



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
22 MAY 2017**

PRESENT

Chairman	Councillor R P F Dewick
Vice-Chairman	Councillor A S Fluker
Councillors	Mrs B F Acevedo, B S Beale MBE, R G Boyce MBE, Mrs P A Channer, CC, Mrs H E Elliott, P G L Elliott, M W Helm, R Pratt, CC and N R Pudney

68. CHAIRMAN'S NOTICES

The Chairman drew attention to the list of notices published on the back of the agenda.

69. APOLOGIES FOR ABSENCE

There were none received.

70. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the South Eastern Area Planning Committee held on 10 April 2017 be approved and confirmed.

71. DISCLOSURE OF INTEREST

Councillor Mrs P A Channer CC declared the following:

- a non-pecuniary interest as she was also a Member of Essex County Council who was consulted on highways, access, education and other matters; and
- an interest in relation to Agenda Item 5 - FUL/MAL/16/00299 – Land North of Latchingdon Bowls Club, Burnham Road, Latchingdon as she was a Trustee of the Henry Gilder Drake Almshouse Charity and would leave the meeting for this item.

Councillor R G Boyce MBE declared that, in relation to Agenda Item 5 – FUL/MAL/16/00299 – Land North of Latchingdon Bowls Club, Burnham Road, Latchingdon, although he had not been at the previous meeting where this application had been considered, he understood that there had been advice that as a Member of an Almshouse Trust he could possibly have an interest. Consequently he would leave the meeting for this item.

Councillor Mrs B E Acevedo declared the following non-pecuniary interests:

- in relation to Agenda Item 5 - FUL/MAL/16/00299 – Land North of Latchingdon Bowls Club, Burnham Road, Latchingdon, that she knew one of the Owners; and
- in relation to Agenda Item 6 – FUL/MAL/17/00281 – Land West of High House, Green Lane, Burnham-on-Crouch, that she knew the Applicant.

Councillor M W Helm declared that in relation to Agenda Item 5 – FUL/MAL/16/00299 – Land North of Latchingdon Bowls Club, Burnham Road, Latchingdon, he was an Almshouse Trustee and he would leave the meeting for this item.

Councillor R Pratt CC declared the following interests:

- that he was also a Member of Essex County Council; and
- that, in relation to Agenda Item 5 – FUL/MAL/16/00299 – Land North of Latchingdon Bowls Club, Burnham Road, Latchingdon, he was an Almshouse Trustee and would leave the meeting for this item.

Councillor A S Fluker declared, in the interests of openness and transparency:

- in relation to Agenda Item 5 – Ful/MAL/16/00299 – Land North of Latchingdon Bowls Club, Burnham Road, Latchingdon, he knew the Applicant; and
- in relation to Agenda Item 6 – Land West of High House, Green Lane, Burnham-on-Crouch, he knew the Agent, some of the Supporters and the Applicant.

The Committee considered the reports of the Chief Executive and determined the following planning applications, having taken into account all representations and consultation replies received, including those detailed on the Members' Update circulated at the meeting.

In accordance with their earlier declarations, Councillors R G Boyce, Mrs P A Channer and R Pratt left the meeting at this point.

72. FULMAL1600299 - LAND NORTH OF LATCHINGDON BOWLS CLUB, BURNHAM ROAD, LATCHINGDON

Application Number	FUL/MAL/16/00299
Location	Land North of Latchingdon Bowls Club, Burnham Road, Latchingdon
Proposal	Full application for (1) the development of 41 homes, amenity space and a revised vehicular access from the Burnham Road, and (2) a new village hall and associated infrastructure, (no change is proposed to the existing village hall access
Applicant	Latchingdon South Ltd
Agent	Mr David Barker – Evolution Town Planning LLP
Target Decision Date	15 December 2016
Case Officer	Joy Thomas, TEL: 01621 875879

Parish	LATCHINGDON
Reason for Referral to the Committee / Council	Amendment to Officer Report on a major application

Following the Officer's presentation of the report, Mr S Butler-Finbow, representing the Applicant, addressed the Committee.

Councillor Mrs B E Acevedo, a Ward Member, proposed that, provided the Village Hall was included in the proposal, the recommendation be approved. The Officer confirmed that the Village Hall was included and that all Heads of Terms and Conditions as per the original report would continue, with the exception of the substitution of the education contribution.

The proposal was then duly seconded and, upon a vote, the motion was carried.

RESOLVED that Members agree that the Heads of Terms as reported in the Officer Report on 5 December 2016 be amended to exclude reference to the Early Years & Childcare contribution and to read "Education contribution toward secondary school transport based on the Essex County Council standard formula".

