



**MINUTES of  
SOUTH EASTERN AREA PLANNING COMMITTEE  
13 OCTOBER 2021**

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**PRESENT**

Chairman	Councillor V J Bell
Councillors	M G Bassenger, R G Boyce MBE, Mrs P A Channer, R P F Dewick, A S Fluker, M W Helm, A L Hull and W Stamp, CC
In attendance	Councillor C Morris

**326. CHAIRMAN'S NOTICES**

The Chairman welcomed all present and took the Committee through some general housekeeping issues.

**327. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor N Skeens.

**328. MINUTES OF THE LAST MEETING**

**RESOLVED** by assent that the Minutes of the meeting of the Committee held on 15 September 2021 be approved and confirmed.

**329. DISCLOSURE OF INTEREST**

Councillor W Stamp declared a non-pecuniary interest as member of Essex County Council a consultee on the planning applications.

Councillor R P F Dewick declared a non-pecuniary interest on Agenda Item 7 as the applicant was an occasional customer. Whilst he felt it was non-pecuniary he said he would leave the Chamber for this item of business.

**330. 20/01191/FUL - HALL FARM, HALL ROAD, SOUTHMINSTER, ESSEX, CM0 7EH**

<b>Application Number</b>	<b>20/01191/FUL</b>
<b>Location</b>	<b>Hall Farm, Hall Road, Southminster, Essex, CM0 7EH</b>
<b>Proposal</b>	Change of use of Southminster Hall to a mixed use providing a wedding ceremony room and residential use and the change of use of Southminster Hall grounds to provide a wedding venue to include siting of a marquee and WC facilities and ancillary parking and conversion of outbuilding to ancillary bridal suite.

<b>Applicant</b>	Mr & Mrs Cooper
<b>Agent</b>	Kate Jennings – Whirledge & Nott
<b>Target Decision Date</b>	16.09.2021
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>SOUTHMINSTER</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

Following the Officer's presentation and verbal update including additional conditions recommended following the receipt of a consultation response from Essex County Council's Highways Authority (ECC), the Agent, Ms Kate Jennings, addressed the Committee. The Chairman then opened the debate.

Councillor Fluker commenced by thanking Officers for listening to residents' concerns. He said that temporary permission was a good option as it gave all parties concerned the opportunity to understand shared needs. He proposed that the application be approved in accordance with the Officer's recommendation, together with an adjustment to timings in condition 6 from 11am-11:30pm to 11am-11:00pm. This was seconded by Councillor Beale.

Councillor Boyce, addressing condition 1, asked if the physical changes proposed to the buildings would also need to be returned to their present condition. The Specialist: Development Management recommended that the emphasis of condition 1 be on the change of use back to residential and that the physical changes proposed to the existing buildings could remain beyond the two year temporary permission period. Councillor Boyce said he was content with that subject to Ward Members agreement. This was seconded.

There being no further discussion the Chairman put the proposal to approve the application in accordance with the Officer's recommendation, with amendments to conditions 1 and 6. Upon a vote being taken the application was approved.

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

- 1 The use of the site hereby permitted shall be discontinued and returned to its current use as a single dwellinghouse, and the marquee and WC facilities shall be permanently removed from the site, all within two years of the date of this planning permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
  - Site layout plan 15.09.2021
  - Location plan 22.09.2021
  - Proposed ceremony room floor plan
  - Marquee images
  - Details of mobile WCs
  - Existing floor and roof plan – 03rev.E
  - Existing sections – 04rev.E
  - Existing elevations – 05rev.E
  - Proposed floor plans – 06rev.E
  - Proposed sections – 07rev.E
  - Proposed elevations – 08rev.E
  - Proposed car park access and layout – 2167/01
- 3 Prior to the first use of the 'bridal suite' hereby permitted, details of the foul drainage scheme to serve this element of the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall

- be implemented prior to the first occupation of the 'bridal suite' and retained as approved thereafter.
- 4 The existence of any contaminated ground or groundwater and/or hazardous soil gases found must be reported in writing immediately, a risk assessment of the site undertaken and a scheme to bring the site to a suitable condition submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future. The work will be undertaken by a competent person in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination (CLR 11), the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and current UK best-practice guidance and policy.
  - 5 With the exception of music played in the ceremony room during a wedding ceremony no public entertainment or public address system whatsoever, including but not limited to amplified sound or the playing of amplified music, shall take place on site other than within the marquee.
  - 6 No public entertainment or public address system, including but not limited to amplified sound or the playing of amplified live or other music associated with the use hereby permitted, shall take place within the marquee except between 11:00 hours and 23:00 hours.
  - 7 Prior to the first use of the site as a wedding venue the Zone Array sound system referred to in the report reference 12811220/NIAAdd dated 18th May 2020 by Integrated Acoustics Ltd shall be installed, used and maintained at all times that the venue is in use.
  - 8 Prior to the first use of the site as a wedding venue the electronic sound limiting/cut out device referred to in the report reference 12811220/NIAAdd dated 18th May 2020 by Integrated Acoustics Ltd shall be installed and fitted so that all regulated entertainment, including live performances, is channelled through the device to regulate the maximum sound level from the amplified sound systems used in the marquee. The system shall be retained thereafter for use at all events in the marquee.
  - 9 No fireworks or other pyrotechnics shall be set off at the site in connection with the use hereby permitted.
  - 10 Over any 15-minute period, the level of amplified sound emitted from the site shall not exceed 23dB as measured on the boundary of 20 Hall Road, Southminster. The site shall not open as a wedding venue until a verification report has been submitted to and agreed in writing by the local planning authority that demonstrates that this noise level has been achieved.
  - 11 The car parking area for the venue shall be as detailed in Appendix 3 - Amended car parking area associated with the proposed development - of the Noise Impact Addendum, ref 12811220/NIAAdd dated 18th May 2020.
  - 12 The measures identified in the Noise Management Plan detailed in Section 6.32 of the Noise Impact Assessment ref 12811220f1 dated 19th February 2021 and on page 3 of the addendum ref 12811220/NIAAdd dated 18th May 2020 shall be implemented prior to the first use of the wedding venue and remain as detailed at all times that the venue is in use.
  - 13 The premises shall only be open to customers/visitors/guests between 11:00 hours and 00:00 hours. No persons other than staff connected with the use or guests staying in the overnight accommodation hereby permitted shall be on site outside of these hours.
  - 14 There shall be no external lighting installed at the site unless and until details including the luminance and spread of light and the design and specification of the light fittings have been submitted to and approved in writing by the local

- planning authority. All illumination within the site shall be installed in accordance with the approved details and retained as such thereafter.
- 15 The 'bridal suite' hereby permitted shall be only be used ancillary to the wedding venue use hereby permitted and for no other purpose.
- 16 There shall be no more than 40 events held each year.
- 17 Prior to the commencement of the use hereby permitted, storage for bicycles shall be provided in accordance with details which shall have been submitted to and approved in writing by the local planning authority. The storage shall be retained as approved for the length of the planning permission.
- 18 Other than the post and rail fence proposed (which shall be a timber fence of no more than 1.5m in height) and 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 gates, fence, wall or other means of enclosure shall be erected within the site without planning permission having been obtained from the local planning authority.
- 19 All existing trees and hedgerows shall be retained and shall be protected in accordance with the requirements of BS5837:2012 – Trees in Relation to Design, Demolition and Construction, in relation to the installation of the marquee and toilet facility hereby approved.
- 20 Prior to the first occupation of the proposed development, the existing field access shall be reconstructed as shown on drawing No.2167/01. The access shall be upgraded to a width of 6m for at least the first 6.0m within the site and shall be provided with an appropriate vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.
- 21 There should be no obstruction above ground level within a 2.4m parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic associated with the use hereby permitted and retained free of any obstruction at all times.
- 22 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

**331. 21/00193/FULM - LAND ADJACENT CLIFFORDS FARM, BURNHAM ROAD, ALTHORNE, ESSEX**

<b>Application Number</b>	<b>21/00193/FULM</b>
<b>Location</b>	Land Adjacent Cliffords Farm, Burnham Road, Althorne, Essex
<b>Proposal</b>	Erect 13No. dwellings comprising 8No. one and two-bedroom affordable apartments in 2 x two-storey buildings, and 5No. 4/5 bedroom two-storey detached houses with garages, form three new vehicular accesses onto Burnham Road, private drives, vehicle parking and manoeuvring areas and gardens, and lay out hard and soft landscaping
<b>Applicant</b>	Mrs Georgina McHugh
<b>Agent</b>	Mr Stewart Rowe - The Planning And Design Bureau Ltd
<b>Target Decision Date</b>	15.10.2021
<b>Case Officer</b>	Louise Staplehurst
<b>Parish</b>	<b>ALTHORNE</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

A Members' Update had been circulated prior to the meeting that noted Essex County Council's Highways Authority (ECC) had no objections and four of their recommended

conditions would be imposed. It also detailed further consultations and representations received and noted that the Lead Local Flood Authority now considered the proposal to be acceptable in terms of drainage. It had recommended four conditions which were considered to meet the six tests which will be imposed.

Following the Officer's presentation an Objector, Mr Paul Burgess, a representative from Althorne Parish Council, Councillor Terry Inkpen and the Agent, Stewart Rowe, addressed the Committee. At this point both Councillor Mrs P A Channer and MW Helm declared a non-pecuniary interest as trustees of a local Alms-house.

