



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
5 AUGUST 2020**

PRESENT

Chairman	Councillor
Vice-Chairman	Councillor M W Helm
Councillors	M G Bassenger, R G Boyce MBE, Mrs P A Channer, CC, A S Fluker, A L Hull, N J Skeens and W Stamp
In Attendance	Councillors C Morris and R H Siddall

1. CHAIRMAN'S NOTICES

The Chairman welcomed everyone to the meeting and took Members through some general housekeeping issues together with the etiquette for the meeting. He then asked Officers present to introduce themselves.

This was followed by a roll call of all Members present.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors B S Beale, V J Bell and R P F Dewick.

3. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 5 August 2020 be approved and confirmed.

4. DISCLOSURE OF INTEREST

All Committee Members declared a non-pecuniary interest in Agenda Item 9- 20/00345/FUL, Land Adjacent Orchard House, Nipsells Chase, Manyland, Essex, as they knew the applicant.

Councillor A S Fluker declared in the interest of openness and transparency on Agenda Item 5- 19/01335/OUT, Land Adjacent Theedhams Farm, Steeple Road, Southminster and Agenda Item 7- 20/00404/FUL, Dengie Hundred Sports Centre, Burnham-On-Crouch as he knew the applicants.

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

Councillor A L Hull declared a non-pecuniary interest in Agenda Item 5-19/01335/OUT, Land Adjacent Theedhams Farm, Steeple Road, Southminster as she knew the applicant.

Councillor W Stamp declared a non-pecuniary interest in all items on the agenda as in her role as Mayor she had met a wide range of people, including various planning applicants.

5. 19/01335/OUT - LAND ADJACENT THEEDHAMS FARM, STEEPLE ROAD, SOUTHMINSTER

Application Number	19/01335/OUT
Location	Land Adjacent Theedhams Farm Steeple Road Southminster
Proposal	Demolition of existing building and construction of new building to be divided into up to 8 business units for use Class B1 and/ or use Class D1 purposes.
Applicant	Mr Bradley Faulkner - BF Ground Maintenance Ltd
Agent	Mr Mike Otter - GPO Designs Ltd
Target Decision Date	21.07.2020
Case Officer	Kathryn Mathews
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Major application Member call-in by Councillor Fluker with regards to the following policies: S1 Sustainable Development 8) Flooding 13) Modes of transport S7 Prosperous Rural Communities D1 Design Quality and Built Environment D5 Flood Risk and Coastal Management 1) Increase to flood risk D6 Advertisements E1 Employment E4 Agriculture and Rural Diversification H4 Effective use of land

Following the Officer's presentation, the Chairman addressed a public participation submission from the Applicant, Bradley Faulkner.

The Chairman then moved the Officer recommendation that planning application 19/01335/OUT – Land adjacent Theedhams Farm, Steeple Road, Southminster be refused for the reasons as detailed in section 8 of the report and this was seconded by Councillor Channer.

Cllr Fluker, having called-in the application, said that whilst he sympathised with the applicant as this was a difficult site as outlined in the report, he agreed with the Officer's recommendation.

The Chairman then put the officer's recommendation of refusal to the Committee. Upon a vote being taken it was refused.

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

1. The applicant has failed to meet the requirements of the Sequential Test and, therefore, the proposal is unacceptable on flood risk grounds, contrary to Policy S1 and D5 of the Maldon District Approved Local Development Plan and the NPPF.
2. The application site is located in a visually prominent location, at the junction of Steeple Road and Scotts Hill/Queen Street. Whilst the layout of the site and the appearance of the building proposed is indicative, a building with the amount of floorspace proposed has the potential to be of a size, height and position which would be visually incongruous within the street scene, to the detriment of the character and appearance of the area, contrary to Policy D1 of the Maldon District Approved Local Development Plan and the NPPF.

