



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
17 AUGUST 2022**

PRESENT

Chairman	Councillor R P F Dewick
Vice-Chairman	Councillor A S Fluker
Councillors	M G Bassenger, B S Beale MBE, V J Bell, Mrs P A Channer, M W Helm, A L Hull and W Stamp, CC
In attendance	Councillor(s) Mrs M E Thompson

213. CHAIRMAN'S NOTICES

The Chairman welcomed everyone present and went through some general housekeeping arrangements for the meeting.

214. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R G Boyce MBE and N J Skeens.

215. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 20 July 2022 be approved and confirmed.

216. DISCLOSURE OF INTEREST

Councillor R P F Dewick declared that he knew the applicant and Agent for Agenda Item 7 - 22/00473/FUL – Loftmans Farm, Maldon Road, Steeple and the Agent for Agenda item 8 - 22/00595/FUL – Hall Meadows, Hall Road, Asheldham.

Councillor Mrs P A Channer declared that she knew the applicant and Agent for Agenda Item 7 - 22/00473/FUL – Loftmans Farm, Maldon Road, Steeple and the Agent for Agenda item 8 - 22/00595/FUL – Hall Meadows, Hall Road, Asheldham, however they were not a relative, friend or close associate.

Councillor W Stamp declared a non-pecuniary interest as a Member of Essex County Council who were statutory consultees.

217. 22/00334/FUL - LAND REAR OF PRIMLEY LODGE, GRANGE ROAD, TILLINGHAM

Application Number	22/00334/FUL
Location	Land Rear of Primley Lodge, Grange Road, Tillingham
Proposal	Planning application for the erection of two polytunnels and the extension of an existing outbuilding for storage and workshop in respect to the horticultural and forestry use of the land.
Applicant	Mr Alex Whitaker
Agent	Mr Mark Jackson- Mark Jackson Planning
Target Decision Date	EOT 24.08.2022
Case Officer	Devan Hearnah
Parish	TILLINGHAM
Reason for Referral to the Committee / Council	Major application on site area.

It was noted from the Members that two pre-commencement conditions relating to Great Crested Newt protection and an Arboricultural report had been recommended by Officers and agreed by the applicant's Agent.

Following the Officers' presentation the Agent, Mr Mark Jackson addressed the Committee.

RESOLVED that this application be **APPROVED** subject to the following conditions and additional pre-commencement conditions as detailed in the Members' Update:

- 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: 22/1701/01, 22/1901/02, 22/1901/03, 22/1901/04, 22/1901/05, 22/1901/06, 22/1901/07
- 3 The external surfaces of the building(s) shall be constructed of the materials specified on Plans 22/1901/05 and 22/1901/07
- 4 The polytunnels hereby approved shall only be used for forestry or horticultural / agricultural purposes.
- 5 No development shall commence until information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:
 - Tree survey detailing works required;
 - Trees to be retained;
 - Tree retention protection plan;
 - Tree constraints plan;
 - Arboricultural implication assessment;
 - Arboricultural method statement (including drainage service runs and construction of hard surfaces).

The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the Local Planning Authority. The tree protection measures shall be carried out in accordance with the approved detail.

- 6 Prior to the first sale of goods from the development hereby approved, a Noise Management Plan shall be submitted to and approved in writing by the Local

Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

- 7 Prior to the first sale of goods from the development hereby approved, the operating hours of the retail element of the scheme shall be submitted to and agreed in writing by the Local Planning Authority. The retail element shall only operate in accordance with the agreed hours.
- 8 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 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 works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter. The Biodiversity Enhancement Strategy content outlined above will include, but not be restricted to the specifics as follows:

