



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
8 APRIL 2019**

PRESENT

Chairman	Councillor R P F Dewick
Vice-Chairman	Councillor A S Fluker
Councillors	Mrs B F Acevedo, B S Beale MBE, Mrs P A Channer, CC, Mrs H E Elliott, P G L Elliott, M W Helm, R Pratt, CC and N R Pudney

2029. CHAIRMAN'S NOTICES

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

2030. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor R G Boyce, MBE.

2031. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 11 March 2019 be approved and confirmed.

2032. DISCLOSURE OF INTEREST

Councillor M W Helm declared a pecuniary interest in Item 5 – OUT/MAL/18/01034 – Mapledean Poultry Farm, Mapledean Chase, Mundon, Essex – as the applicant was known to him and he informed the Committee that he would leave the Chamber for this item of business.

Councillor Mrs P A 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 R Pratt, 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 Helm left the Chamber.

2033. OUT/MAL/18/01034 - MAPLEDEAN POULTRY FARM, MAPLEDEAN CHASE, MUNDON, ESSEX

Application Number	OUT/MAL/18/01034
Location	Mapledean Poultry Farm, Mapledean Chase, Mundon, Essex
Proposal	Redevelopment of poultry farm for approximately 5,030m ² of B1 commercial floorspace with associated access arrangements
Applicant	B.J. Rock Ltd & S.P.Bardwell Ltd
Agent	Mr Peter Le Grys - Stanfords
Target Decision Date	28 th November 2018 (EOT agreed: 15.03.2019)
Case Officer	Anna Tastsoglou
Parish	MUNDON
Reason for Referral to the Committee / Council	Major Application The application is presented to Members to agree the conditions suggested by Officers.

The Chairman reminded the Committee that this application had been approved subject to conditions at the South Eastern Area Planning Committee held on 11 March 2019. It was before the Committee this evening for approval of the conditions and heads of terms only.

Councillor Fluker proposed that the conditions and heads of terms be approved in accordance with the Officer's recommendation and this was duly seconded by Councillor Mrs Acevedo.

The Chairman put the proposal to the Committee and it was agreed.

RESOLVED that the heads of terms and conditions be **APPROVED** as follows: -

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- Prior to first use of the site, the existing bus stops on either side of Maldon Road nearest the proposed site access shall be improved. The northbound stop (towards Mundon) shall be provided with a new pole and flag, timetable information and raised kerbs to facilitate pedestrian and wheelchair access. The southbound stop (towards Latchingdon) shall be provided with a new pole, flag and timetable information. Full details are to be agree with the Highway Authority.
- A new two-metre-wide pedestrian footway shall be provided along the eastern side of Maldon Road from a point opposite the aforementioned northbound bus stop to the main Mapledean Industrial Estate site access. Dropped kerbs and tactile paving shall also be provided to connect to the existing footway on the south side of the access junction.
- A monitoring fee of £5,000 (plus the relevant sustainable travel indexation) will be payable on first use of the development, to cover the 5-year period.

PROPOSED CONDITIONS

- 1 Details of the layout, appearance, landscaping and scale (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Application(s) for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.

The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

- 2 As part of the reserved matters details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be constructed prior to the first use of the development to which it relates and be retained in perpetuity as such thereafter.
- 3 The landscaping details referred to in Condition 1 shall provide full details and specifications of both hard and soft landscape works, including retention of the existing hedgerows, which shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard-landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses.

All of the hedgerow boundaries shall be retained and maintained at all times thereafter, unless otherwise agreed with the Local Planning Authority.

The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers / densities and details of the planting scheme’s implementation, aftercare and maintenance programme.

The hard landscape works shall be carried out as approved prior to the beneficial first use of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority.

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

- 4 Prior to the commencement of development details of the existing and proposed ground levels together with proposed finished floor levels shall be submitted to and be approved in writing by the Local Planning Authority. The development hereby permitted shall then be constructed in accordance with the approved ground and finished floor levels.
- 5 Prior to their use in the construction of the development, details or samples of all materials to be used in the construction of the external surfaces of the

development hereby permitted shall 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.

- 6 No works shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development.

