



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
20 SEPTEMBER 2023**

PRESENT

Chairperson	Councillor V J Bell
Vice-Chairperson	Councillor A Fittock
Councillors	A S Fluker, L J Haywood, W J Laybourn, M G Neall, R G Pratt, U C G Siddall-Norman and W Stamp, CC

255. CHAIRPERSON'S NOTICES

The Chairperson welcomed everyone to the meeting and went through some general housekeeping arrangements for the meeting.

256. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M G Bassenger and D O Bown

257. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 26 July 2023 be approved and confirmed.

258. DISCLOSURE OF INTEREST

Councillor V J Bell advised that all Members of the Committee had received advice from the Monitoring Officer regarding Agenda Item 7 - 23/00749/FUL - Paton Place, Nipsells Chase, Mayland.

Councillor A S Fluker declared a pecuniary interest in Agenda Item 6 – 23/00670/FUL - 7 High Street, Burnham-on-Crouch, Essex, CM0 8AG, as he owned a freehold property close to the application site and would leave the Chamber at that item.

259. 22/01176/FUL - CROUCH RIDGE VINEYARD, FAMBRIDGE ROAD, ALTHORNE, CM3 6BZ

Application Number	22/01176/FUL
Location	Crouch Ridge Vineyard, Fambridge Road, Althorne, CM3 6BZ
Proposal	Section 73a application for a barn to be used as a visitors centre, tasting room, café and shop with associated operational development which includes an area of decking, two covered areas, extractor and air conditioning units, a gas tank, container and enlarged car park.
Applicant	Mr and Mrs R Lonergan – Crouch Ridge Estates
Agent	Mr Mark Jackson
Target Decision Date	29 September 2023 (EOT agreed)
Case Officer	Lisa Greenwood
Parish	ALTHORNE

Reason for Referral to the Committee / Council	Member call in by Councillor R G Boyce MBE, based on Policies E4 and E5 of the LDP (2017).
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It was noted from the Members' Update that since the agenda had been published further information had been received regarding Noise, consultee responses and parking requirements.

Following the Officers presentation, an Objector, Mr Inkpen, Althorne Parish Council representative, Councillor Burgess and the Applicant Mr Lonergan addressed the Committee.

Councillor V J Bell then moved the Officers' recommendation of refusal as set out in the report and this was duly seconded.

A debate ensued where Members discussed the application specifically, the reasons for refusal, the potential traffic issues on the B1010 and the noise impact on the local amenity.

There being no further debate the Chairperson then moved the earlier proposition of refusal.

In accordance with Procedure Rule No. 13 (3) Councillor U G C Siddall-Norman requested a recorded vote, and this was duly seconded. The voting for refusal of the application was as follows:

For the recommendation:

Councillors, V J Bell, T Fittock, R G Pratt, U G C Siddall-Norman and W Stamp, CC.

Against the recommendation:

Councillors, A S Fluker, L J Haywood, W J Laybourn and M G Neall.

Abstention:

None.

The Chairperson declared that the application was therefore refused.

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

1. The development is for a café/restaurant, which is classed as a 'town centre use' outside of an existing town, village or located employment area, which due to its operating hours, size and nature of operation is not considered ancillary to the wider vineyard use operating at the site. It has not been demonstrated to the satisfaction of the Local Planning Authority that there is a justifiable and functional need for the activity within this rural location and that that it could not have been reasonably located in existing towns, villages or allocated employment areas. Therefore, the development would be contrary to Policies E2, E4 and E5 of the Maldon District Local Development Plan (2017) and the policies and guidance contained in the National Planning Policy Framework (2021).
2. The application site lies within a rural location. The development, by virtue of its urban nature, the design, visual intrusion into the countryside, and siting and cluttered appearance of the operational development to the western side of the building, namely but not limited to, the store, gas tank and fencing, hardstanding and container, fails to protect and enhance the character and appearance of the rural area. The development would therefore be unacceptable and contrary to policies S1, S8 and D1 of the Maldon District

Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2021).

3. The proposal, by reason of an inadequate level of on-site parking, would be likely to cause additional on-street parking to the detriment of the freeflow of traffic and highway safety and could also further erode the countryside. The proposal is therefore, contrary to policies S1, S8, D1, T1 and T2 of the Maldon District Local Development Plan (2017) and guidance contained within the National Planning Policy Framework (2021).