6. 20/00097/FUL - FORMER PETTICROWS BOATYARD, THE QUAY, BURNHAM-ON-CROUCH

Application Number	20/00097/FUL
Location	Former Petticrows Boatyard, The Quay, Burnham-on-Crouch
Proposal	Demolition of existing building and erection of a residential institution (C2 Use Class) to accommodate 75 specialist assisted living elderly persons units, including restaurant/bar, cafe, tv room, wellbeing suite, quiet area, consultation room and other communal facilities, together with vehicular and pedestrian accesses, car parking, amenity space and landscaping.
Applicant	McLaren Senior Living
Agent	Mr Michael Carpenter – CODE Development Planners Ltd
Target Decision Date	12.08.2020
Case Officer	Devan Hearnah
Parish	BURNHAM SOUTH
Reason for Referral to the Committee / Council	Major Application

A Members' Update was received detailing the principle of development together with comments from statutory consultees and other interested parties.

Following the Officer's presentation, the Chairman addressed two public participation submissions, one from an Objector, Diana Bailey and one from the Applicant, Michael Carpenter.

The Chairman then moved the Officer's recommendation that planning application 20/00097/FUL – Former Petticrows Boatyard, The Quay, Burnham-on-Crouch be

refused for the reasons as detailed in section 8 of the report. This was seconded by Councillor Skeens.

A debate ensued where the overarching concern was the dominant nature of the proposed development on the town itself. Councillor Skeens commented that it was outside the strategic development area and in its current form would dwarf the town. Were it to be approved in any form going forward it should be considerably smaller. Councillor Fluker agreed and said that any future development should be more appropriate to the site.

Councillor Stamp said she had some sympathy with the applicant and proposed that the application be deferred for reconsideration by the statutory consultees and submitted to the District Planning Committee for decision. This was not seconded.

The Chairman put the duly seconded Officer's recommendation of refusal to the Committee. Upon a vote being taken the application was refused.

It was noted that Councillor Channer had experienced some technical difficulties and in accordance with Section 4, paragraph 4.7 of the Remote Meeting Protocol (May 2020) did not vote on this item of business.

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

- 1 The proposed development would result in the loss of employment land and a Protected Primary River Related Use. Insufficient justification or evidence has been provided for the loss of this land by way of evidence that the existing use demonstrably harms the character and appearance of the area, the proposed use would be of greater benefit to the community, or that the site has been effectively marketed for sale and that there is a confirmed lack of interest. The development would therefore have an adverse impact on the limited supply of employment generating land, contrary to policy E1 of the approved Maldon District Local Development Plan, Policy RI.3 of the Burnham-on-Crouch Neighbourhood Development Plan and guidance contained in the National Planning Policy Framework (2019).
- 2 It has not been satisfactorily demonstrated that there is a need for the development proposed C2 Use, particularly in Burnham-on-Crouch, due to the impacts of other planning permissions for similar developments across the Town and District. Therefore, it is not possible to conclude that the development would not result in an over concentration of C2 uses within Burnham-on-Crouch and an in-migration of the elderly population contrary to Policies S2 and H3 of the Local Development Plan.
- 3 The application site lies outside of the defined settlement boundaries where policies of restraint apply. The Council can demonstrate a five-year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing in the District. The proposed development would substantially alter the character of the area and have an unacceptable visual impact on the countryside and the locality

as a result of the excessive scale, mass and bulk of the development. Furthermore, the design of the development would create an out of keeping form of development which would exacerbate the impact on the character and appearance of the area and the locality. The development would therefore be unacceptable and contrary to policies S1, S8, D1 and H4 of the approved Maldon District Local Development Plan (2017), Policies HC.2 and HO.8 of the Burnham-on-Crouch Neighbourhood Development Plan and Government advice contained within the National Planning Policy Framework (2019).