The scheme should demonstrate compliance with the NSTS and ECC's Sustainable Drainage Systems design Guide, and should include but not be limited to:

- Verification of the unsuitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure. Please submit infiltration tests that satisfy BRE 365 requirements or similar approved.
- Limiting discharge rates from the site to as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event for the 1 in 1 year and 1 in 100 year rainfall events.
- Provide sufficient surface water storage so that the runoff volume is discharged or infiltrating at a rate that does not adversely affect flood risk and that unless designated to flood that no part of the site floods for a 1 in 30 year event, and 1 in 100 year event in any part of a building, utility plant susceptible to water within the development.
- Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus climate change event. Provide details of pre- and post 100 year, 6 hour runoff volume.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

- 7 No building shall be occupied until details of foul drainage scheme to serve the development have been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first use of the development.

- 8 No development shall commence until details of the external lighting strategy for the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the Local Planning Authority. All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site unless otherwise agreed in writing by the Local Planning Authority.

- 9 No development shall take place, including any works of 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:

- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Wheel washing facilities

- 10 Notwithstanding the details submitted with this application, no development shall commence, other than that required to carry out additional necessary investigation

which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site. The investigation and risk assessment must be undertaken by qualified persons and a written report of the findings must be produced. The report of the findings must include:

- i) A survey of the extent, scale and nature of contamination;
- ii) an assessment of the potential risks to:
 - a) Human health,
 - b) Properly (existing or proposed) including buildings, crops, livestock, etc., woodland and service lines and pipes,
 - c) Adjoining land,
 - d) Groundwaters and surface waters,
 - e) Ecological systems
 - f) Archaeological sites and ancient monuments;
- iii) An appraisal of remedial options, and proposal of the preferred option(s).

This shall include timescales and phasing of remediation works

This must be conducted by a qualified person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

- 11 No development shall commence, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

- 12 The approved remediation scheme shall be carried out prior to the commencement of the development unless where commencement is required to carry out remediation. The approved remediation scheme must be carried out in accordance with the details approved unless otherwise agreed in writing by the Local Planning Authority.

- Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.
- 13 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.
 - 14 No machinery shall be operated nor shall any process be carried out and no deliveries or collections undertaken at the site other than between 07:30 hours and 18:00 hours on weekdays and between 08:00 hours and 13:00 hours on Saturdays and not at any time on Sundays and Public Holidays.
 - 15 The premises shall only be used for industrial purposes which are defined within Classes B1 (b) and (c) of the Schedule to the Town & Country Planning Use Classes (Amendment) Order 2005 (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.
 - 16 No goods, materials, plant, machinery, skips, containers, packaging or other similar items shall be stored or kept outside of the building.
 - 17 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 Vehicle parking standards (2018). Prior to the first use 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.
 - 18 Cycle parking shall be provided prior to the first use of the development hereby approved in accordance with Maldon District Council's adopted standards. The approved facility shall be secure, convenient, covered and retained at all times.
 - 19 Prior to the first use of the proposed development, the Developer shall be responsible for the provision and implementation of Residential Travel Information Packs for sustainable transport sufficient for the users of the development hereby approved, which shall be submitted to and approved in writing by the Local Planning Authority.
 - 20 Prior to the first use of the building for the purposes hereby approved a scheme for the means of refuse storage including details of any bin stores shall have been submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented prior to the first use of the development and retained for such purposes in perpetuity.
 - 21 No development shall commence until species surveys, such as Great Crested Newts, Reptiles, and Water vole, including mitigation and enhancement measures, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained as such in perpetuity.

2034. OUT/MAL/18/01387 - RED LYONS BUSINESS CENTRE, BURNHAM ROAD, LATCHINGDON

Application Number	OUT/MAL/18/01387
Location	Red Lyons Business Centre, Burnham Road, Latchingdon, Essex
Proposal	Erection of buildings to be used as mixed B1 (business) and B8 (storage or distribution) use, demolition of existing units 1 and 2 and relocation of existing access.
Applicant	Mr & Mrs Umran Khan - CVC Chelmervalve Co Ltd
Agent	Mr Mark Jackson - Mark Jackson Planning
Target Decision Date	27 th February 2019 (EOT agreed: 12.04.2019)
Case Officer	Anna Tastsoglou
Parish	LATCHINGDON
Reason for Referral to the Committee / Council	Major Application Not Delegated to Officers Councillor R P Dewick has asked this application to be presented at South Eastern Area Planning Committee on the grounds that the decision should be made by Members.

A Members' Update was submitted that detailed additional representations from Parish/Town Councils and interested parties.

The Chairman informed the Committee he had previously done business with the applicant, but it did not constitute an interest.

Following the Officer's recommendation, Mr Mark Jackson, the Agent, addressed the Committee.

