



**MINUTES of  
SOUTH EASTERN AREA PLANNING COMMITTEE  
5 NOVEMBER 2018**

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**PRESENT**

Chairman	Councillor R P F Dewick
Vice-Chairman	Councillor A S Fluker
Councillors	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

**565. CHAIRMAN'S NOTICES**

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

**566. APOLOGIES FOR ABSENCE**

There were none.

**567. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 8 October 2018 be approved and confirmed.

**568. DISCLOSURE OF INTEREST**

Councillor Mrs PA Channer, CC, 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.

Councillor P G L Elliott, declared a non-pecuniary interest in Agenda Item 5 - **OUT/MAL/18/00971** - Land North of Rosemary, Mangapp Chase, Burnham-on-Crouch, as he knew the applicant.

Councillor R Pratt, CC declared a non-pecuniary interest as a member of Essex County Council, a consultee on planning application matters and in Agenda Item 7 - **18/00623/FUL** - Land South of Tanglewood, Scalby Road, Southminster, Essex, as he lives in the adjacent road.

Councillor A S Fluker declared in the interest of openness and transparency in respect of Agenda Item 5 - **OUT/MAL/18/00971** - Land North of Rosemary, Mangapp Chase, Burnham-on-Crouch, as he knew the applicant and the agent and Agenda Item 7 – **FUL/MAL/18/00623** - Land South of Tanglewood, Scalby Road, Southminster, Essex, as he knew some of the objectors.

Councillor M W Helm declared a non-pecuniary interest in Agenda Item 6 - **FUL/MAL/18/01048** - Land East of The Jacks Centre, Burnham Road, Latchingdon, Essex, as he knew the agent.

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

<b>Application Number</b>	<b>OUT/MAL/18/00971</b>
<b>Location</b>	Land North of Rosemary, Mangapp Chase, Burnham-on-Crouch
<b>Proposal</b>	Outline planning application for the erection of two dwellings
<b>Applicant</b>	Mr & Mrs J Jolly
<b>Agent</b>	Mr G Clark - Clark Partnership
<b>Target Decision Date</b>	16.10.2018 (EOT agreed: 09.11.2018)
<b>Case Officer</b>	Anna Tastsoglou
<b>Parish</b>	<b>BURNHAM-ON-CROUCH NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In The application has been called in by Councillor N R Pudney on the grounds of public interest

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

It was noted that this was called in by Councillor R Pratt, CC and that given it was a deferral there were no public speakers.

Following the Officer's presentation Councillor N R Pudney addressed the issues of noise and the impact on the residential amenity of future occupiers from the venue. Also noted was the potential over development in the area.

Councillor N R Pudney proposed that the application be refused in accordance with the Officer's recommendation.

The Chairman put the recommendation to refuse to the Committee, upon a vote being taken this was agreed.

**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 Burnham-on-Crouch 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. Therefore, the development is unacceptable in principle. Moreover, the proposed development would substantially alter the open character and intrinsic beauty of the countryside. Due to its layout, scale, height and associated domestic paraphernalia would result in an incongruous and overscaled form of development, which would unacceptably intrude to the open countryside, to the detriment of the character and appearance of the application site and the locality more widely. The development would therefore be unacceptable and contrary to the National Planning Policy Framework and policies S1, S8, D1 and H4 of the Maldon District Local Development Plan (2017), Policies HO.1 and HO.8 of the Burnham-on-Crouch Development Plan and guidance contained within the Maldon District Design Guide (2017).