- (a) the secondary pond (size/location), profile and any associated marginal/aquatic soft planting
 - (b) number & location of nest boxes to be installed in boundary hedge/trees
 - (c) numbers, varieties and map layout of Orchard trees to be planted - including tree sizes, indicative planting style (pit/slit etc), and any staking/watering requirements
 - (d) area & locations of margins for minimal intervention management of southern area boundaries (noted for small mammals & raptors), and definition of 'minimal intervention' in the context
 - (e) artificial bat roost options to the outbuilding re-build/extension.
 - (f) Number of pre-existing and to-be-installed of (Honey) Bee Hives & mapped location.
 - (g) Number and location of Solitary bee hives to be installed.
 - (h) Area of existing set aside grassland, current maintenance regime, and indicative management program (for minimum of 5 years)
 - (i) Avoidance of any fish-stocking or introduction to the current pond or second 'new' pond, in order to benefit native wildlife species & naturalisation.
- 9 Prior to works relating to the erection of the outbuilding commencing, a scheme proposing suitable mitigation and precaution measures to protect Great Crested Newts should they be discovered on site, shall be submitted to and improved in writing by the Local Planning Authority.
- 10 Only goods produced on the holding shall be sold at the site unless otherwise agreed in writing by the Local Planning Authority.
- 11 No floodlighting or other external form of illumination of the site shall be undertaken without the express consent of the Local Planning Authority.
- 12 The polytunnels hereby permitted shall be demolished to ground level, all materials resulting from the demolition shall be removed and the land shall be returned to its condition prior to the erection of the structures within twelve (12) months of the date they cease to be used for horticultural or agricultural purposes.

218. 22/00332/FUL - LAND REAR OF PRIMLEY LODGE, GRANGE ROAD, TILLINGHAM

Application Number	22/00332/FUL
Location	Land Rear of Primley Lodge, Grange Road, Tillingham
Proposal	Retrospective planning application (S73A) for the change of use of land for the siting of a storage container in respect to the horticultural and forestry use of the land and the provision of a hard surfaced access track
Applicant	Mr Alex Whitaker
Agent	Mr Mark Jackson- Mark Jackson Planning
Target Decision Date	09.09.2022
Case Officer	Devan Hearnah
Parish	TILLINGHAM
Reason for Referral to the Committee / Council	Major application on site area.

It was noted from the Members' Update that an additional letter of objection had been received.

Following the Officers' presentation the Agent, Mr Mark Jackson addressed the Committee.

Councillor A S Fluker proposed that the Officers' recommendation be agreed. This was duly agreed by assent.

RESOLVED that this application be **APPROVED** subject to the following condition:

- 1 The storage container hereby approved shall not be retained on the site after the expiry of 12 calendar months from the date of this decision.

219. 22/00473/FUL - LOFTMANS FARM, MALDON ROAD, STEEPLE, CM0 7RR

Application Number	22/00473/FUL
Location	Loftmans Farm Maldon Road Steeple CM0 7RR
Proposal	Construction of a two storey detached dwelling. Change of land use to C3.
Applicant	Mr Steven Massenhove
Agent	Mr Anthony Cussen - Cussen Construction Consultants
Target Decision Date	20.05.2022 EOT Requested
Case Officer	Hannah Bowles
Parish	STEEPLE
Reason for Referral to the Committee / Council	Member call in from Councillor Mrs P A Channer Reason: S1 - Sustainable growth, S8 - Settlement Boundaries and the Countryside and D1 - Design Quality and Built Environment.

Following the Officers' presentation the Applicant, Mr Massenhove addressed the Committee.

In response to a number of comments from Members, the Lead Specialist Place advises that that this application was for a dwelling and not an agricultural workers dwelling linked to the business on the site. Should the applicant wish this to be considered this would need to be the subject of a separate application. It was also noted that the Council's Policy regarding employment detailed the need for evidence which this application did not provide.

The Chairman put the Officers' recommendation of refusal. This was duly seconded and upon a vote being taken was agreed.

