



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
9 OCTOBER 2017**

PRESENT

Vice-Chairman Councillor A S Fluker
(in the chair)

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

496. CHAIRMAN'S NOTICES

The Chairman drew attention to the list of notices published on the back of the agenda. He advised Members that the sound loop was not working and therefore asked all who were to speak to do so clearly.

497. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs P A Channer CC and R P F Dewick.

498. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 11 September 2017 be approved and confirmed.

499. DISCLOSURE OF INTEREST

Councillor R Pratt disclosed a non-pecuniary interest as a Member of Essex County Council.

At this point in the meeting the Chairman advised that Agenda Item 6 - FUL/MAL/17/00713 – Land South of 97 South Street, Tillingham had been withdrawn by the Agent.

500. HOUSE/MAL/17/00336 - 4 THE SPINNAKER, ST LAWRENCE

Application Number	HOUSE/MAL/17/00336
Location	4 The Spinnaker, St Lawrence, Essex, CM0 7GR
Proposal	Convert garage into a bedroom with toilet and sink, keeping an area of storage at the front of the garage. Garage door would be functional. Window installation to the rear of the garage.
Applicant	Mrs Jayde Clarke
Agent	N/A
Target Decision Date	11.10.2017
Case Officer	Mahsa Kavyani
Parish	ST LAWRENCE
Reason for Referral to the Committee / Council	Parish Trigger

RESOLVED that this 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 complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications which forms part of this permission, unless otherwise agreed in writing by the Local Planning Authority.
- 3 The habitable accommodation hereby approved shall only be occupied ancillary to the occupation and use of 4 Spinnaker and shall not be sub-divided to form a separate dwelling or other such unit of independent occupation.

501. OUT/MAL/17/00713 - LAND SOUTH OF 97 SOUTH STREET, TILLINGHAM

Application Number	OUT/MAL/17/00713
Location	Land South Of 97 South Street Tillingham Essex
Proposal	Outline planning application for change of use of land to residential and construction of 14 residential dwellings
Applicant	Mr Oliver Mee - J D Mee & Sons
Agent	Sarah Threlfall - TMA Chartered Surveyors
Target Decision Date	4 October 2017
Case Officer	Yee Cheung
Parish	TILLINGHAM
Reason for Referral to the Committee / Council	Member Call In

As advised earlier by the Chairman, this application had been **WITHDRAWN** by the Agent.

502. FUL/MAL/17/00821 - ASHELDHAM GRANGE BARN, RUSHES LANE, ASHELDHAM

Application Number	FUL/MAL/17/00821
Location	Asheldham Grange Barn Rushes Lane Asheldham
Proposal	Removal of condition 4 on approved planning permission FUL/MAL/13/00203 (Demolition and removal of existing timber frame barn, which is the subject to two extant planning permission for change of use to residential use, and replacement with new Essex barn to be used as a dwelling)
Applicant	Mr N Kelly
Agent	Mr Mark Jackson - Mark Jackson Planning
Target Decision Date	18.09.2017
Case Officer	Hannah Bowles
Parish	Asheldham
Reason for Referral to the Committee / Council	Member Call In

It was noted from the Members' Update that further correspondence had been received from the Applicant, the main points raised were highlighted along with the Officer's response.

In response to concern raised regarding the time given for demolition of the existing timber frame barn once the new dwelling was occupied and whether this could be detrimental to the mitigation if during the bird breeding season, the Development Management Team Leader explained that there would be options around enforcement if the application was in breach of its conditions and enforcement action could be reviewed if there were mitigating circumstances.

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

- 1 The removal of Condition 4 would result in the retention of a barn comparable in scale and appearance to the dwelling on site. Given its scale, appearance and siting in the rural countryside, the accumulation of built form on the site is considered to harm the open and natural surroundings contrary to policy D1 of the LDP.

503. FUL/MAL/17/00840 - LAND NORTH OF ASHELDHAM HALL FARM, HALL ROAD, ASHELDHAM

Application Number	FUL/MAL/17/00840
Location	Land North Of Asheldham Hall Farm, Hall Road, Asheldham, Essex
Proposal	Erection of chalet bungalow
Applicant	Mr & Mrs D Henson
Agent	Mrs Hayley Webb - Smart Planning Ltd
Target Decision Date	5 th October 2017 (Date extension of time agreed: 13 th October 2017)
Case Officer	Anna Tastsoglou
Parish	ASHELDHAM
Reason for Referral to the Committee / Council	Member Call In

It was noted from the Members' Update that a consultation response had been received from Essex and Suffolk Water along with further information received from the Agent.

