



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
10 FEBRUARY 2020**

PRESENT

Chairman	Councillor R P F Dewick
Vice-Chairman	Councillor M W Helm
Councillors	M G Bassenger, V J Bell, R G Boyce MBE, Mrs P A Channer, CC, A S Fluker, A L Hull, N J Skeens and W Stamp

741. CHAIRMAN'S NOTICES

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

742. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor B S Beale, MBE.

743. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the meeting of the Committee held on 13 January 2020 be received.

Minute No. 654 - HOUSE/MAL/19/01124 – 36 Anchorage View, St. Lawrence, Essex, CM0 7JH

That the second sentence in the second paragraph be amended to read 'In response to a question from Councillor Channer Officers clarified that the development, being approximately 18 feet from the shared boundary, was not considered to result in unacceptable harm by way of overlooking or shadowing.

RESOLVED

- (i) that subject to the above amendment the Minutes of the meeting of the Committee held on 13 January 2020 be confirmed.

744. DISCLOSURE OF INTEREST

Councillor M W Helm, declared in the interest of openness and transparency on Agenda Item 8-19/01214/OUT, Land At Bellsgate, as he had known the applicant for many years and his land abutted the applicant's property. He advised that he would leave the Chamber for this item of business.

Councillor N Skeens declared a non-pecuniary interest in Agenda Item 6 - 19/01181/FUL, Mangapp Manor, Southminster Road, Burnham-on-Crouch, as he knew the architects and Agenda Item 8-19/01214/OUT, Land At Bellsgate, as he had known the applicant for many years.

Councillor Mrs P A Channer, CC declared a non-pecuniary interest in all items on the agenda as a member of Essex County Council, a consultee on highways, access, education and all planning related matters. She further declared on Agenda Item 8 - 19/01214/OUT, Land At Bellsgate, as she knew the applicant.

Councillor M G Bassenger declared in the interest of openness and transparency on both Agenda Item 6-19/01181/FUL, Mangapp Manor, Southminster Road, Burnham-on-Crouch and Agenda Item 7-19/01194/HOUSE, 29 Mill Road, Burnham-on-Crouch, Essex, CM0 8PZ as he knew the agents.

Councillor A S Fluker declared in the interest of openness and transparency on both Agenda Item 7-19/01194/HOUSE, 29 Mill Road, Burnham-on-Crouch, Essex, CM0 8PZ and Agenda Item 8-19/01214/OUT, Land At Bellsgate, as he knew the applicants.

Councillor Mrs A L Hull, declared a non-pecuniary interest in Agenda Item 6-19/01181/FUL, Mangapp Manor, Southminster Road, Burnham-on-Crouch, as she knew the owner of the adjoining land.

745. 19/01163/FUL - SUN AND ANCHOR, THE STREET, STEEPLE

Application Number	19/01163/FUL
Location	Sun and Anchor, The Street, Steeple
Proposal	Demolition of the Sun & Anchor Public House and erection of 6 dwelling houses
Applicant	Gray & Sons (Chelmsford) Ltd
Agent	Mr Mark Jackson
Target Decision Date	16.02.2020
Case Officer	Anna Tastsoglou & Devan Hearnah
Parish	STEEPLE
Reason for Referral to the Committee / Council	Member Call In Councillor M W Helm – Policy E3

A Members' Update was submitted detailing archaeology comments and summarising two letters commenting on the application. Following the presentation, a supporter, Chris Harvey, Parish Councillor Kay Davey, Steeple Parish Council, the Applicant, John Hubbard and the Agent, Mark Jackson addressed the Committee.

A debate ensued regarding the need for a second pub in the village. Councillor Helm said that the other public house was a viable business and a second public house could not compete.

Whilst Members acknowledged the comments from the speakers and the support from the Parish Council they also accepted the need to comply with the Local Development Plan (LDP). It was noted that the Officers had got it right in that the application resulted in a cramped and contrived form of development.

Councillor Fluker, noting the previous concerns, said that the main difficulty was the lack of compliance with Policy E3, in that there was no evidence of marketing of the business. However, he felt that in the main all issues could be overcome and proposed that the application be deferred. This was seconded.

The Lead Specialist Place reminded Members to be conscious of policy compliance and the need to evidence policy requirements, as in this case. No formal marketing evidence had been submitted and there were no material planning considerations put forward to overturn the officer's recommendation.