260. 23/00670/FUL - 7 HIGH STREET, BURNHAM-ON-CROUCH, ESSEX, CM0 8AG

Application Number	23/00670/FUL
Location	7 High Street, Burnham-on-Crouch, Essex, CM0 8AG
Proposal	Change of use of ground floor front room from E(a) retail to C3 (residential).
Applicant	Mr and Mrs Paul Lee
Agent	Mr Ray Farrell
Target Decision Date	7 September 2023
Case Officer	Lisa Greenwood
Parish	MAYLAND
Reason for Referral to the Committee / Council	Member Call In – Councillor D O Bown Policies S1 (Sustainability) and S2 (Design)

Prior to her presentation the Officer made Members aware that there was an error on the front sheet of this application regarding the names of the Applicant and the Agent which would be updated prior to the decision notice being issued

Following the Officer's presentation, at the Chairperson's discretion, the Agent, Mr Lewis addressed the Committee.

Councillor V J Bell then moved the Officers' recommendation of refusal as set out in the report and this was duly seconded.

Councillor Bell reminded Members that it was important to note that the Environmental Agency had objected to this application as a statutory consultee.

A lengthy discussion ensued around the change of use back to residential and possible loss of a retail until on the high street, the safety aspects due to flooding and how they relate to the Applicants circumstances as disclosed by his Agent and if permission could be granted temporarily. In response to questions from Members, Officers provided the following answers:

- Officers are sympathetic to the Applicant; however, it would be difficult to impose a condition with a temporary set time frame and it would need to be a finite one.
- Due to the property being in a flood zone and the Applicant finding it difficult to not being able to get up the stairs, if it were to flood this could put the applicant in a very perilous situation.
- Members need to note the importance of the Environmental Agency objection to the application as a statutory consultee.

The Chairperson then moved the earlier proposition of refusal and when put to a vote, this was not agreed. The Chairperson then called for an alternative proposal. Councillor

W Stamp then proposed to approve the application contrary to the Officers' recommendation and this was seconded by Councillor W J Laybourne.

Councillor R G Pratt sought clarity as to if the new proposal would be a permanent change to residential and Officers confirmed that this would be the case as it would be difficult to impose a temporary condition.

Officers also reminded Members that by approving this application it also goes against the Neighbourhood plan.

The Chairperson then put the recommendation to approve the application contrary to the Officers' recommendation to the Committee and upon a vote being taken, was agreed.

RESOLVED that the application be **APPROVED** subject to conditions delegated to Officers in consultation with the Chairperson.

Councillor A S Fluker returned to the Chamber at 20:38.

261. 23/00749/FUL - PATON PLACE, NIPSELLS CHASE, MAYLAND

Application Number	23/00749/FUL
Location	Paton Place, Nipsells Chase, Mayland
Proposal	Amendment of condition 2 of 21/01240/VAR. Alterations to the scale of the dwelling, the fenestration, design and materials
Applicant	Mr and Mrs Kenny Paton
Agent	N/A
Target Decision Date	03.10.2023
Case Officer	Devan Hearnah
Parish	MAYLAND
Reason for Referral to the Committee / Council	Councillor / Member of Staff

It was noted from the Members' Update that since the agenda had been published an amendment to condition 7 was proposed to reflect that the Surface Water Drainage Condition had previously been discharged.

Following the Officers presentation, a representative from Mayland Parish Council, Councillor Down and the Applicant, Mr Paton addressed the Committee.

Councillor V J Bell moved the Officers' recommendation of approval as set out in the report. This was duly seconded.

Following a brief debate around the conditions of the application, the Chairperson moved the earlier proposition of approval and ~~this was agreed by assent upon a vote being taken this was agreed, it was noted that Councillor L J Haywood did not vote on this item~~¹.

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

1 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: R10 Rev G, 1056/06A, 1056/07A, Arboricultural Method Statement 27 September 2021.

¹ South Eastern Area Planning Committee – 15 November 2023

- 2 The bricks to be used in the construction of the dwelling shall be as set out within the application form. The weatherboarding, windows, doors and roof tiles shall consist of the details approved under application 23/05015/DET. The development shall be carried out in accordance with the details as approved.
- 3 The hard and soft landscape works shall be carried out in accordance with the details approved under application 23/05015/DET.

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.