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 can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. 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 proposed development would substantially alter the open character of the area. If developed, the site would be disconnected and isolated from the existing settlement and by reason of its location, it would provide poor quality and limited access to sustainable and public transportation, resulting in an increased need of private vehicle ownership. Insufficient information has been submitted to demonstrate the essential need for a workers accommodation in this location and therefore, the development would be unacceptable and contrary to policies S1, S2, S8, E1 and H4, H7 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).
- 2 The proposed development, by reason of the lack of vehicle means of access to the application site would fail to meet the off-street parking requirements and would result in a detrimental impact on the parking availability, highway safety and local highway network contrary to policy T2 of the Maldon District Local Development Plan (2017), guidance contained within the Vehicle Parking Standards (2006) and Government advice contained within the National Planning Policy Framework (2012).

504. FUL/MAL/17/00860 - BARN, LITTLE ASHTREE FARM, STEEPLE ROAD, MAYLAND

Application Number	FUL/MAL/17/00860
Location	Barn Little Ashtree Farm, Steeple Road, Mayland, Essex
Proposal	Conversion of barn to residential. Alterations to existing openings, together with insertion of new windows and rooflights. Replacement of external wall and roof cladding.
Applicant	Mr Wiffen
Agent	Andy Hall - Tyburn Consulting Limited
Target Decision Date	1 November 2017
Case Officer	Anna Tastsoglou
Parish	MAYLAND
Reason for Referral to the Committee / Council	Departure from the Local Development Plan 2017 Member Call In

The Group Manager - Planning Services advised the Committee that following a query regarding land ownership (received on the day of the meeting) and subsequent investigation by Officers the plan submitted with the application outlining the land within the applicant's ownership was incorrect. Members noted that the application was therefore invalid and could not be determined at this stage. Members were informed that once the land issue had been addressed and the application validated it would be brought back to the Committee for consideration.

505. FUL/MAL/17/00899 - LAND ADJACENT TIDEWAYS LODGE, STEEPLE ROAD, LATCHINGDON

Application Number	FUL/MAL/17/00899
Location	Land Adjacent Tideways Lodge, Steeple Road, Latchingdon
Proposal	New dwelling house
Applicant	Mr & Mrs D Winfield
Agent	Greg Wiffen - Planman
Target Decision Date	04.10.2017 (date of extension of time agreed: 11.10.2017)
Case Officer	Anna Tastsoglou
Parish	Latchingdon
Reason for Referral to the Committee / Council	Member Call In

It was noted from the Members' Update that supplementary information had been received from the Applicants and Officers responses were detailed.

Following the Officers' presentation, the Applicant Mrs Winfield addressed the Committee.

Councillor Mrs B F Acevedo, a Ward Member, advised that she had called in this application and did not agree with the Officers suggested recommendation of refusal. She provided Members with some previous history relating to this site and referred to the lawful development on the land and recent changes to the sustainability of the area due to development. She proposed that the application be approved, contrary to Officers' recommendation. This proposal was duly seconded.

As a point of clarification, the Group Manager - Planning Services advised Members what the Lawful Development Certificate, referred to by Councillor Mrs Acevedo, related to and how this was a different area of land to the site relating to this application. It was noted that planning permission had not been granted on this site but the Officer outlined where permission had been granted on adjacent sites.

The Chairman then put the proposal in the name of Councillor Mrs Acevedo to the Committee and upon a vote being taken this was declared lost.

Councillor R G Boyce moved that the Officers' recommendation of refusal be agreed. This was duly seconded and upon a vote being taken agreed.

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

- 1 The site is not considered to be in a sustainable location. Therefore, the creation of new residential development, remote from community services and essential support facilities, would be contrary to the 'presumption in favour of sustainable development' contained in the National Planning Policy Framework and to policies S1 and S8 of the approved Maldon District Local Development Plan. The poor sustainability credentials of the site and its locality, coupled with the impact of development on the character and appearance of the rural locality contrary to policy D1 of the Maldon District Local Development Plan would significantly and demonstrably outweigh the benefits of the proposal when assessed against the compliant policies of the Local Plan and the National Planning Policy Framework as a whole.