Councillor Fluker then declared in the interest of openness and transparency, as he knew the supporter, Chris Harvey, and said he should be commended for the great Guide he wrote on real ale in the Dengie that had resulted in a lot of business for a number of public houses.

The Chairman reflecting on the debate said he did not want developers saying that the Committee approved the application without the requisite evidence. Furthermore, he stressed that too many public houses had already been closed, to the detriment of communities.

The Lead Specialist Place added that it would not just impact on public houses and could create a very dangerous precedent. He reiterated that there was no evidence as per Policy E3 in the application and that the Committee needed to make a decision on the application as it stood.

The Chairman put the first proposal to defer the application to the Committee and upon a vote being taken it was refused.

The Chairman then put the Officer's recommendation to refuse the application to the Committee and the application was refused.

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

- 1 The proposed development would result in the loss of a community facility. No suitable justification or evidence has been provided to demonstrate that the existing business/service is not and cannot be made viable or that effective marketing has been undertaken to demonstrate that there is no viable and appropriate alternative community based service use. The development would therefore be contrary to policy E3 of the approved Maldon District Local Development Plan and guidance contained in the National Planning Policy Framework (2019).
- 2 The proposal involves the erection of six dwellings adjacent to listed buildings. The proposed dwellings by reason of their design, scale, mass, bulk and

positioning would result in a cramped and contrived form of development, which fails to accord with the historic character and appearance of Steeple and also the prevailing pattern of development . Furthermore, the dwellings to the front of the site due to their height, scale, bulk and design are considered to cause some harm the setting of the adjacent listed buildings, which would not be outweighed by the public benefits of the proposal. As such the proposal would be contrary to the requirements policies S1, D1 and D3 of the Maldon District local Development Plan and paragraph 179 of the National Planning Policy Framework and there would not be significant benefits that would outweigh the harm identified.

- 3 The proposed development would fail to provide adequate on-site parking provision for Plot 6. The proposal would therefore be likely to cause additional on-street parking to the detriment of the free flow of traffic and highway safety. The proposal is therefore contrary to policies S1, D1 and T2 of the Maldon District Local Development Plan.
- 4 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has not been secured. As a result, the development would have an adverse impact on the European designated nature conservation sites, contrary to Policies S1, D1, N1 and N2 of the Maldon District Local Development Plan and the NPPF.

746. 19/01181/FUL - MANGAPP MANOR, SOUTHMINSTER ROAD, BURNHAM-ON-CROUCH

Application Number	19/01181/FUL
Location	Mangapp Manor, Southminster Road, Burnham-on-Crouch
Proposal	Construction of outbuilding for storage of classic cars and motorcycles. Formal removal of additional use of property as a wedding venue.
Applicant	Mr Mark Sadleir
Agent	Mr Michael Lewis – Bailey Lewis
Target Decision Date	10.02.2020
Case Officer	Louise Staplehurst
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Major Application Member Call In by Councillor W Stamp Reason: D1

A Members' Update was submitted summarising two letters of support. Following the Officer's presentation, the Agent, Michael Lewis, addressed the Committee.

A debate ensued regarding the ongoing issue of curtilage. Councillor Stamp, having called in the application said she was disappointed that this issue had not been resolved prior to Committee.

The Lead Specialist Place drew Members' attention to paragraph 5.1.4 and the case law on curtilage. He said that in respect of this application it was a large amount of land that did not have an intimate relationship with the property, therefore, could not be defined as residential curtilage.

The debate continued as Members were still unclear as to what did or did not constitute residential curtilage. The Lead Specialist Place reminded the Committee that this application had been before the Committee on two previous occasions and had been refused on the basis that the application was not within the residential curtilage. He said that there was a need for consistency going forward and that it would be dangerous to disagree with case law.

Councillor Helm believed that the application was within the residential curtilage and proposed that the application be approved, contrary to the Officer's recommendation and this was seconded.

Councillor Fluker referred to paragraph 3.1.8 in the Officer's report that stated the application would have an unacceptable visual impact on the intrinsic character and beauty of the countryside. In addition, he said that no new material planning information had come forward since the application was last refused and proposed that the application be refused in accordance with the Officer's recommendation.

The Chairman put the first proposal by Councillor Helm, duly seconded, to approve the application, contrary to the Officer's recommendation, to the Committee. Upon a vote being taken the recommendation was refused.

