



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
25 MAY 2023**

PRESENT

Councillors D O Bown, A Fittock, A S Fluker and W Stamp, CC

1. APPOINTMENT OF A CHAIRPERSON

As the Chairperson and Vice-Chairperson of the South Eastern Area Planning Committee would not be appointed for the municipal year until the extraordinary Council meeting on 8 June 2023 a Chairperson was required for this meeting only.

Members sought clarity from the Director of Service Delivery and the Monitoring Officer prior to electing the Chairperson for the meeting and requested a short adjournment.

2. ADJOURNMENT OF THE MEETING

RESOLVED that the meeting be adjourned at 7:33pm to allow Members to seek legal advice regarding appointment of a Chairperson for the meeting.

3. RESUMPTION OF BUSINESS IN OPEN SESSION

RESOLVED that the business of the meeting resumed in open session at 7:48 pm.

4. APPOINTMENT OF A CHAIRPERSON (CONTINUED)

Councillor W Stamp proposed that Councillor A S Fluker be appointed as Chairperson of the Committee for this meeting. There being no other nominations this was agreed by assent.

RESOLVED that Councillor A S Fluker be appointed as Chairperson for the meeting.

IN THE CHAIR : COUNCILLOR A S Fluker

5. CHAIRPERSON'S NOTICES

The Chairperson welcomed everyone present and went over some general housekeeping arrangements for the meeting.

6. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M G Bassenger, V J Bell, L J Haywood, W J Laybourn, M G Neall, R G Pratt and U G C Siddall-Norman.

7. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 12 April 2023 be approved and confirmed.

8. DISCLOSURE OF INTEREST

Councillors A S Fluker and W Stamp declared a non-pecuniary interest relating to Agenda Item 5 23/00076/FUL - Land North West of Riversleigh, Nipsells Chase, Mayland and Agenda Item 8 23/00266/VAR - Paton Place, Nipsells Chase, Mayland, in that the applicant was a colleague at Maldon District Council and Councillor Fluker suggested that this would apply to the other Committee Members present.

Councillor Fluker also declared that he knew the Agent for Agenda Items 6 23/00079/FUL and 7 23/00080/FUL - Land between 45 Steeple Road and 1 Mill Road, Mayland.

9. 23/00076/FUL - LAND NORTH WEST OF RIVERSLEIGH, NIPSELLS CHASE, MAYLAND

Application Number	23/00076/FUL
Location	Land North West of Riversleigh, Nipsells Chase, Mayland
Proposal	Change of use from agricultural building to 2 bedroom bungalow (C3 Use) and alterations to fenestration
Applicant	Mr & Mrs Kenny Paton
Agent	None
Target Decision Date	13.04.2023
Case Officer	Devan Hearnah
Parish	MAYLAND
Reason for Referral to the Committee / Council	Member of the Council

It was noted from the Members' Update, circulated prior to the meeting, that the Council had received correspondence from the Applicant requesting that this item be deferred until the next South Eastern Area Planning Committee meeting to be held on the 28 June 2023.

The Chairperson proposed to defer the item until the next South Eastern Area Planning Committee meeting to be held on the 28 June 2023. This was duly seconded and upon a vote being taken agreed.

RESOLVED that the application be **DEFERRED** until the next meeting of the South Eastern Area Planning Committee to be held on 28 June 2023.

10. **23/00079/FUL - LAND BETWEEN 45 STEEPLE ROAD AND 1 MILL ROAD, MAYLAND**

Application Number	23/00079/FUL
Location	Land between 45 Steeple Road and 1 Mill Road, Mayland
Proposal	Construction of a two storey 4-bedroom dwelling house, access and landscaping
Applicant	Mr and Mrs Paul Lee
Agent	Mr Antony Cussen
Target Decision Date	2 June 2023 (EOT agreed)
Case Officer	Lisa Greenwood
Parish	MAYLAND
Reason for Referral to the Committee / Council	Member Call In – Councillor M W Helm Policies S1, D1, T2

It was noted that a Members' Update had been circulated prior to the meeting advising that additional representation had been received from interested parties in the form of a letter of objection.

Following the Officer's presentation, an Objector, Mr S Lees, and the Agent, Mr Cussen, addressed the Committee.

After a brief discussion the Chairperson proposed that the application be approved in accordance with the Officer's recommendation, and this was duly seconded by Councillor A Fittock. The Chair moved the proposal and upon a vote being taken was duly agreed.