The Chairman then called on Councillor Morris to speak. In response to a point of order it was clarified that Councillor Morris had approached the Chairman in advance of the meeting requesting to speak and she had used her discretion as Chairman to allow him to speak as an 'in attendance' member (Rule 19). Given Councillor Morris's opening remarks Councillor Channer said she wished it recorded in the minutes that she found his comments totally offensive and unacceptable.

The Chairman then invoked the Chairman protocol for managing member behaviour in meetings and the business of the meeting resumed with a debate on the proposal.

Councillor Boyce commenced by saying that the application had no merit and was not suitable for affordable housing due to the unsustainable location, the lack of public transport and the historic sewer surcharge issues. Councillor Bassenger concurred with this and raised further concerns regarding the adverse impact on the character of the area, poor design, the unsustainable location, lack of economic benefit and the low impact a small development of this nature would have on the Five Year Housing Land Supply (5YHLS). He proposed that the application be refused.

The Lead Specialist Place then addressed the reasons for refusal and advised the Committee which reasons were tenable, reminding Members that the decision was within their gift. Councillor Bassenger revised his reasons for refusal to:- the adverse impact on the character of the area; poor design and the unsustainable location. This was seconded by Councillor Stamp.

Further debate took place around the need to provide affordable housing for young people in the area, the adverse impact of the development, no amenities, no public transport links and the potential to set a dangerous precedent if allowed.

There being no further debate the Chairman put the proposal to refuse the application to the Committee. In accordance with Procedure Rule No.13 (3) Councillor Channer requested a recorded vote, duly seconded by Councillor Bassenger. The results were as follows:-

For the proposal to Refuse

Councillors M G Bassenger, B S Beale, V J Bell, R G Boyce, Mrs P A Channer and W Stamp.

Against the proposal to Refuse

Councillor A S Fluker and A L Hull.

Abstentions

Councillors R P F Dewick and M W Helm.

**RESOLVED** that the application be **REFUSED** for the reasons as outlined above and below:

1. The proposed development is considered to have a harmful impact on the character and appearance of the area. This is exacerbated by the design of the development. The proposal is therefore, contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
2. The site would be disconnected from services and facilities and by reason of its location, it would provide poor quality and limited access to public transportation, resulting in an increased need of private vehicle ownership. The development would therefore be unsustainable and contrary to policies S1, S8, T1 and T2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
3. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy, affordable housing, a footpath to the front of the site and an Impact Assessment and Conservation Payment Certificate document in relation to the District Level Licensing Scheme for Great Crested Newts, the development would not mitigate the harm arising from the development, contrary to Policies S1, and I1 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

Councillor R P F Dewick left the Chamber at this point.

**332. 21/00682/FUL - MUNDON HALL, VICARAGE LANE, MUNDON, ESSEX, CM9 6PA**

<b>Application Number</b>	<b>21/00682/FUL</b>
<b>Location</b>	Mundon Hall, Vicarage Lane, Mundon, Essex, CM9 6PA
<b>Proposal</b>	Erection a covered cattle yard for the purposes of animal welfare
<b>Applicant</b>	J Milligan – M & B Livestock
<b>Agent</b>	Melanie Bingham-Wallis – Foxes Rural Consultants
<b>Target Decision Date</b>	15.10.2021
<b>Case Officer</b>	Annie Keen
<b>Parish</b>	<b>MUNDON</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In by Councillor B Boyce, MBE – Highways and Lighting – Policy E4

A Members' Update had been circulated prior to the meeting that detailed further consultation and representation responses together with a revised condition 7 and an Informative dealing with Public Right of Way.

Following the Officer's presentation, the Chairman opened the debate. Councillor Boyce, having called in the application, said that he was content all issues had been resolved. Councillor Fluker proposed that the application be approved in accordance with the Officer's recommendation. This was seconded by Councillor Helm.

The Chairman put the proposal to approve the application to the Committee and it was agreed by assent.

**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 accordance with the following approved plans and documents: Location Plan, Block Plan, Existing Site Plan, Floor Plans & Elevation, Proposed Site 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.
  - 4 No floodlighting or other external forms of illumination of the site shall be undertaken without the express consent of the local planning authority.
  5. The details of the internal illumination of the building shall be as set out in the email dated 13 September 2021 from Melanie Bingham-Wallis and shall be retained as such thereafter.
  - 6 No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be 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. The scheme shall ensure that for a minimum:
    - 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
    - 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)
- You are advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.
- Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.
- 7 The public's rights and ease of passage over public footpath 14 (Mundon) shall be maintained free and unobstructed at all times.

The meeting closed at 9.12 pm.

V J BELL  
CHAIRMAN