2. The proposed development would be within close proximity of two noise sources, the Mangapps Railway Museum and the Mangapps Manor wedding venue, that would impact upon the future occupiers of the proposed dwellings. In the absence of a noise assessment the impact of the two noises sources upon the future occupiers of the dwellings cannot be fully assessed. As such it is highly likely that future occupiers of the proposed residential properties would be subject to excessive noise levels which would be detrimental to the residential amenities of future residents. Furthermore, the development may impact upon the existing business operations of Mangapps Railway Museum and the Mangapps Manor wedding venue if complaints arise from occupiers of the new dwellings. The proposal is therefore contrary to policies the National Planning Policy Framework, policies D1 and D2 of the Maldon District Local Development Plan and guidance contained within the Maldon District Design Guide (2017).
3. The proposed dwelling located on Plot 2, by reason of its style, design and bulk, in particular the roof dominant style is considered to be of limited architectural merit and would detract from the character and appearance of the area and is therefore contrary to the guidance within the National Planning Policy Framework, policies D1 of the Maldon District Local Development Plan and guidance contained within the Maldon District Design Guide (2017).

**570. FUL/MAL/18/01048 - LAND EAST OF THE JACKS CENTRE, BURNHAM ROAD, LATCHINGDON**

<b>Application Number</b>	<b>FUL/MAL/18/01048</b>
<b>Location</b>	Land East Of The Jacks Centre, Burnham Road, Latchingdon, Essex
<b>Proposal</b>	Erection of one new dwelling
<b>Applicant</b>	Foxley Corporate Ltd
<b>Agent</b>	Mr David Wallis - Smart Planning
<b>Target Decision Date</b>	30.10.2018 (EOT agreed: 09.11.2018)
<b>Case Officer</b>	Anna Tastsoglou
<b>Parish</b>	<b>LATCHINGDON</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan 2017

A Members' Update was submitted detailing representations from Latchingdon Parish Council and Essex County Council Highways Authority received post publication of the report.

Following the Officer's presentation, Mr Russell Forde, the Agent, addressed the Committee.

Members then had a brief discussion where issues of archaeological merit were raised. Councillor Mrs B F Acevedo proposed that the application be approved in accordance with the Officer's recommendation and this was duly seconded.

The Chairman put the recommendation to the Committee and upon a vote being taken it was 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 hereby permitted shall be carried out in complete accordance with approved drawings 16.3664/M001; 16.3664/M006; 18/0808/01A; 18/0808/02A and 18/0808/03A.
3. No development works above ground level shall take place until samples of the facing material 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. No works above ground level shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

The hard landscape works shall be carried out as approved prior to the occupation of the development hereby approved.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species

5. No works above ground level shall take place until details of the boundary treatment 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 and be retained as such in perpetuity.
6. The existing hedgerows and trees along the northern and western boundaries of the application site shall be protected during the construction of the development.
7. The dwelling hereby permitted shall not be occupied until the first floor window on the east elevation serving bathroom has been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of

the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.

8. Prior to occupation of the development, the site access shall be constructed at right angles to the highway boundary and to the existing carriageway. As shown in drawing 18/0808/01A, the width of the access at its junction with the highway shall not be less than 6.0 metres and shall be provided with an appropriate vehicular crossing of the highway verge.
9. Prior to occupation of the development, the site access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access road is first used by vehicular traffic and retained free of any obstruction at all times.
10. No dwelling shall be occupied until space has been laid out within the site in accordance with details that have been submitted to and approved in writing by the local planning authority for cars to be parked. That space shall thereafter be kept available at all times for the parking of vehicles.
11. No development works above ground level shall occur, details of the surface water and foul water drainage scheme to serve the development shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to the first occupation of the development.
12. No development shall take place until a Written Scheme of Investigation of archaeology shall have been submitted to and approved in writing by the local planning authority. No development shall take place other than in accordance with the Written Scheme of Investigation.
13. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. wheel and underbody washing facilities.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

14. Prior to the occupation of any part of the development hereby permitted details of the number, location and design of bicycle parking facilities/powered two wheelers shall be submitted to and agreed in writing by the local planning authority. The approved provisions shall be provided in accordance with the approved scheme before any part of the development hereby approved is occupied and retained as such thereafter.