Councillors Boyce, Mrs Channer and Pratt returned to the meeting at this point.

73. FULMAL1700281 - LAND WEST OF HIGH HOUSE, GREEN LANE, BURNHAM-ON-CROUCH

Application Number	FUL/MAL/17/00281
Location	Land West Of High House Green Lane Burnham-On-Crouch Essex
Proposal	Erection of a detached stable building to be used for residential in association with the equestrian use of the site.
Applicant	Mr. C. Baker
Agent	Raymond Stemp Associates Ltd.
Target Decision Date	24.05.2017
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Member Call In

Following the Officer's presentation of the report, Ms E Hampson of Raymond Stemp Associates Ltd, the Agent, addressed the Committee.

The Group Manager for Planning Services commented to Members on the Agent's presentation to the Committee that Maldon District Council did not object per se to a proposed development that was outside the settlement boundary. It was necessary to show demonstrable harm. Decisions made on other applications in the vicinity of this site do not alter comments made by the Planning Inspector on this site. If another site was granted permission this would not overcome the harm that the Planning Inspector considered that this site may cause if this application was granted permission. If Members were minded to approve this application, then reasons why must be given.

Members then debated this application in some detail and Councillor N R Pudney, a Ward Member, proposed Approval of the application contrary to Officer recommendation. He was of the view that the Applicant dealt with rural matters and should be permitted to live on the site. He was also of the opinion that everyone living nearby encountered the same difficulties with transport links etc.

Members commented on the following issues:

- The design of the site was innovative and attractive;
- There were already stables on the site;
- Permission had been granted for 180 houses in that locality and there had been permissions for two houses to the east and one to the west and it was, therefore, difficult to argue that the location was unsustainable.

In response to a question as to whether the application was for a dwelling or a business, the Chairman advised that Members could only consider the application before them and that was for residential accommodation.

Councillor R G Boyce drew attention to the development of Stoney Hills and was of the opinion that if this application was allowed, then it would weaken the Council's argument to protect the remainder of Green Lanes for the future. He was in support of the Officer's recommendation. The Group Manager for Planning Services advised that although some applications around Green Lanes had been approved and the locality had changed, that does not overcome the Planning Inspector's comments that this site was unacceptable for development. Members must take into account the full history of the site.

The Group Manager for Planning Services raised concerns regarding Members' comments. He reiterated that Members must determine the application before them, i.e. for a residence only and, furthermore, that Members must be consistent in their decision making. He also advised Members that for a dwelling to be permitted in a rural area for its design, then the criteria under paragraph 55 of the NPPF was stringent and the design must be truly exceptional/innovative.

With regard to the comments concerning the 180 dwellings for which permission had been granted, the Group Manager for Planning Services advised Members that this did not mean that this current site was automatically acceptable. Strategic sites had benefits for planning balance that one dwelling on its own could not bring.

The proposal to overturn the Officer recommendation was then duly seconded and upon a vote the motion failed.

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

- 1 The proposed development would be located outside of a defined settlement development boundary where policies of restraint apply. The proposal would result in the introduction of a dwelling and associated residential paraphernalia which would have an urbanising effect upon the rural locality to the detriment of its character and appearance. Therefore, the proposal is considered to result in an unsustainable form of development which would be contrary to policies S2, H1, BE1 and CC6 of the Maldon District Replacement Local Plan and policies S1, S8, H4 and D1 of the submitted Maldon District Local Development Plan as well as guidance set out in the National Planning Policy Framework.

74. OTHER AREA PLANNING AND RELATED MATTERS

The Committee considered the report of the Interim Head of Planning Services and Members' Update on the following matters:

(i) Appeals Lodged:

Appeal Start Date: 27/04/2017

Application Number: HOUSE/MAL/16/01397 (APP/X1545/D/17/3171681)

Site: Amaethon - Grange Road - Tillingham

Proposal: Proposed side extension

Appeal by: Dr & Mrs Mike & Claire North

Appeal against: Refusal

Appeal procedure requested: Householder Appeal Service (HAS)

Appeal Start Date: 27/04/2017

Application Number: HOUSE/MAL/16/01250 (APP/X1545/D/17/3171464)

Site: 4 Railway Cottages Station Road Althorne

Proposal: Two storey side and single storey front and rear extensions

Appeal by: Mr & Mrs JT Woods and Connolly

Appeal against: Refusal

Appeal procedure requested: Householder Appeals Service (HAS)

Appeal Start Date: 10/05/2017

Application Number: FUL/MAL/16/01362 (APP/X1545/W/17/3172878)

Site: Fogs Folly, 289 Esplanade, Mayland, Essex, CM3 6AW

Proposal: Demolition of existing dwellinghouse and erection of 3 new dwellings with garages.

