



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
6 NOVEMBER 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 H E Elliott, P G L Elliott, M W Helm and R Pratt, CC

557. CHAIRMAN'S NOTICES

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

558. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs P A Channer CC and N R Pudney.

559. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 9 October 2017 be approved and confirmed.

At this point the Chairman referred to the recent passing of ex-Councillor David Fisher and all present stood for a few moments in silent tribute to him.

560. DISCLOSURE OF INTEREST

Councillor A S disclosed the following in the interest of openness and transparency:

- Agenda Item 6 – RES/MAL/17/01004 Pitt Cottages, Hall Road, Asheldham: he knew the Applicant and Agent.
- Agenda Item 7 – FUL/MAL/17/01010 Land Adjacent Fiddlers Rest, The Endway, Althorne: he knew the applicant.
- Agenda Item 8 – FUL/MAL/17/01099 Land Adjacent 13 Mill Road, Tillingham: he knew the Owner.

Councillor Mrs B F Acevedo declared a non-pecuniary interest in Agenda Item 6 – RES/MAL/17/01004 Pitt Cottages, Hall Road, Asheldham as she knew the Agent. She

then declared a pecuniary interest in Agenda Item 7 – FUL/MAL/17/01010 Land Adjacent Fiddlers Rest, The Endway, Althorne as she was one of the applicants.

Councillor P G L Elliott declared an interest in Agenda Item 6 – RES/MAL/17/01004 Pitt Cottages, Hall Road, Asheldham as he knew the Agent and Agenda Item 7 – FUL/MAL/17/01010 Land Adjacent Fiddlers Rest, The Endway, Althorne as he knew the applicant.

Councillor Mrs H E Elliott declared an interest in Agenda Item 7 – FUL/MAL/17/01010 Land Adjacent Fiddlers Rest, The Endway, Althorne as she knew the applicant.

Councillor R G Boyce declared a prejudicial interest in Agenda Item 6 – RES/MAL/17/01004 Pitt Cottages, Hall Road, Asheldham as one the applicants was his son.

Councillor R Pratt declared a non-pecuniary interest as Member of Essex County Council in any matters pertinent to them.

Councillor M W Helm declared an interest in Agenda Item 7 – FUL/MAL/17/01010 Land Adjacent Fiddlers Rest, The Endway, Althorne as he knew the applicant. The Chairman commented that this applied to all Members.

Councillor B S Beale declared an interest in Agenda Item 7 – FUL/MAL/17/01010 Land Adjacent Fiddlers Rest, The Endway, Althorne as he knew the applicant.

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

Application Number	FUL/MAL/17/00860
Location	Barn Little Ashtree Farm Steeple Road Mayland
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	6 December 2017
Case Officer	Anna Tastsoglou, TEL: 01621 875741
Parish	STEEPLE
Reason for Referral to the Committee / Council	Departure from the Local Development Plan 2017 Member Call In

It was noted from the Members' Update that consultation responses had been received from Essex County Council Highways and Environmental Health along with a further letter of objection. The Update detailed an additional condition to be included should Members be minded to approve the application. The site map had been revised following concerns raised regarding the boundary and the Target decision date had also been updated.

Following the Officers' presentation, the Agent Mr Hall addressed the Committee.

Councillor M W Helm, a Ward Member, referred to the previous application on this site which had been refused and felt that nothing had changed between that and this application apart from a recent COUPA application. He proposed that the application be refused, contrary to Officers' recommendation as the application did not comply with the Local Development Plan and was outside the village development boundary. This proposal was duly seconded.

Councillor A S Fluker raised concern about the location of building and made specific reference to the additional roof lights and the proposed finish on the outside of the dwelling. In response the Group Manager - Planning Services outlined a standard reason for refusal used and how if Members were mindful to refuse the application this could be included.

In response to a question regarding a COUPA application, the Group Manager - Planning Services explained that this was a prior approval application introduced by the Government to deal with change of use without needing planning permission, with the idea being to use redundant buildings. He explained that whilst the Council had accepted the principle of a dwelling on this site planning permission had not been granted.

The Chairman then put the proposal in the name of Councillor Helm for refusal of the application. Upon a vote being taken this was agreed.

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

- 1 The application site lies within a rural location outside of the defined settlement boundary of Steeple 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. 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. The development would therefore be unacceptable and contrary to policies S1, S2, S8, E1 and H4 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).

562. RES/MAL/17/01004 - PITT COTTAGES HALL ROAD ASHELDHAM

Following his earlier declaration Councillor R G Boyce left the meeting at this point.