A discussion ensued where Members discussed both the potential merits and demerits of this application. Some felt that it could be to the detriment of the rural environment whilst others saw it as an opportunity for increased employment and rural enterprise. It was acknowledged that not having details of consultees was unhelpful.

Councillor Mrs Acevedo, a Ward Member, said she was supportive of rural enterprise but not to the detriment of the area, therefore, she agreed with the Officer's recommendation. Councillor Helm supported the need for developing business units that increased rural employment, reduced car usage and resulted in less pollution.

Councillor Fluker concurred with this and pointed out that whilst this was not a designated employment site within the Local Development Plan (LDP) employment land did not have to come forward in line with housing land. He then referred to the Corporate Plan where the Council had committed to delivering strategic employment sites in accordance with the LDP, together with supporting rural businesses and diversification.

Councillor P G L Elliott expressed surprise around the issue of noise as the existing developed site operated without causing undue disturbance. He proposed that the application be approved contrary to the Officer's recommendation and this was seconded by Councillor Pratt who saw this as a great opportunity to extend a local existing business.

It was agreed that hours of operation be conditioned to ensure there was no detriment to neighbouring properties during weekends and bank holidays.

The Chairman put the proposal to approve to the Committee. This was approved, contrary to the Officer's recommendation and subject to conditions, including one on hours of operation, being delegated to Officers, Ward Members and the Chairman for agreement.

RESOLVED that the application be **APPROVED** subject to conditions being agreed by Officers, Ward Members and the Chairman outside of the meeting.

2035. HOUSE/MAL/19/00116 - 8 THE COBBINS, BURNHAM-ON-CROUCH

Application Number	HOUSE/MAL/19/00116
Location	8 The Cobbins Burnham-on-Crouch
Proposal	Proposed detached double garage with room within roof with 2 No. pitched roof dormers.
Applicant	Mr & Mrs Lambert
Agent	Mr Ashley Robinson
Target Decision Date	28.03.2019
Case Officer	Devan Lawson
Parish	BURNHAM-ON-CROUCH NORTH
Reason for Referral to the Committee / Council	Member Call In by: Councillor Peter Elliot Reason: Public Interest

A Members' Update had been submitted that detailed revisions to the application form and further supporting information from both the applicant and agent.

Following the Officer's presentation, Mr David Mc Hattie, an Objector, and Mr Ashley Robinson, the Agent, addressed the Committee.

A discussion ensued where Members debated the adverse impact of the garage on local amenity and conversely, the fact that there were other existing examples that were even bigger.

Councillor Pudney, a Ward Member, reported he had visited the site and was in agreement with the Officer's recommendation of refusal.

Councillor Pratt said that the demonstrable harm was caused by the overbearing nature of the size of the garage, which would block natural light to all recreation areas outside property number 6.

Councillor P G L Elliott addressing the issue of the size of the development stated that there were other examples on the estate that were even bigger. He said that people were taking the opportunity to extend their properties and proposed that the application be approved, contrary to the Officer's recommendation. This was seconded by Councillor Acevedo.

The Chairman asked the Committee for reasons for approval. Councillor P G L Elliott felt that the development fitted with the street scene and it was not a separate dwelling.

The Chairman put the proposal to approve contrary to the Officer's recommendation to the Committee. Upon a vote being taken this was rejected.

The Chairman then put the Officer's recommendation of refusal to the Committee including an additional reason covering the negative impact on light and overbearing. Upon a vote being taken this was carried.

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

- 1 The proposed development, by virtue of its scale and mass, siting forward of the host dwelling and proximity to the boundaries of the site, would result in a dominant addition to the application site and cause harm to the character and appearance of the site, the streetscene of The Cobbins and the locality in general. The proposal is therefore unacceptable and contrary to policies D1 and H4 of the Maldon District Local Development Plan, policy HO.8 of the Burnham-on-Crouch Neighbourhood Development Plan and the NPPF.

2036. FUL/MAL/19/00120 - LAND REAR OF ST. VINCENT, 2A KING EDWARD AVENUE, BURNHAM-ON-CROUCH

Application Number	FUL/MAL/19/00120
Location	Land Rear of St Vincent 2A King Edward Avenue Burnham-on-Crouch
Proposal	Erection of 2-bedroom bungalow with a detached garage and a new access
Applicant	Ms Emma Regan
Agent	Mr Michael Lewis – Bailey Lewis
Target Decision Date	EOT: 12.04.2019
Case Officer	Devan Lawson
Parish	BURNHAM-ON-CROUCH NORTH
Reason for Referral to the Committee / Council	Member Call In by: Councillor R Pratt. Reason: Public Interest

A Members' Update was submitted that detailed comments from an External and Statutory Consultee.