**571. FUL/MAL/18/00623 - LAND SOUTH OF TANGLEWOOD, SCALBY ROAD, SOUTHMINSTER**

<b>Application Number</b>	<b>FUL/MAL/18/00623</b>
<b>Location</b>	Land South Of Tanglewood, Scalby Road, Southminster, Essex
<b>Proposal</b>	Material change of use of land for stationing of caravans for residential occupation by one family with associated development (hard standing and utility building)
<b>Applicant</b>	Mr & Mrs M Pilkington
<b>Agent</b>	Mrs Alison Heine - Heine Planning Consultancy
<b>Target Decision Date</b>	12.09.2018 (Extension of time agreed for 12.10.2018)
<b>Case Officer</b>	Anna Tastsoglou
<b>Parish</b>	<b>SOUTHMINSTER</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In The application has been called in by Councillor A S Fluker on the grounds of public interest.

Following the Officer's presentation, Mr Paul Lines, an Objector, addressed the Committee.

A debate ensued around the sustainability of this site. The general consensus was that this was not an area that could be developed and that it did not comply with the criteria outlined in Policy H6. Furthermore the site was prone to flooding and there was no consideration of how sewage will be dealt with given previous problems experienced on other sites in the vicinity. The Committee needed to determine if this was a sustainable plot.

Following the discussion the Chairman moved to Agenda Items 8 and 9 to resolve the outcome of this agenda item.

**572. EXCLUSION OF THE PUBLIC AND PRESS**

The Chairman proposed that the Committee move into private session. The proposal was duly seconded and the resolution carried.

**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 1 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

**573. ADJOURNMENT OF THE MEETING**

The Chairman adjourned the meeting for a short time to enable members of the public to leave the Council Chamber.

The meeting then continued in closed session.

**574. FUL/MAL/18/00623 -LAND SOUTH OF TANGLEWOOD, SCALBY ROAD, SOUTHMINSTER, ESSEX**

<b>Application Number</b>	<b>FUL/MAL/18/00623</b>
	Land South Of Tanglewood, Scalby Road, Southminster, Essex
<b>Proposal</b>	Material change of use of land for stationing of caravans for residential occupation by one family with associated development (hard standing and utility building)
<b>Applicant</b>	Mr & Mrs M Pilkington
<b>Agent</b>	Mrs Alison Heine - Heine Planning Consultancy
<b>Target Decision Date</b>	12.09.2018 (Extension of time agreed for 12.10.2018)
<b>Case Officer</b>	Anna Tastsoglou
<b>Parish</b>	<b>SOUTHMINSTER</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In The application has been called in by Councillor A S Fluker on the grounds of public interest.

There followed a discussion on the personal circumstances of the applicant and his family and how it impacted on the planning application Agenda Item 7 –  
**FUL/MAL/18/00623 - Land South Of Tanglewood, Scalby Road, Southminster, Essex.**

**575. RESUMPTION OF BUSINESS IN OPEN SESSION**

**RESOLVED** that the meeting resumes in open session.

The chairman welcomed back the members of the public and thanked them for their patience.

**576. FUL/MAL/18/00623 - LAND SOUTH OF TANGLEWOOD, SCALBY ROAD, SOUTHMINSTER, ESSEX**

The Chairman informed the meeting that the Committee had considered the evidence of personal circumstances that had been advanced by the applicant together with the suggestion of a temporary permission. However it was considered that planning harm outweighed the personal considerations.

Councillor A S Fluker advised that the application did not comply with Policy H6 and that despite the sustainability threshold being lower for this type of temporary application it still did not meet the test requirements and would have an adverse impact on the area.

Councillor B S Beale proposed that the application be refused contrary to the Officer's recommendation and this was duly seconded by Councillor A S Fluker.

The Chairman put the recommendation to refuse to the Committee and upon a vote being taken it was agreed subject to the precise wording of the reason (s) for refusal

being ratified by the Chairman, Ward Members and Officers, in line with the grounds of objection that had been raised.

**RESOLVED** that the application be **REFUSED** and the agreed precise wording of the reason (s) to be ratified by the Chairman, Ward Members and Officers.

There being no further items of business the Chairman closed the meeting at 8.42 pm.

R P F DEWICK  
CHAIRMAN