The Chairman then put the second proposal from Councillor Fluker to refuse the application in accordance with the Officer's recommendation, to the Committee. Following a vote and there being an equality of votes the Chairman exercised his casting vote and the application was refused.

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

- 1 The proposed outbuilding, as a result of its siting, scale, bulk and design would be unduly detached from the host dwelling and would have a substantial and unacceptable visual impact on the intrinsic character and beauty of the countryside. This would be exacerbated by the substantial increase in built form and the fact the development is located outside of Mangapp Manor's residential curtilage resulting in the urbanisation of the countryside. The proposal is therefore unacceptable and contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan, policy HO.8 of the Burnham-on-Crouch Neighbourhood Development Plan and the guidance contained within the National Planning Policy Framework.

747. 19/01194/HOUSE - 29 MILL ROAD, BURNHAM-ON-CROUCH, ESSEX CM0 8PZ

Application Number	19/01194/HOUSE
Location	29 Mill Road, Burnham-On-Crouch, Essex CM0 8PZ
Proposal	Demolition of 2 existing conservatories and garage. Erection of side extension incorporating new garage, and entrance porch. Alterations to roof creating a chalet bungalow incorporating rear facing balcony.
Applicant	Mr & Mrs David Marchant
Agent	Michael Lewis - Bailey Lewis
Target Decision Date	EOT 14.02.2020
Case Officer	Annie Keen
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Member Call in – Councillor W Stamp Policy D1

Following the Officer's presentation, the Applicant, Emma Marchant, addressed the Committee.

Councillor Hull opened the debate noting that the application would benefit the neighbourhood and provide a home for a young couple from the area. Both Councillor Stamp and Councillor Bell echoed these comments and said the application represented a real improvement and that the applicants had made every effort to meet the planning requirements.

Councillor Fluker noted that it complimented the street scene and was not contrary to policies D1 and H4. He therefore proposed that the application be approved contrary to the Officer's recommendation and this was duly seconded.

The Chairman put the proposal to approve the application, contrary to the Officer's recommendation and including standard conditions around time, materials, plans, carparking etc. to the Committee. Upon a vote being taken the application was approved.

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.
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 accordance with the following approved plans and documents: 1969.04A, 1969.01, 1969.02A, 1969.03A and 1969.05A
Reason: In order to ensure that the development is carried out in accordance with the approved details and in accordance with policy D1 of the Local Development Plan.
3. The materials used in the construction of the development hereby approved shall be as set out within the application form/plans hereby approved.
Reason: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

4. Prior to the first occupation of the extension hereby permitted, the first-floor rooflight(s) in the eastern and western elevations shall be glazed with opaque glass and of a non-openable design and shall be retained as such thereafter.
Reason: To protect the amenity of the neighbouring occupiers in accordance with policies H4 and D1 of the approved Local Development Plan.
5. The garage shall not be used other than for the accommodation of private motor vehicles or for any other purpose incidental to the enjoyment of the dwelling house as such and shall not at any time be converted or used as habitable space / living accommodation.
Reason: To ensure there is adequate vehicle parking on-site in accordance with policy T2 of the LDP and the Maldon District Vehicle Parking Standards SPD.
6. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings shall be erected within the site without planning permission having been obtained from the local planning authority.
Reason: To protect the amenity of the neighbouring occupiers and also the future occupiers of the approved dwellings, in accordance with policies D1 and H4 of the Maldon District Local Development Plan.
7. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no dormer window or other form of addition or opening shall be constructed in the roof or gable walls of the building(s)/ extension hereby permitted without planning permission having been obtained from the local planning authority.
Reason: To protect the amenity of the neighbouring occupiers and also the future occupiers of the approved dwellings, in accordance with policies D1 and H4 of the Maldon District Local Development Plan.

Councillor M W Helm left the Chamber for the next item of business.

748. 19/01214/OUT - LAND AT BELLSGATE, MALDON ROAD, LATCHINGDON

Application Number	19/01214/OUT
Location	Land At Bellsgate, Maldon Road, Latchingdon
Proposal	Proposed detached dwelling.
Applicant	Mr Fred Dash
Agent	Mr Paul Harris
Target Decision Date	11/02/2020
Case Officer	Louise Staplehurst
Parish	LATCHINGDON
Reason for Referral to the Committee / Council	Member Call In – Councillor Mrs P A Channer, CC Reason – LDP policies relating to Sustainable Development, Design Quality and the Built Environment, Settlement Boundaries and the Countryside and Replacement Dwellings.