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

Councillor Pudney, having visited the site, said he could not support the application as he had concerns regarding the narrow access. He proposed approval of the Officer's recommendation to refuse. Councillor Mrs Acevedo added that the parking space was inadequate.

Councillor P G L Elliott felt that whilst a lot consideration had gone into the application the access was problematic and he seconded the proposal.

The Chairman put the Officer's recommendation to refuse to the Committee and it was agreed.

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

1. The proposed development would result in an unacceptable form of backland development which would detrimentally impact on the existing character and appearance of the site and on the prevailing pattern of development within the area. The development would therefore be unacceptable and contrary to policies S1, D1 and H4 of the Maldon District Local Development Plan (2017), policy HO.8 of the Burnham-on-Crouch Neighbourhood Development plan and guidance

contained within the National Planning Policy Framework (2019) and the Maldon District Design Guide (2017).

2. The site is located in a backland location and would be served by a substandard, contrived and dangerous means of access and vehicle parking spaces which would adversely affect the safe and convenient passage of vehicular and pedestrian users of the access. This would discourage future occupiers to use alternative to vehicle modes of transport and it would be indicative of the unsuitability of the site to accommodate the proposed residential development. The proposal would be therefore unacceptable and contrary to the National Planning Policy Framework and policies, S1, D1, T1 and T2 of the Maldon District Local Development Plan (2017), and guidance contained within the Maldon District Design Guide (2017).

Councillor Mrs Channer declared a personal interest in the Agenda Item 9 – HOUSE/MAL/19/00122 – Oakleigh, 48 Mountview Crescent, St. Lawrence, and informed the Committee that she would remove herself from the Chamber for this item of business.

2037. HOUSE/MAL/19/00122 - OAKLEIGH, 48 MOUNTVIEW CRESCENT, ST. LAWRENCE

Application Number	HOUSE/MAL/19/00122
Location	Oakleigh 48 Mountview Crescent St Lawrence
Proposal	Extensions and alterations to existing bungalow to convert to a chalet style property
Applicant	Mr and Mrs Lear
Agent	Elisa Hampson – E.H Planning Services
Target Decision Date	EOT 09.04.2019
Case Officer	Devan Lawson
Parish	MAYLAND
Reason for Referral to the Committee / Council	Member Call In by: Councillor Mrs P A Channer Reason: Local Knowledge and Public Interest

A Members' Update was submitted that detailed a further letter of objection.

Following the Officer's presentation, Mr Mark Jackson, an Objector, and Mrs Fallon Lear, the Applicant, addressed the Committee.

Members debated the application and concluded that its style and design was acceptable and would not have a detrimental impact on the locality. In addition, the proposal was not considered to have an overbearing impact on the amenity of neighbouring residents.

Councillor Fluker proposed that the application be approved in accordance with the Officer's recommendation. This was duly seconded.

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 drawing: MOUNTVIEW/01, MOUNTVIEW/04, MOUNTVIEW/02, MOUNTVIEW/03, MOUNTVIEW/05, MOUNTVIEW/06, MOUNTVIEW/07, MOUNTVIEW/08.

3. The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed on plans MOUNTVIEW/07, MOUNTVIEW/08.
4. 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.
5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) the garage hereby permitted shall be used only for the parking of a motor car in connection with the residential use of the property.
6. Prior to the first occupation of the extension hereby permitted, the first-floor window(s) in the northern elevation shall be glazed with opaque glass and of a non- openable design with the exception of a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.
7. The roof area of the single storey element of the extension hereby approved shall not be used as a storage area, balcony, roof garden or similar amenity area.

Councillor Mrs Channer returned to the Chamber.

2038. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRMAN OF THE COMMITTEE DECIDES ARE URGENT

Councillor Dewick, the Chairman, took the opportunity to extend thanks to the Committee and Officers for all their hard work and attention over the past four years and wished all well in the future.

Councillor Fluker, as Vice-Chairman and on behalf of the Committee, expressed thanks to the Chairman for his expedient and professional management of the meetings over the past four years.

Councillor Mrs Acevedo thanked all Members of the South Eastern Area Planning Committee for their support over the past four years with special thanks to Councillor Boyce as he had been the best joint Ward Member she could have asked for.

There being no further items of business the Chairman closed the meeting at 8.49 pm

CHAIRMAN
R P F DEWICK

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