- 4 The proposed development has been applied for as a C2 (extra care facility) with no affordable housing being provided. However, the Applicant has not demonstrated, to the satisfaction of the Local Planning Authority, that the development would fall within this Use Class. Based on the evidence and guidance available it is considered the development may result in the creation of separate residential dwellings within the C3 Use Class under The Town and Country Planning (Use Classes) Order 1987 (as amended) or a Sui Generis use. Therefore, the development makes inadequate provision for affordable housing or a financial contribution in lieu of affordable housing contrary to policy H1 of the approved Maldon District Local Development Plan and the National Planning Policy Framework (2019).
- 5 Inadequate information has been submitted to demonstrate that the proposal would not result in negative impacts on important ecological assets and there is a lack of evidence to demonstrate that the development would result in a measurable net biodiversity gain. The proposal would therefore be contrary to Policies S1, D1 and N2 of the Maldon District Local Development Plan and the guidance contained within The National Planning Policy Framework.
- 6 The proposed development is located within Flood Zone 3a and is therefore of a higher probability of flooding. The proposal is for the provision of a C2 Use which is classified as a 'more vulnerable' development. Paragraphs 158 and 160 of the National Planning Policy Framework and policy D5 of the Maldon District Local Development Plan seek to direct development to areas with a lower risk of flooding. The proposal is considered to fail both the sequential test and the exception test and given that the Council can demonstrate a five year housing land supply, and has granted planning permission for a number of C2 Uses above the requirements evidenced through the SHMA, on sites which have been subject of sequential testing and that the wider sustainability benefits to the community do not outweigh the flood risk posed as required by the exception test, the development would therefore be contrary to core planning principles and guidance contained in the National Planning Policy Framework, the National Planning Practice Guidance and policy D5 of the Maldon District Local Development Plan.
- 7 The site would be served by a substandard, contrived and dangerous means of access which would adversely affect the safe and convenient passage of 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 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).

- 8 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.
- 9 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing the provision of any necessary contribution towards health care provision, the impacts of the development on the existing health care services would not be able to be mitigated contrary to Policies S1, D1, N1 and N2 of the Maldon District Local Development Plan and the NPPF.

7. 20/00404/FUL - DENGIE HUNDRED SPORTS CENTRE, BURNHAM-ON-CROUCH

Application Number	20/00404/FUL
Location	Dengie Hundred Sports Centre, Burnham-On-Crouch
Proposal	Section 73A application for installation of 4no. eight-metre-high lighting stantions for occasional sports field illumination.
Applicant	Mr Neil Murray - Burnham Sports Club
Agent	Mr David Taylor - AFT Design (Architects)
Target Decision Date	07.08.2020
Case Officer	Louise Staplehurst
Parish	BURNHAM-ON-CROUCH
Reason for Referral to the Committee / Council	Council Owned Land

Following the Officer’s presentation, the Chairman addressed a public participation submission from the Applicant, Mr Niall Hornett.

He then moved the Officer’s recommendation that planning application 20/00404/FUL – Dengie Hundred Sports Centre, Burnham-on-Crouch be approved subject to the conditions as detailed in section 8 of the report. This was seconded by Councillor Stamp.

It was noted that due to technical problems Councillor Boyce left the meeting during this item of business.

The general consensus was that this was a great initiative. Councillor Skeens raised concerns about light pollution for residents living south of the site, however, he added that he supported the application as it was encouraging exercise.

Councillor Stamp agreed and said it was important to invest in sport and that the Rugby Club activities created a great atmosphere along the seawall and Riverside Park. She

commended them for their hard work both in the community and throughout the Dengie. This was echoed by Councillor Hull who felt it a very good idea, particularly during the pandemic.

Councillor Fluker agreed that the work of the Rugby Club was to be commended and supported the application. Referring to light pollution issues experienced in Maldon he asked if it was likely to be a problem for boats on the river at night-time.

The Lead Specialist Place reassured Members that the lights were conditioned to ensure they were positioned facing onto the pitch so would not be problematic for those using the river at night. Furthermore, they would be on a timer and only be in use when training was in play.

The Chairman then put the duly seconded Officer's recommendation of approval to the Committee. Upon a vote being taken this was unanimously approved.