Appeal by: Mr D Stevens

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 10/05/2017

Application Number: FUL/MAL/16/01362 (APP/X1545/W/17/3172878)

Site: Fogs Folly, 289 Esplanade, Mayland, Essex, CM3 6AW

Proposal: Demolition of existing dwellinghouse and erection of 3 new dwellings with garages.

Appeal by: Mr D Stevens

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 17/05/2017

Application Number: HOUSE/MAL/16/01415 (APP/X1545/D/17/3173360)

Site: 7 Cedar Grove - Burnham On Crouch

Proposal: Proposed relocation of front entrance. Proposed internal re-configurations. Proposed pitched roof dormer to front elevation.

Appeal by: Ms Angelique Bell

Appeal against: Refusal

Appeal procedure requested: Householder Appeal Service (HAS)

(ii) Appeal Decisions:

OUT/MAL/14/00845 (Appeal Ref: APP/X1545/W/15/3009772)

Proposal: Outline planning permission for development of up to 80 residential dwellings with associated site access, highways, open space, landscaping, land reserved for provision of local shop and associated works.

Address: Land West Of Cemetery Chapel - Southminster Road - Burnham On Crouch

APPEAL ALLOWED – 20 April 2017

THE APPLICATION MADE BY THE APPELLANT FOR THE PARTIAL AWARD OF COSTS AGAINST THE COUNCIL - ALLOWED

DECISION LEVEL: Committee (as per Officer recommendation)

Enforcement Appeal Decisions

An Enforcement appeal made for the following site has been decided:

ENF/16/00122/01 (Appeal Reference Number: APP/X1545/C/16/3158867)

Address: 2 Westfield Bungalows – Main Road - Mundon

Appeal against: Without planning permission: The unauthorised erection of an outbuilding

THE APPEAL IS ALLOWED ON GROUND (F) AND IT IS DIRECTED THAT THE ENFORCEMENT NOTICE BE VARIED

SUBJECT TO THESE VARIATIONS THE ENFORCEMENT NOTICE IS UPHELD.

26 April 2017

OUT/MAL/16/00171 (Appeal Ref: APP/X1545/W/16/3152730)

Proposal: Demolition of all buildings on site (save for C19th former dairy building which is a non-designated heritage asset on the site frontage) and residential redevelopment for 48 dwellings, new access and associated works to include on site open space, sustainable urban drainage and associated strategic landscaping

Address: Mansion House - Burnham Road - Althorne

APPEAL DISMISSED – 8 May 2017

DECISION LEVEL: Delegated

FUL/MAL/16/00331 (Appeal Ref: APP/X1545/W/16/3165484)

Proposal: Proposed construction of two chalet style houses and carport

Address: Land Adjacent The Bungalow, Southminster Road, Asheldham, Essex

APPEAL DISMISSED – 16 May 2017

DECISION LEVEL: Committee as per Officer recommendation to refuse

FUL/MAL/16/00408 (Appeal Ref: APP/X1545/W/17/3161178)

Proposal: Erection of 3 dwellings on land to the north of The Hollies and associated access from Stoney Hills

Address: Land Rear Of The Hollies, Stoney Hills, Burnham-On-Crouch, Essex

APPEAL ALLOWED– 16 May 2017

DECISION LEVEL: Committee overturned Officer recommendation to approve

75. DELEGATED PLANNING APPLICATIONS

The Committee received and noted the list of decisions on planning applications taken by the Interim Head of Planning Services under delegated powers, circulated prior to the meeting for the period 7 April – 18 May 2017.

Councillor Mrs P A Channer CC declared an interest in item FUL/MAL/17/00193 – Bradwell-on-Sea, as she was also a Member of Essex County Council. The Chairman asked the Group Manager for Planning Services to let Members have details of this application.

76. NOMINATION OF MEMBERS TO THE LOCAL HIGHWAYS PANEL

Following a decision at a meeting of the Council on 11 May 2017, the Committee were asked to nominate a Member to represent the South Eastern Area Planning Committee on the Local Area Highways Panel. Councillor R G Boyce nominated Councillor Mrs B F Acevedo and this was duly seconded. Councillor Mrs Acevedo accepted the appointment.

RESOLVED that Councillor Mrs B F Acevedo be appointed to represent the South Eastern Area Planning Committee on the Local Highways Panel

There being no further items of business the Chairman closed the meeting at 8.15 pm

R P F DEWICK
CHAIRMAN