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: 1234/01, 1234/02, 1234/03, 1234/04, 1234/05, 1234/06, Preliminary Ecological Appraisal March 2022; Email dated 15th March 2023 from Plumb Associates
- 3 Prior to the construction of the dwelling hereby approved, details and samples of the materials to be used in the construction of the dwelling are to be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4 Prior to the commencement of the development the applicant shall submit in writing a construction management plan to the local planning authority for approval. Within the construction management plan it must consider the following requirements:

The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:

- a) no waste materials should be burnt on site, instead being removed by licenced waste contractors;
- b) no dust emissions should leave the boundary of the site;

- c) consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
- d) hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors Environmental Health at Maldon District Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974.

Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.

Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter.

Where there is requirement for dewatering the site the relevant consent must be sought from the Environment Agency.

Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained from Essex County Council.

- 5 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.

- 6 No development works above ground level shall occur until details of the foul 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.
- 7 Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.
- 8 Prior to first occupation of the development, cycle parking shall be provided in accordance with the Maldon District Council Vehicle Parking Standards (2018) and the Maldon District Design Guide (2017). The approved facility shall be secure, convenient, covered and retained at all times.
- 9 Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to the dwelling free of charge.
- 10 Full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority prior to the occupation of the dwelling hereby approved and these works shall be carried out as approved.

These details shall include, for example:

- i. Proposed finished levels contours;
- ii. Means of enclosure;
- iii. Car parking layouts;
- iv. Other vehicle and pedestrian access and circulation areas;
- v. Hard surfacing materials;
- vi. Minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting);
- vii. Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc, indicating lines, manholes, supports).

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of the dwelling 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.

- 11 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 prior to first use/occupation of the development hereby approved. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.
- 12 Prior to the first occupation of the dwelling hereby permitted, the first floor windows in the northern elevation shall be glazed with opaque glass and 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.

- 13 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Plumb Associates, March 2022) 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 the commencement of development, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including method statement for Great Crested Newts and Reptiles.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority"

- 15 Prior to any works above slab 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 or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights 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 prior to occupation and shall be retained in that manner thereafter.

- 16 Prior to occupation, should any external lighting be proposed, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings

and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and 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.

11. 23/00080/FUL - LAND BETWEEN 45 STEEPLE ROAD AND 1 MILL ROAD, MAYLAND

Application Number	23/00080/FUL
Location	Land between 45 Steeple Road and 1 Mill Road, Mayland
Proposal	Construction of a 1.5 storey chalet style 4-bedroom dwelling, access and landscaping
Applicant	Mr and Mrs Paul Lee
Agent	Mr Antony Cussen
Target Decision Date	2 June 2023 (EOT agreed)
Case Officer	Lisa Greenwood
Parish	MAYLAND
Reason for Referral to the Committee / Council	Member Call In – Councillor M W Helm Policies S1, D1, T2

It was noted that a Members' Update had been circulated prior to the meeting advising that additional representation had been received from interested parties in the form of a letter of objection.

Following the Officer's presentation, the Agent, Mr Cussen, addressed the Committee. The Chairperson then opened the discussion.

Following a brief discussion around the impact of the proposed development to the surrounding area, Councillor W Stamp proposed that the application be refused as per the Officer's recommendation. The proposal was duly seconded by Councillor A Fittock and upon a vote being taken was agreed.

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

1. The proposed dwelling, as a result of its design, scale, bulk and height, would result in an incongruous and dominant development which would cause significant and undue harm to the character and appearance of the surrounding area. The proposal is therefore considered to be contrary to Policies S1, S8, D1 and H4 of the Maldon District Local Development Plan (2017), the Maldon District Design Guide (2017) and the policies and guidance in the National Planning Policy Framework (2021)

12. **23/00266/VAR - PATON PLACE, NIPSELLS CHASE, MAYLAND**

Application Number	23/00266/VAR
Location	Paton Place, Nipsells Chase, Mayland
Proposal	Variation of condition 2 (plans) and removal of condition 13 (dormer windows) on approved Planning Permission 21/01240/VAR (Variation on condition 2 and removal of condition 8 on approved planning application 21/00628/FUL (Proposed construction of a single storey self build live/work dwelling)).
Applicant	Mr and Mrs Kenny Paton
Agent	None
Target Decision Date	31.05.2023
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 this application had been **WITHDRAWN** due to information received confirming that the applicant wished to withdraw the planning application.

There being no further items of business the Chairperson closed the meeting at 8.18 pm.

A S FLUKER
CHAIRMAN