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

1. The proposed development shall be carried in complete accordance with the following plans and documents: 20-06-00Lp Rev A – Location Plan, 20-06-001 Rev A – Existing Block Plan, 20-06-002 Rev A – Proposed Block Plan, Planning Statement & Appendices.
REASON: To ensure the development is carried out in accordance with the details as approved.
2. The lighting hereby approved shall only be in operation between the hours of 17:00 to 21:00 Monday to Thursday inclusive, between October and March each year. The lighting shall not be in use outside of these times.
REASON: To protect the character of the area and the residential amenity of neighbouring sites, in accordance with policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
3. Prior to the erection of the lighting heads and the first use of the lighting hereby approved, a time switch, to extinguish the lights at 21:00 hours on Monday to Thursday, shall be installed. Evidence that the time switch has been installed shall be submitted to the local planning authority for approval prior to the first use of the lighting hereby approved. This shall be retained and used as such thereafter.
REASON: To protect the character of the area and the residential amenity of neighbouring sites, in accordance with policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
4. The maintained illuminance levels of the proposed lighting shall at no time exceed 100 lux.
REASON: To protect the character of the area and the residential amenity of neighbouring sites, in accordance with policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
5. The lights shall be positioned facing south towards the playing fields at an angle no greater than 70- degree of vertical (the lighting column) and shall be retained as such in perpetuity.
REASON: To protect the character of the area and the residential amenity of neighbouring sites, in accordance with policies D1 and H4 of the Maldon District

Local Development Plan and the guidance contained within the National Planning Policy Framework.

8. 20/00421/FUL - STOKES HALL, BURNHAM ROAD, ALTHORNE, ESSEX, CM3 6DS

Application Number	20/00421/FUL
Location	Stokes Hall, Burnham Road, Althorne, Essex, CM3 6DS
Proposal	Diversion of part of length of access driveway.
Applicant	Mr Kevin Taylor
Agent	Mr Christopher Mew - CRM Architects Ltd
Target Decision Date	17.08.2020
Case Officer	Annie Keen
Parish	ALTHORNE
Reason for Referral to the Committee / Council	Major Application

A Members' Update had been circulated confirming that this application had been withdrawn.

9. 20/00574/FUL - LAND NORTH WEST OF RIVERSLEIGH, NIPSELLS CHASE, MAYLAND

Application Number	20/00574/FUL
Location	Land North West of Riversleigh, Nipsells Chase, Mayland
Proposal	Variation of condition 2 on approved planning permission 18/00280/FUL (Construction of an apple storage barn)
Applicant	Mr and Mrs Kenny and Sue Paton
Agent	Mr Anthony Cussen – Cussen Construction Consultants
Target Decision Date	12.08.2020
Case Officer	Devan Hearnah
Parish	MAYLAND
Reason for Referral to the Committee / Council	Councillor / Member of Staff

A Members Update was received providing some further background information.

Following the Officer's presentation, the Chairman moved the recommendation to approve the application subject to the conditions as detailed in section 8 of the report. This was seconded by Councillor Hull.

There being no further debate the Chairman put the Officer's recommendation of approval to the Committee. Upon a vote being taken it was approved.

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: 1117/01, 1117/02 and 1161/07.
REASON: To ensure that the development is carried out in accordance with the details as approved.
2. The external surfaces of the building shall be constructed of the materials as approved under the terms of application 20/05040/DET unless an alternative scheme is submitted to and approved in writing by the Local Planning Authority.
REASON: To ensure that the details of the proposal are acceptable and in the interests of local amenity in accordance with policy D1 of the Maldon District Local Development Plan.
3. Notwithstanding the content of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any act or order revoking or re-enacting that order) the building hereby approved shall only be used for purposes related to or ancillary to agricultural operations occurring at the application site.
REASON: In the interests of sustainability in accordance with policies S1, S8, E4 and D1 of the Maldon District Local Development Plan 2015.

There being no further items of business the Chairman closed the meeting at 2.17 pm.

M W HELM
CHAIRMAN

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