



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
12 AUGUST 2019**

PRESENT

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| Chairman | Councillor R P F Dewick |
| Vice-Chairman | Councillor M W Helm |
| Councillors | M G Bassenger, B S Beale MBE, V J Bell, R G Boyce MBE, A S Fluker, N J Skeens and W Stamp |

322. CHAIRMAN'S NOTICES

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

323. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Mrs P A Channer, CC.

324. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 15 July 2019 be approved and confirmed.

325. DISCLOSURE OF INTEREST

Councillor R P F Dewick referring to Agenda Item 6 - TPO 3/19, Land to the north and east of The Boathouse, Bridgemarsh Lane, Althorne, said that he knew some of the owners but that it did not constitute an interest.

Councillor N Skeens declared a non-pecuniary interest in Agenda Item 5 - FUL/MAL/19/00397, The Gatehouse, Sea End Caravan Park, Belvedere Road, Burnham-On-Crouch, Essex, CM0 8AB, as he knew a number of people who had caravans there, including a relative. He advised the Committee that he would partake in the discussion but abstain from voting.

Councillor M Bassenger declared in the interest of openness and transparency on Agenda Item 6 - TPO 3/19, Land to the north and east of The Boathouse, Bridgemarsh Lane, Althorne, as he knew all involved in the application and lived in Bridgemarsh Lane.

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326. FUL/MAL/19/00397 - THE GATEHOUSE, SEA END CARAVAN PARK, BELVEDERE ROAD, BURNHAM-ON-CROUCH, ESSEX CM0 8AB

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| Application Number | FUL/MAL/19/00397 |
| Location | The Gatehouse, Sea End Caravan Park, Belvedere Road, Burnham-On-Crouch, Essex, CM0 8AB |
| Proposal | Variation of condition 2 on approved planning permission FUL/MAL/95/00407 (Retention of consent refs. BUR/23/51 without compliance with condition 3 BUR/21/59 condition 1 and MAL/909/77 condition 3 to allow occupancy of caravans from 1 March to 30 November annually.) |
| Applicant | Mr M Annis - Rice & Cole Ltd. |
| Agent | Mr Mark Southerton |
| Target Decision Date | 02.07.2019 (EoT agreed: 16.08.2019) |
| Case Officer | Anna Tastsoglou |
| Parish | BURNHAM SOUTH |
| Reason for Referral to the Committee / Council | Major application |

Following the Officer's presentation, a long debate ensued.

Members expressed concerns regarding the potential for all year round use of the caravans; the additional strain on local services like doctors and schools, despite the accommodation not being the primary residence and above all the risk of flooding during the winter months. It was noted that monitoring the conditions and the register was the responsibility of the Council.

The Lead Specialist Place advised that since there were no material planning objections the development was acceptable. Furthermore, since these were not primary residences but holiday lettings, occupants should not impact on key services like schools or doctor surgeries.

Councillor Fluker, noting that there were no planning reasons to refuse, proposed, albeit reluctantly, that the application be approved in accordance with the Officer's recommendation. This was seconded by Councillor Boyce on the proviso that Condition 3. *The owners/operators shall maintain an up to date register of the names of all owners/occupiers of individual caravans on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.*

REASON In order to ensure that the approved use is carried out in accordance with the submitted details, that the use of the site is for holiday purposes only, that there is no adverse effect to the adjoining designated nature conservation site and to ensure that the impact from any flood events is limited in line with policies S1, S8, E5, D1, D2, D5 and N2 of the approved Local Development Plan, policies EC.6, EN.1 and EN.3 of the Burnham-on-Crouch Neighbourhood Plan and the guidance contained within the National Planning Policy Framework was strictly enforced.

The Chairman put the proposal to approve the application in accordance with the Officer's recommendation to the Committee and upon a vote being taken it was refused.

