



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
14 FEBRUARY 2024**

PRESENT

Chairperson	Councillor V J Bell
Vice-Chairperson	Councillor A Fittock
Councillors	D O Bown, A S Fluker, L J Haywood, W J Laybourn, M G Neall and U C G Siddall-Norman

472. CHAIRPERSON'S NOTICES

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

The Chairperson advised of the recent passing of Berna Casey, one of the Committee Clerks. She referred to her as being much loved by everyone at Maldon District Council, Officers and Council Members alike and would be very sorely missed.

473. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M G Bassenger, R G Pratt and W Stamp CC.

474. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 15 November 2023 be approved and confirmed.

474a. 23/00796/FUL - LAND NORTH WEST OF RIVERSLEIGH, NIPSELLS CHASE, MAYLAND

At this point in the meeting, the Chairperson brought to the attention of the Committee that after great consideration and upon receiving advice from Officers, she would be proposing that Agenda Item 5 23/00796/FUL - Land North West of Riversleigh, Nipsells Chase, Mayland, be deferred to the District Planning Committee. Following a brief discussion this was duly seconded.

In accordance with Procedure Rule No. 13 (3) Councillor V J Bell requested a recorded vote and this was duly seconded. The Chairperson then moved the vote to defer Agenda Item 5 to the District Planning Committee and the voting was as follows:

For the recommendation:

Councillors V J Bell, T Fittock and U G C Siddall-Norman.

Against the recommendation:

Councillors D O Bown, L J Haywood, A S Fluker, M G Neall, W J Laybourn.

Abstention:

None.

The Chairperson declared that the proposal had not been agreed and that the application would be heard at this Committee.

475. DISCLOSURE OF INTEREST

Councillor A S Fluker stated that all Members present knew one of the applicants in Agenda Items 5. 23/00796/FUL - Land North West of Riversleigh, Nipsells Chase, Mayland and 6. 23/01056/VAR - Paton Place, Nipsells Chase, Mayland as they were a Member of Maldon District Council.

476. 23/00796/FUL - LAND NORTH WEST OF RIVERSLEIGH, NIPSELLS CHASE, MAYLAND

Application Number	23/00796/FUL
Location	Land North West of Riversleigh, Nipsells Chase, Mayland
Proposal	Retain structure for mixed use. Agricultural storage, office, reception/rec area, cake and jam making studio.
Applicant	Mr & Mrs Kenny Paton
Agent	None
Target Decision Date	06.10.2023
Case Officer	Fiona Bradley
Parish	MAYLAND
Reason for Referral to the Committee / Council	Councillor / Member of Staff

It was noted from the Members' Update, that the applicant had submitted a document containing photographs with headings relating to cake making and making apple juice. Whilst the photographs were noted, Officers considered that they did not provide any justification of the need for the building for agricultural storage or the other uses proposed.

Following the Officer's presentation, the Applicant Mr Paton addressed the Committee. The Chairperson then moved the Officer's recommendation of refusal as set out in the report and this was duly seconded.

During the debate that ensued and in response to questions raised by Members, Officers provided the following responses:

- The Planning history of this site was a material consideration. The initial application for the apple storage barn was approved by Members because it was considered appropriate, being an agricultural use in the countryside. Subsequently there was an application last year for a change of use to a residential dwelling. In that application, the applicant made it clear that the building wasn't fit for purpose as an apple storage / processing due to the rooms being too small and the roof being too low meaning access for a forklift was unachievable. At that time, the applicant advised that they would use another building on the site for apple storage and processing.
- No information had been submitted with this application that justified the structure as being necessary for being located in the countryside.

There being no further discussion the Chairperson put the Officer's recommendation to refuse to the Committee and upon a vote being taken this was not agreed. In light of this the Chairperson then sought an alternative proposal from the Committee.

Councillor A S Fluker proposed that the application be approved, contrary to the Officer's recommendation, and this was duly seconded by Councillor W J Laybourne. Upon a vote being taken there was an equality of votes and the Chairperson used her casting vote to vote against the approval of the application. The proposal in the name of Councillor Fluker was therefore not agreed.

