



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
15 NOVEMBER 2023**

PRESENT

Chairperson	Councillor V J Bell
Vice-Chairperson	Councillor A Fittock
Councillors	M G Bassenger, D O Bown, A S Fluker, L J Haywood, W J Laybourn, M G Neall, R G Pratt and W Stamp, CC

307. CHAIRPERSON'S NOTICES

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

308. APOLOGIES FOR ABSENCE

There were none.

309. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the meeting of the Committee held on 20 September 2023 be received.

Minute No. 261 - 23/00749/FUL - PATON PLACE, NIPSELLS CHASE, MAYLAND

Councillor L J Haywood proposed an amendment to the fourth paragraph of this Minute, that the proposal was not agreed by assent as she did not vote on this item and wanted it noted in the Minutes. This amendment was duly noted.

The Chairperson then moved that the Minutes be confirmed, subject to the above amendments and this was duly agreed

RESOLVED

- (ii) that subject to the above amendment the Minutes of the meeting of the Committee held on 20 September 2023 be confirmed.

310. DISCLOSURE OF INTEREST

There were none.

311. **23/00145/OUT - LAND AT BELLSGATE, MALDON ROAD, LATCHINGDON, CM3 6LF**

Application Number	23/00145/OUT
Location	Land at Bellsgate, Maldon Road, Latchingdon, CM3 6LF
Proposal	Outline planning permission with all matters reserved for the erection of a detached dwelling
Applicant	Mr Fred Dash
Agent	Mr Paul Harris
Target Decision Date	30.10.2023
Case Officer	Tim Marsh
Parish	LATCHINGDON
Reason for Referral to the Committee / Council	Proposal is outside the settlement boundary and recommended for approval

Following the Officer's presentation, the Chairperson then opened the floor for debate.

A debate ensued where Members aired concerns around the proposed development being outside the settlement boundary and how if approved this Committee could be setting a precedent for future applications of a similar nature. Members were advised that each planning application is considered on its' individual merits. Members were also advised that conditions were proposed which would ensure that the replacement dwelling would be of a similar height to the dwelling which had previously existed on the land.

At this point Councillor T Fittock proposed to refuse the application contrary to the Officer's recommendation and this was duly seconded by Councillor W Stamp.

Members discussed the application further and debated that if the development, albeit outside the settlement boundary, were approved it would mean that the current fire damaged structure on the land would be removed and replaced by a new dwelling.

The Chairperson put Councillor Fittock's proposal to refuse the application contrary to the Officer's recommendation to the Committee and upon a vote being taken it was lost.

Councillor V J Bell then proposed to approve the application in line with the Officer's recommendation which was duly seconded and upon a vote being taken was agreed.

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

- 1 The development shall be carried out in accordance with plans and particulars relating to the appearance, landscaping, layout, access and scale of the site (hereinafter called "the reserved matters"), for which approval shall be obtained from the Local Planning Authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.
- 2 Application(s) for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.
- 4 The development hereby permitted shall be carried out in accordance with the following plan and document:
 - 23A 2019 – Location and site plan
 - Design & access statement

- 5 No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) 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:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and under body washing facilities
- 6 No works above ground level shall take place until details of the surface water drainage scheme and foul drainage scheme to serve the development has been 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 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 car parking standards. Prior to the occupation 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.
- 8 The development shall not exceed 7 metres in height overall.
- 9 The eaves shall not exceed 3.5 metres in height and any first-floor accommodation shall only be located within the roof.
- 10 All loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken within the application site, clear of the public highway.
- 11 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 12 Any gate provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
- 13 The existing visibility splays must be re-established by facing back the existing hedge adjacent to the footway, back to the highway boundary and shall be maintained at all times.
- 14 Prior to the occupation of any part of the development hereby permitted details of the number, location and design of bicycle parking facilities/powered two wheelers shall be submitted to and agreed in writing by the local planning authority. The approved provisions shall be provided in accordance with the approved scheme before any part of the development hereby approved is occupied and retained as such thereafter.
- 15 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 each dwelling free of charge.

312. 23/00440/OUT - LAND NORTH OF WILLOW GROVE, MALDON ROAD, MUNDON

Application Number	23/00440/OUT
Location	Land north of Willow Grove, Maldon Road, Mundon
Proposal	Outline planning application (with all matters of detail reserved for future determination except for means of access) for the erection of up to two dwellings.
Applicant	Mr Bishop
Agent	Mrs Alex Eatough – Plainview Planning Ltd
Target Decision Date	10.07.2023

Case Officer	Lisa Greenwood
Parish	MUNDON
Reason for Referral to the Committee / Council	Member call-in by Councillor A S Fluker, regarding Policies S1, S8 and D1 of the Local Development Plan (LDP).

Following the Officer's presentation, an objector, Mrs Osbourne, a supporter Mrs Taylor and the Applicant, Mr Bishop addressed the Committee. The Chairperson then opened the floor for debate.

Members raised queries around the possible conditions that could be put in place to allow the application to be accepted and in response to questions raised, Officers provided the Committee with the following answers:

- No additional information had been received regarding a possible Recreation disturbance Avoidance Strategy (RAMS) agreement being put in place.
- Constructing a footpath prior to the development starting would be a consideration not only for the Council but for Highways also.
- The appeal referred to is active and as such, the Officers were unable to comment on this as the appeal was a separate matter and not for consideration at the meeting . Officers reminded Members that they needed to be mindful to assess the application that was in front of them for consideration.