The discussion then reverted to the concern over flooding, particularly during the winter months. Whilst it was acknowledged that the Environment Agency had made no objection it was also noted that the location was below sea level and in the event of flooding the occupants did not have the facility to decant to an upper floor.

The consensus was that the application be refused as the potential for flooding and damage to the seawall defences during the winter months, putting occupants at risk, was too serious to overlook and contrary to policy in the Local Development Plan.

The Chairman put the recommendation to refuse the application for the aforementioned reason to the Committee and the application was refused, contrary to the Officer's recommendation.

Councillors R G Boyce, MBE and A S Fluker asked that their original vote to support the application be recorded.

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

1. It is considered that there is an increased risk of flooding and the sea wall collapsing in the winter months and therefore the proposal is considered to put the occupiers of the caravans at risk during winter, contrary to policy D5 of the Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

327. TREE PRESERVATION ORDER (TPO) 3/19 - LAND TO THE NORTH AND EAST OF THE BOATHOUSE, BRIDGEMARSH LANE, ALTHORNE

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| Application Number | TPO 3/19 |
| Location | Land to the north and east of The Boathouse, Bridgemarksh Lane, Althorne |
| Proposal | Confirmation of TPO 3/19 |
| Owner | Samantha Lonergan, Georgina McHugh (H Bass and Sons), Mr Lee Batt, Mrs Batt, Mr Michael Bass. |
| Confirmation by | 01.10.2019 |
| Case Officer | Hayleigh Parker-Haines |
| Parish | ALTHORNE PARISH COUNCIL |
| Reason for Referral to the Committee / Council | Decision on confirmation of a Tree Preservation Order as per the Council's scheme of delegation |

Following the Officer's presentation, the Committee debated the proposal.

Councillor Boyce, MBE, said he did not agree with the Officer's recommendation and that the owners had gone to some expense looking after the woodland under the scheme currently in operation on the site. In addition, he felt that the conditions applied would restrict the proper management of the woodland, requiring planning permission for future maintenance. He proposed that the Tree Preservation Order (TPO) not be confirmed, contrary to the Officer's recommendation and this was seconded by Councillor Fluker.

Further concern was expressed that the proposed procedures would discourage the planting of woodland and questions were raised regarding the role of the Forestry

Commission (FC) in this instance. The Lead Specialist Place advised that the Forestry Commission worked side by side with the Council on these matters. It was noted that given the existing scheme with the Forestry Commission was valid to 2032, the issue of a TPO should be considered then, not at this stage in the scheme.

The Chairman put the proposal to not confirm the Tree Preservation Order to the Committee and upon a vote being taken this was agreed.

RESOLVED that the Tree Preservation Order not be **CONFIRMED**.

328. TREE PRESERVATION ORDER (TPO) 6/19 - 29 CHAPEL ROAD, BURNHAM-ON-CROUCH, ESSEX

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| Tree Preservation Order | TPO 6/19 |
| Location | 29 Chapel Road, Burnham-on-Crouch, Essex |
| Proposal | Confirmation of TPO 6/19 |
| Owner | Mr Dean Lawrence |
| Confirmation by | 24.12.2019 |
| Case Officer | Annie Keen |
| Parish | BURNHAM SOUTH |
| Reason for Referral to the Committee / Council | Decision on confirmation of a Tree Preservation Order as per the Council's scheme of delegation |

Following the Officer's presentation, the Committee debated the proposal.

Members reported that the tree was nearing the end of its natural life and that it should be taken down. The issue of coppicing the tree was raised but the concerns that the tree had out grown its location and, should it come down, the potential to cause damage to neighbouring properties outweighed that suggestion.

The Chairman put the Officer's recommendation to confirm the Tree Preservation Order to the Committee and upon a vote being taken it was refused.

RESOLVED that the Tree Preservation Order not be **CONFIRMED**.

There being no further items of business the Chairman closed the meeting at 8.27 pm.

R P F DEWICK
CHAIRMAN