The Chairperson referred back to the Officer's recommendation of refusal as set out in the report and moved that this be agreed. This proposal was duly seconded. Upon a vote being taken there was an equality of votes and the Chairperson used her casting vote to vote for the refusal of the application.

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. The proposed development would result in an unjustified intrusion in the countryside which, by virtue of the scale, design and siting of the building within the open countryside, would cause substantial harm to the intrinsic rural character and beauty of the area. The proposal is therefore unacceptable and contrary to policies S1, S8, E4 and D1 of the approved Maldon District Local Development Plan (2017) and the National Planning Policy Framework.
2. No information has been submitted with the application regarding the proposed uses of the building, therefore it is not possible to assess the level of activity at the site and within the building and the potential impacts on the amenity of residential neighbours. Accordingly, in the absence of any information, the proposal is contrary to Policy D1 of the approved Maldon District Local Development Plan (2017) and the National Planning Policy Framework.

477. 23/01056/VAR - PATON PLACE, NIPSELLS CHASE, MAYLAND

Application Number	23/01056/VAR
Location	Paton Place, Nipsells Chase, Mayland
Proposal	Variation of conditions 1 & 12 of approved application 23/00749/FUL (Amendment of condition 2 of 21/01240/VAR. Alterations to scale of the dwelling, the fenestration, design and materials).
Applicant	Mr & Mrs Kenny Paton
Agent	N/A
Target Decision Date	12.01.2024
Case Officer	Fiona Bradley
Parish	MAYLAND
Reason for Referral to the Committee / Council	Councillor / Member of Staff

The Chairperson made the Committee aware that this item had been **WITHDRAWN** by the applicants prior to the meeting.

478. 23/01218/HOUSE - 8 GLENDALE ROAD, BURNHAM-ON-CROUCH, CM0 8LY

Application Number	23/01218/HOUSE
Location	8 Glendale Road, Burnham-on-Crouch, CM0 8LY
Proposal	Single storey rear extension to be used as annexe accommodation including alterations to existing garden room to facilitate the development.

Applicant	Mrs J Hurley
Agent	Mr Chris Cumbers
Target Decision Date	21.02.2024
Case Officer	Hayley Sadler
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Member Call In – Councillor W Stamp has called in the application for the following policy reasons: Local Development Plan, policy D1 (Design Quality and Built Environment) & policy H4 (Effective Use of Land)

Following the Officer's presentation, Mr Cumbers, the Agent addressed the Committee.

In response to a question from the Chairperson, Officers confirmed that the size of the extension had been reduced, however, the size of the garden room had been increased, so the level of built form would still be of a similar size as the previous application.

The Chairperson moved the Officer's recommendation of refusal as set out in the report and this was duly seconded.

A short debate ensued during which Members discussed the design, impact to the street scene and the size of the proposed annexe.

Councillor A S Fluker proposed that the application be approved, contrary to the Officer's recommendation, due to the development being compliant with policy D1 of the Local Development Plan. This was seconded by Councillor U C G Siddall-Norman.

There being no further discussion the Chairperson then put the Officers' recommendation of refusal to the Committee and upon a vote being taken this was not agreed.

The Chairperson then put the proposal in the name of Councillor Fluker to approve the application contrary to the Officer's recommendation to the Committee and upon a vote being taken this was agreed.

RESOLVED that the application be **APPROVED** with conditions delegated to Officers in consultation with the Chairperson.

479. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRPERSON OF THE COMMITTEE DECIDES ARE URGENT

Councillor A S Fluker wanted to pay tribute to ~~Steve Wright who passed away recently and wanted his family and friends to know that the Committee's thoughts were with them during this difficult time.~~ Radio DJ Steve Wright, who sadly passed recently. Former Creeksea resident Mr Wright occasionally attended the South Eastern Area Planning Committee and promoted Burnham-on-Crouch on his radio programme. Councillor Fluker expressed that the Committee was thinking of Mr Wright's family and friends at this difficult time¹.

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

V J BELL
CHAIRPERSON

¹ South Eastern Area Planning Committee – 10 April 2024