Councillor A S Fluker proposed to approve the application contrary to the Officer's recommendation and this was seconded by Councillor W J Laybourne.

Members raised concerns around approving an application that was outside the settlement boundary and how this Committee would potentially be setting a precedent for similar applications in the future.

Councillor W Stamp proposed to refuse the application in line with the Officer's recommendation and this was duly seconded.

There being no further debate, the Chairperson put Councillor Fluker's proposal to approve the application contrary to the Officers recommendation to the Committee and upon a vote being taken it was lost. Councillor Fluker requested that his and Councillor Laybourne's vote for the proposal be recorded in the minutes.

The Chairperson then put Councillor Stamp's proposal to refuse the application in line with the Officer's recommendation to the Committee and upon a vote being taken this was agreed.

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

- 1 The site is outside of a defined Settlement Boundary and is in open countryside. Future occupants of the site would therefore be heavily reliant on the use of the car to gain access to everyday services and facilities, and the proposal therefore does not provide a sustainable form of development. The proposal is therefore contrary to Policies S1, S8, D1, H4, T1 and T2 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 (2023).
2. The proposed development has not considered the context within which it would sit and would introduce an incongruous form of development that would be out of keeping with the rural character of the area and would cause harm to

the intrinsic character and beauty of the open countryside by the introduction of built form and associated changes such as the provision of a more engineered vehicular access and a footway. This is 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 (2023).

3. 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 (2017) and the guidance set out in the National Planning Policy Framework (2023).

313. 23/00744/RESM - MAPLEDEAN POULTRY FARM, MAPLEDEAN CHASE, MUNDON, ESSEX

Application Number	23/00744/RESM
Location	Mapledean Poultry Farm, Mapledean Chase, Mundon, Essex
Proposal	Reserved matters application for approval of layout, appearance, landscaping and scale following outline planning permission OUT/MAL/18/01034 (Redevelopment of poultry farm for approximately 5030sqm B1 (b) & (c) commercial floorspace with associated access arrangements
Applicant	Nemesis Corporation LLP
Agent	Mrs Hayley Webb - Smart Planning Ltd
Target Decision Date	22.11.2023 (EoT)
Case Officer	Fiona Bradley
Parish	MUNDON
Reason for Referral to the Committee / Council	Departure from the local plan, Major Application

Following the Officer's presentation, the Agent, Mrs Quinn addressed the Committee. The Chairperson opened the floor for debate.

Members sought clarity as to why the application was recommended for approval when there had been holding objections from Essex County Council Sustainable Drainage System (SUDS) and the Council's Ecology Consultant. The Officer confirmed that these related to conditions which were separate from the specific Reserved Matters and would remain to be addressed prior to the commencement of development.

Councillor A S Fluker proposed to approve the application in line with the Officer's recommendation and this was duly seconded.

The Chairperson put Councillor Fluker's proposal to the Committee and this was agreed by assent.

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

- 1 The development hereby permitted shall be begun before the expiration of two years from the date of this permission.

- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings and documents as follows:
 - J21.7584 M001 Location Map
 - J21.7584 M002 Location Plan
 - J21.7584 P202 Rev C Proposed Site Plan
 - J21.7584 P203 Proposed Setting Out Plan
 - J21.7584 P204 Rev A Proposed Ground Floor Plan – Unit 1
 - J21.7584 P206 Proposed Roof Plan – Unit 1
 - J21.7584 P207 Proposed Elevations – Unit 1
 - J21.7584 P208 Rev A Proposed Ground Floor Plan – Units 2-12
 - J21.7584 P209 Proposed Roof Plan – Units 2-12
 - J21.7584 P210 Proposed Elevations – Units 2-12
 - J21.7584 P211 Rev A Proposed Ground Floor Plan – Units 13-14
 - J21.7584 P212 Proposed Roof Plan – Units 13-14
 - J21.7584 P213 Proposed Elevations – Units 13-14
 - J21.7584 P214 Rev A Proposed Ground Floor Plan – Units 15-18
 - J21.7584 P216 Proposed Roof Plan – Units 15-18
 - J21.7584 P217 Proposed Elevations – Units 15-18
 - J21.7584 P218 Rev A Proposed Ground Floor Plan – Units 19-24
 - J21.7584 P219 Proposed Roof Plan – Units 19-24
 - J21.7584 P220 Proposed Elevations – Units 19-24
 - SP/MAP/01 Rev A Landscape Plan
 - Planting Specification
- 3 The proposed boundary treatments, as shown on approved drawing SP/MAP/01 Rev A Landscape Plan, shall be installed prior to the first occupation of any building and be retained in perpetuity as such thereafter.
- 4 No development above ground level, with the exception of demolition, shall take place until details of a scheme for electric car charging points, in accordance with the adopted Vehicle Parking Standards Supplementary Planning Document (SPD) (2018), shall be submitted to and approved by the Local Planning Authority. The scheme for Electric Vehicle (EV) car charging points shall be implemented in accordance with the approved details prior to the first occupation of any building and shall be retained in perpetuity thereafter.

There being no other items of business the Chairperson closed the meeting at 8.33 pm.

V J BELL
CHAIRPERSON