506. FUL/MAL/17/00921 - 514 MOORHEN AVENUE, ST LAWRENCE

Application Number	FUL/MAL/17/00921
Location	514 Moorhen Avenue St Lawrence
Proposal	Remove existing dilapidated dwelling & replace with 2x contemporary family homes with associated parking & gardens.
Applicant	Mr Paul Miller - P & G Miller Properties
Agent	Mr Craig Pallett - BDA
Target Decision Date	04.10.2017
Case Officer	Hannah Bowles
Parish	St Lawrence
Reason for Referral to the Committee / Council	Member Call In

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

- 1 The proposed development is located within Flood Zone 3a which seeks to direct and intensify residential development, classified as "more vulnerable" as per the Flood Risk Vulnerability Classification, in an area with a high probability of flooding contrary to paragraphs 101 and 102 of the National Planning Policy Framework and the policy D5 of the Maldon District Local Development Plan. Furthermore, the proposal is considered to fail both the Sequential Test and the Exception Test given that the Council can demonstrate a five year housing land supply on sites which have been subject of Sequential Testing; the wider sustainability benefits to the community do not outweigh the flood risk posed and because it is not considered that that the proposed

development will be safe for its lifetime taking account of the vulnerability of its users due to the lack of a sufficient Flood Risk Assessment.

507. OTHER AREA AND PLANNING RELATED MATTERS

The Committee considered the report of the Chief Executive on the following matters:

(i) Appeals Lodged:

It was noted that the following appeals had been lodged with the Planning Inspectorate:

Appeal Start Date: 14/09/2017

Application Number: COUPA/MAL/17/00034 (APP/X1545/W/17/3180431)

Site: Barn South Of Birs Lodge - Lower Burnham Road - Latchingdon

Proposal: Prior approval of proposed change of use of agricultural building to a dwellinghouse (C3), and for associated operational development.

Appeal by: Mr B & Mrs I Wells

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 27/09/2017

Application Number: FUL/MAL/17/00468 (APP/X1545/W/17/03183379)

Site: Redbraes - Summerhill - Althorne

Proposal: Demolition of existing bungalow and construction of a new residential dwelling

Appeal by: Mr Paul Collins

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 26/09/2017

Application Number: FUL/MAL/16/001376 (APP/X1545/W/17/3177225)

Site: Earth Enclosure Land Adjacent To Bradwell Marina, Waterside Road, Bradwell-On-Sea, Essex

Proposal: Retention of earth enclosure

Appeal by: Port Flair Ltd

Appeal against: Refusal

Appeal procedure requested: Informal Hearing

Appeal Start Date: 26/09/2017

Enforcement Notice Reference Number: ENF/16/00303/01

Appeal Reference Number: APP/X1545/C/17/3177226

Site: Bradwell Marina, Waterside Road, Bradwell-On-Sea, Essex, CM0 7RB

Alleged Breach of Planning Control: Without planning permission the unauthorised erection of a earth embankment over 2m high at the entrance to the marina.

Appeal by: Port Flair Ltd

Grounds of Appeal: That planning permission should be granted for what is alleged in the notice, that the time given to comply with the notice is too short.

Appeal procedure requested: Informal Hearing

Appeal Start Date: 27/09/2017
Application Number: FUL/MAL/17/00027 (APP/X1545/W/17/3183374)
Site: Land Adjacent Three Ways Batts Road Steeple
Proposal: Proposed residential development comprising 7 No. two bedroom dwellings
Appeal by: Mr P Ellis
Appeal against: Refusal
Appeal procedure requested: Written Representation

Appeal Start Date: 28/09/2017
Application Number: OUT/MAL/17/00204 (APP/X1545/W/17/3181143)
Site: Land At 32A Green Lane Burnham-On-Crouch
Proposal: Outline planning application for the construction of 2no. two storey homes
Appeal by: Marion Jackson and Ronald Spooner
Appeal against: Refusal
Appeal procedure requested: Written Representations

(ii) **Appeal Decisions:**

It was noted that the following appeal decisions had been received from the Planning Inspectorate.

OUT/MAL/16/00915 (Appeal Ref: APP/X1545/W/17/3172993)
Proposal: Outline planning application for the demolition of one dwelling with all matters reserved for the construction of 7 dwellings comprising 2 x two bed, 2 x three bed and 3 x four bed dwelling
Address: Land Rear Of The Orchards Maldon Road Latchingdon
Decision Level: Delegated
APPEAL DISMISSED – 22 September 2017

508. DELEGATED PLANNING APPLICATIONS

The Committee received and noted the list of decisions on planning applications taken by the Chief Executive under delegated powers, circulated prior to the meeting for the period 11 September – 9 October 2017.

There being no further items of business the Chairman closed the meeting at 7.58 pm.

A S FLUKER
CHAIRMAN