- 4 The boundary treatments shall be carried out in accordance with the details approved under application 23/05015/DET. 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.
- 5 Cycle parking and storage shall be implemented in accordance with the details approved as part of application 23/05015/DET. The approved scheme shall be implemented prior to the occupation of the development and retained in perpetuity.
- 6 Prior to the first occupation of the development hereby approved, two parking spaces measuring 2.9m wide and 5.5m deep shall be provided at the site as well as a suitable 6m turning area. Furthermore, a fast-charging point shall be provided adjacent to at least one parking space. These spaces shall remain available for the parking of cars in perpetuity.
- 7 The development shall be carried out in accordance with the Surface Water Drainage Scheme approved under application 22/05055/DET.
- 8 A foul drainage scheme to serve the development shall be carried out in accordance with the details approved under application 23/05015/DET. The agreed scheme shall be implemented prior to the first occupation of the development.
- 9 The public's rights and ease of passage over public footpath No.17 (Mayland) shall be maintained free and unobstructed at all times
- 10 All loading/unloading/reception and storage of all building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken within the application site, clear of the public highway.
- 11 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 (other than incidental outbuildings not exceeding 10 cubic m in volume) shall be erected within the site without planning permission having been obtained from the local planning authority.
- 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 dormer window or other form of addition or opening shall be constructed in the roof of the building hereby permitted without planning permission having been obtained from the local planning authority.

- 13 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Extended Phase 1 Ecological Habitat Survey Report (Hone Ecology, July 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

- 14 Prior to works above ground level, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) Detailed designs to achieve stated objectives;
 - c) Locations of proposed enhancement measures by appropriate maps and plans;
 - d) Persons responsible for implementing the enhancement measures;
 - e) Details of initial aftercare and long-term maintenance (where relevant).

The enhancements contained within the Biodiversity Enhancement Strategy shall be implemented in accordance with details approved under application 23/05015/DET and shall be retained in that manner thereafter.

- 15 All external lighting shall be installed in accordance with the lighting design scheme for biodiversity approved as part of application 23/05015/DET, including the specifications and locations set out in the scheme and shall be maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
- 16 All tree works, including tree protection shall be carried out in accordance with the Arboricultural Method Statement dated 27 September 2021, including the identified schedule of supervision visits to ensure protection measures are in place and are being maintained and adhered to.

262. 23/00694/ADV - LAND NORTH OF BURNHAM ROAD, BURNHAM-ON-CROUCH

Application Number	23/00694/ADV
Location	Land North West Of 2 Maldon Road – Burnham on Crouch
Proposal	Advertisement consent for the erection of non-Illuminated sales and marketing advertisements comprising 6No. flags on 6m high flagpoles, 2No. entrance signs, 3No. directional signs, 1No. Chelmer show home sign and 1No. show home parking sign.
Applicant	Mr Leigh Moccock – Burnham Waters Limited
Agent	Mr Stewart Rowe – The Planning and Design Bureau Ltd
Target Decision Date	25.09.2023
Case Officer	Hayley Sadler
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Member Call In Councillor W Stamp has called in the application for the following policy reasons: LDP policy D1 (Design Quality and Built Environment)

Following the Officers presentation, Councillor V J Bell moved the Officers' recommendation of approval as set out in the report and this was duly seconded.

A debate ensued where Members discussed the possible negative effect that the number and height of the flags/flagpoles proposed would have on the countryside amenity. Members were also reminded of the recent overturn at appeal of a decision to refuse a similar application and of the costs incurred by the Council.

There being no further discussion The Chairperson then moved the earlier proposition of approval and upon a vote being taken, this was agreed.

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

- 1 The advertisements permitted by this consent shall not be displayed on the site after the sale of the last property or after expiry of five years from the date of this decision, whichever first occurs.
2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
3. No advertisement shall be sited or displayed so as to:
 - Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military),
 - Obscure or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air, or
 - Hinder the operation of any device used for the purposes of security or surveillance or for the measuring the speed of any vehicle.
- 4 Any advertisement displayed, and any site used for the display of advertisements shall be maintained in a condition that does not impair the visual amenity of the site.
- 5 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- 6 Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

263. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRPERSON OF THE COMMITTEE DECIDES ARE URGENT

The Chairperson made Members aware that she had been informed that Fiber Optic broadband was going to be fitted at the Chamber in Burnham-on-Crouch and would hopefully be in place by the next Committee meeting.

There being no other items of business the Chairperson closed the meeting at 9.12 pm.

V J BELL
CHAIRPERSON