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

- 1 The application site lies within a rural location outside of the defined settlement boundaries where policies of restraint apply. The Council cannot demonstrate a five-year housing land supply to accord with the requirements of the National Planning Policy Framework, however, 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 site is poorly located relative to facilities, services and sustainable modes of transport. The proposed development would result in the loss of an employment use and it has not been demonstrated to the satisfaction of the LPA that there is no demand for an employment use at this site. Furthermore, the proposal would substantially alter the character of the countryside, particularly through the introduction of a domestic character a of residential development, the extent of the garden land and appearance of the proposed dwelling are considered to significantly add to the visual harm of the proposal. The development would therefore be unacceptable, does not constitute sustainable development, would result in the unjustified loss of an employment generating use and a detrimental visual impact, contrary to policies S1, S2, S8, E1, D1 and H4 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2021).
- 2 The proposed development has a potential significant impact upon protected and priority species. Insufficient information has been submitted to allow the Local Planning Authority to determine that the proposed development would not have significant impact upon protected and priority species, or the significant impact is such that it can be mitigated or compensated in a satisfactory way. The development is therefore unacceptable and contrary to policies S1, D2 and N2 of the Local Development Plan as well as 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 or an appropriate mitigation strategy to overcome the impacts of the development on the European designated nature conservation sites, the development would have an adverse impact on those European designated nature conservation sites, contrary to Policies S1, and I1 of the Maldon District Local Development Plan and the NPPF.

220. 22/00595/FUL - HALL MEADOWS, HALL ROAD, ASHELDHAM, CM0 7JF

Application Number	22/00595/FUL
Location	Hall Meadows Hall Road Asheldham CM0 7JF
Proposal	Construction of a chalet style rural workers dwelling.
Applicant	Mr and Mrs David and Linzie Nenson
Agent	Mr Anthony Cussen - Cussen Construction Consultants
Target Decision Date	07.07.2022 EOT Requested
Case Officer	Hannah Bowles
Parish	ASHELDHAM
Reason for Referral to the Committee / Council	Member call in from Councillor A S Fluker Reason: D1, E4 and H7

Following the Officers' presentation the Agent, Mr Cussen addressed the Committee.

In response to a comment, the Lead Specialist Place drew Members' attention to the planning history on the site and temporary permission granted for a period of three years. He advised that information submitted with the application did not show that the business had been functioning as an affordable business for three years which was required.

Councillor A S Fluker spoke in favour of the application and advised in his view it met the criteria was not contrary and fitted with Policies H7 and D4 and in relation to Policy D1 was appropriate for the location. Councillor Fluker proposed that the application be approved, contrary to Officers' recommendation as it met the criteria for Policies D1, H7 and E4 and he believed from the information before the Committee that the business was sustainable. This was duly seconded.

In response to the proposal the Lead Specialist Place raised a number of concerns specifically in relation to the policies referenced, providing further explanation regarding the dwelling being an agricultural dwelling and the viability of the business.

Following further debate the Chairman put the proposal in the name of Councillor Fluker to the Committee and upon a vote being taken this was agreed. In response to a discussion regarding conditions Councillor Fluker reminded the Committee of the two conditions he had suggested earlier along with standard conditions. The Lead Specialist Place advised that conditions delegated to Officers and they would be mindful of the suggestions by Councillor Fluker.

RESOLVED that this application be **APPROVED** for the following reasons detailed above and subject to conditions the details of which are delegated to Officers in consultation with the Chairman.

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

The Chairman advised that he had agreed for Councillor A S Fluker to raise an urgent item of business.

Councillor Fluker referred to a request he and the Chairman had received from the Director of Strategy, Performance and Governance regarding the unlocking and locking of the Burnham-on-Crouch Town Council offices for meetings of the South Eastern Area Planning Committee and commented that he felt the Committee Clerk should always be at the meetings. He provided further information and proposed that the Committee go back to the Director of Strategy, Performance and Governance and advise that it believed this was an operational matter and should be carried out by his staff. Some further discussion ensued in relation to this subject.

There being no other items of business the meeting closed at 8.34 pm.

R P F DEWICK
CHAIRMAN