A Members' Update had been submitted advising that no objections had been received from Essex Highways.

Councillor Channer, having called in the application, said that she knew the site and given it was clear there had been an original dwelling there had sympathy with the applicant. She said she recalled a like application some time back that had been refused by Committee and subsequently agreed by the Inspector.

The Lead Specialist Place said that previous like applications may have had intent to protect the property through for example continuous payment of Council Tax. However, that was not the case in this instance, where no tax had been paid for over twenty years, so the residential use had ceased, and the dwelling abandoned.

A debate ensued where concerns were raised about some of the reasons for refusal outlined in the report. The consensus was that a replacement dwelling rather than harmfully altering the character of the area or having an unacceptable visible impact would be an improvement. However, the Committee further agreed it should not be a two storey building.

Councillor Bell felt that a replacement dwelling would not have a harmful impact and therefore proposed that the application be approved, contrary to the Officer's recommendation. Councillor Fluker said that he supported the principle of a replacement dwelling but that it be conditioned to a reasonable height, with a caveat against a traditional two storey building.

Councillor Channer said she would support this with the proviso that the remaining conditions be delegated to officers in consultation with the Chairman and Ward Members.

The Chairman put the proposal to approve the application, contrary to the Officer's recommendation, subject to a caveat against a traditional two storey dwelling and a Unilateral Undertaking being submitted with conditions delegated to Officers in consultation with the Chairman and Ward Members, to the Committee. Upon a vote being taken the application was approved.

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

1. The development shall be carried out in accordance with plans and particulars relating to the appearance, access, landscaping, layout and 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(s) for the approval of the reserved matters 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. No works above ground level shall take place until written details of the proposed materials to be used in the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.
REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
5. No works above ground level shall take place until details of the siting, height, design and materials of the treatment of all boundaries including existing hedging, gates, fences, walls, railings and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the first occupation of the development to which it relates and be retained as such thereafter.
REASON: In the interest of local amenity and in accordance with policy D1 of the Maldon District Local Development Plan.
6. No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) 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 under body washing facilities
REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy T2 of the Local Development Plan.
7. No works above ground level shall take place until details of the surface water drainage scheme and foul drainage scheme to serve the development has been 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 the adequate provision of surface water drainage within the proposal and to encourage sustainable forms of drainage within development in accordance with the National Planning Policy Framework, and policy D5 of the Maldon District Local Development Plan.
8. The scheme to be submitted pursuant to 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 the Council's adopted Vehicle Parking Standards, in accordance with policy T2 of the approved Maldon District Local Development Plan.
9. Full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include, for example:
 - i. Proposes finished levels contours;
 - ii. Means of enclosure;

- iii. Car parking layouts;
- iv. Other vehicle and pedestrian access and circulation areas;
- v. Hard surfacing materials;
- vi. Minor artefacts and structures (e.g furniture, play equipment, refuse or other storage units, signs, lighting);
- vii. Proposed and existing functional services above and below ground (e.g drainage power, communications cables, pipelines etc, indicating lines, manholes, supports);
- viii. Retained historic landscape features and proposals for restoration, where relevant.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise 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.

The hard landscape works shall be carried out as approved prior to the first use / occupation of the development hereby approved and retained and maintained as such thereafter.

REASON: In the interest of the character and appearance of the area, in accordance with policies S8, D1 and H4 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.

- 10. The development shall not exceed 7 metres in height overall.

REASON: To protect the character and appearance of the site and the surrounding area, in accordance with policies S8, D1 and H4 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.

- 11. The eaves shall not exceed 3.5 metres in height and any first-floor accommodation shall only be located within the roof.

REASON: To protect the character and appearance of the site and the surrounding area, in accordance with policies S8, D1 and H4 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.

- 12. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings shall be erected within the site without planning permission having been obtained from the local planning authority.

REASON: To protect the character and appearance of the site and the surrounding area, in accordance with policies S8, D1 and H4 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.

- 13. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no dormer window or other form of addition or opening shall be constructed in the roof or gable walls of the building(s)/ extension hereby permitted without planning permission having been obtained from the local planning authority.

REASON: To protect the character and appearance of the site and the surrounding area, in accordance with policies S8, D1 and H4 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.

Councillor M W Helm returned to the Chamber.

There being no further items of business the Chairman closed the meeting at 8.53 pm.

R P F DEWICK
CHAIRMAN