councillor R G Boyce proposed that, in light of the reasons for refusal in Section 8 of the report (specifically reasons 2 and 3), the application be refused in accordance with the Officer's recommendation. This was not seconded.

The Chairman then put the Officer's recommendation to the Committee and upon a vote being taken the application was refused.

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

1. The application site lies within a rural location outside of the defined settlement boundary of Althorne 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 proposed development would substantially alter the open character and intrinsic beauty of the countryside and would detract from the agricultural character and appearance of the site as a result of the over domestication of the site and the inclusion of associated residential paraphernalia. If developed, the site would be disconnected from the existing settlement and by reason of its location and access, it would provide poor quality and limited access to sustainable and public transportation, resulting in an increased need of private vehicle ownership. The development would therefore be unacceptable and contrary to policies S1, S2, S8, D2 and H4 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2018).
2. The development provides an unacceptable level of on-site car parking provision in an unsustainable location, which would be likely to cause an increase of parking demand off site. This will result in on-street car parking to the detriment of pedestrian and highway safety and the free flow of traffic contrary to approved Maldon District Local Plan policies D1 and T2.
3. The development results in family accommodation. The private amenity space provided is substantially short of that required and is considered to result in an amenity space provision that would fail to be adequate in meeting the needs of current and future occupiers of the site, to the detriment of their amenity and standard of accommodation, failing to comply with policy D1 of the Approved Maldon District Local Development Plan and guidance contained with the Maldon District Design Guide.

Councillor Mrs B F Acevedo returned to the Chamber.

501. FUL/MAL/18/00798 - ROOMS 8 & 9, MAYLAND INDUSTRIAL ESTATE, STEEPLE ROAD, MAYLAND

Application Number	FUL/MAL/18/00798
Location	Rooms 8 & 9, Mayland Industrial Estate, Steeple Road, Mayland
Proposal	Change of use of Rooms 8 and 9 to Class D2 (Yoga Studio)
Applicant	Mrs Emma Turnbull – Yoga Wise
Agent	None
Target Decision Date	17 th September 2018
Case Officer	Devan Lawson, TEL: 01621 875845
Parish	MAYLAND
Reason for Referral to the Committee / Council	Departure from the Local Plan

A Members' Update had been submitted advising that Essex Highways Authority had no objection and detailing comments from an additional letter of support received post publication of the report.

Following the Officer's presentation, Ms Karen Pattie, a Supporter, and Mrs Emma Turnbull, the Applicant, addressed the Committee.

A discussion ensued and Members agreed that this application would be of benefit to the local community. Furthermore, the proposed use, subject to conditions, would not materially harm the amenities of the occupiers of neighbouring residential properties. The proposal would not cause adverse issues in relation to the character and appearance of the area and would provide sufficient vehicle parking and access.

Councillor Mrs P A Channer said she welcomed the application and would move to approve the application in accordance with the Officer's recommendation with the conditions outlined below.

Upon a vote being taken this was unanimously agreed.

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 shall be carried out in accordance with the following approved plans and documents: Front Elevation Plan, Site Block Plan, TQRQM18177202504, Front Elevation, Location Plan.
3. The premises shall only be used as/for Yoga Studio purposes and for no other purpose including any purpose as defined within Class D2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.
4. The Yoga Studio (D2) use hereby permitted shall only be undertaken between 0900 hours and 2100 hours on Mondays to Sundays and Bank Holidays.

5. No amplified music, speech or other such sounds resulting from the use of the application site shall exceed a noise rating level of 5dB(A) below the background noise level as determined by the procedures set out within BS4142:2014 and measured from the façade of any residential premises. In the event that an assessment is required to establish noise levels generated at the site, such an assessment shall be carried out by a suitably qualified and experienced acoustic consultant who is a member of the Institute of Acoustics.
6. No floodlighting or other external form of illumination of the site shall be undertaken without the express consent of the local planning authority.

502. OUT/MAL/18/00971 - LAND NORTH OF ROSEMARY, MANGAPP CHASE, BURNHAM-ON-CROUCH

Application Number	OUT/MAL/18/00971
Location	Land North of Rosemary, Mangapp Chase, Burnham-on-Crouch
Proposal	Outline planning application for the erection of two dwellings.
Applicant	Mr & Mrs J Jolly
Agent	Mr G Clark - Clark Partnership
Target Decision Date	16.10.2018
Case Officer	Anna Tastsoglou, TEL: 01621 875741
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Member Call In <ul style="list-style-type: none"> • In the public interest

A Members' Update was submitted detailing comments from Natural England received post publication of the report.

It was established that the application was called-in by Councillor R Pratt on behalf of Burnham Town Council on the 25th August 2018.

Following the Officer's presentation a debate ensued this included discussion on a major planning application that had been allowed at appeal. The Officers indicated where the site was located in relation to the application site. A number of Members considered that the parcel of land highlighted by Officers was incorrect. Members agreed that in order to make a decision on the application they needed all information available.

Councillor B S Beale proposed that the application be deferred which would afford Officers the opportunity to clarify the site location. This was duly seconded.

The Chairman put the proposal to defer the application to the Committee and upon a vote being taken this was agreed.

RESOLVED that the application be **DEFERRED** in order to clarify the site location of the development approved at appeal under **OUT/MAL/14/00845** and to confirm that the Member Call-in procedure was carried out in full.

There being no further items of business the Chairman closed the meeting at 8.21 pm.

R P F DEWICK
CHAIRMAN