Application Number	RES/MAL/17/01004
Location	Pitt Cottages Hall Road Asheldham Essex
Proposal	Reserved matters application for the approval of access, appearance, landscaping, layout and scale on approved planning application OUT/MAL/14/00993 (Proposed new two bedroom home).
Applicant	Robert Boyce & Nicola Bartlett
Agent	Mr Anthony Cussen - Cussen Construction Consultants
Target Decision Date	31 October 2017
Case Officer	Hannah Bowles, TEL: 01621 875733
Parish	ASHELDHAM
Reason for Referral to the Committee / Council	Councillor / Member of Staff

It was noted from the Members' Update that a consultation response had been received from Essex Highways and Officers had commented in respect of the condition suggested by Highways. Three additional conditions and an informative were also detailed

Following the Officers' presentation, the Agent Mr Cussen addressed the Committee.

Councillor A S Fluker proposed that the application be approved subject to the conditions detailed in the report and Members' Update. This proposal was duly seconded and agreed.

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

- 1 The development hereby permitted shall be carried out in complete accordance with the approved drawings: 1114/03, 1114/04, 1114/05 A, 1114/06 Received 24/10/2017.
- 2 No development shall take place until full details of both hard and soft landscape works to be carried out shall be submitted to and approved in writing by the local planning authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development.

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.

3. Prior to first occupation of the proposed development, the proposed vehicular access shall be constructed at right angles to the highway boundary and to a width of 3.6 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

4. No unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.
5. The development shall not be occupied until such time as the car parking and turning area, has been provided in accord with the details shown in Drawing Numbered 1114/03. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development.

INFORMATIVE

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO2 - Essex Highways,
Springfield Highways Depot,
Colchester Road,
Chelmsford.
CM2 5PU.

Councillor Boyce returned to the chamber.

563. FUL/MAL/17/01010 - LAND ADJACENT FIDDLERS REST, THE ENDWAY, ALTHORNE

Following her earlier declaration Councillor Mrs B F Acevedo left the meeting at this point.

Application Number	FUL/MAL/17/01010
Location	Land Adjacent Fiddlers Rest The Endway Althorne Essex
Proposal	Demolition of existing sheds with road side frontage and development of a new, separate dwelling within the existing garden curtilage.
Applicant	Mr & Mrs Acevedo
Agent	Mrs Lynne Fornieles - Febo Designs
Target Decision Date	14 November 2017
Case Officer	Hannah Bowles, TEL: 01621 875733
Parish	ALTHORNE
Reason for Referral to the Committee / Council	Councillor / Member of Staff

It was noted from the Members' Update that consultation responses had been received from Essex Highways and Althorne Parish Council.

Following the Officers' presentation Councillor Burgess on behalf of Althorne Parish Council and Mr Cussen on behalf of the Agent addressed the Committee.

Some Members supported and spoke in favour of the proposed development. In response to comments regarding planning permission granted for properties close to this site, the Group Manager - Planning Services confirmed that Officers could not approve (under delegated powers) properties outside the development boundary. The Officer when questioned regarding bus routes advised he was unable to comment but highlighted that a number of recent appeal decisions had found this area to be unsustainable.

Following further discussion particularly around the route taken by local busses, the Group Manager - Planning Services recommended that if Members felt this information should be clarified they consider deferring the application pending this information.

Reference was made by a Member to three new properties recently granted planning permission and how this related to the sustainability arguments regarding this application. Councillor A S Fluker proposed that the application be deferred, contrary to Officers' recommendation, pending receipt of information regarding the route taken (through Althorne) by the 31X bus service and other dwellings approved within the location of this site. This proposal was duly seconded and upon a vote being taken agreed.

RESOLVED that this application be **DEFERRED** to a future meeting of this Committee pending receipt of information regarding the route taken (through Althorne) by the 31X bus service and other dwellings approved within the location of this site.

Councillor Mrs Acevedo returned to the chamber.

564. OUT/MAL/17/01099 - LAND ADJACENT 13 MILL ROAD, TILLINGHAM

Application Number	OUT/MAL/17/01099
Location	Land Adjacent 13 Mill Road Tillingham Essex
Proposal	Variation of condition 5 of planning permission OUT/MAL/16/00528 (Application for outline planning permission for two residential units and associated garages with access off Mill Road - Renewal of 13/00366/OUT) to allow the removal of one sycamore tree.
Applicant	Miss Christine Rook
Agent	None
Target Decision Date	8 November 2017
Case Officer	Kathryn Mathews, TEL: 01621 875805
Parish	TILLINGHAM
Reason for Referral to the Committee / Council	Member Call In

It was noted from the Members' Update that an additional letter of objection had been received.

Following the Officers' presentation, the Applicant, Miss rook addressed the Committee.

Councillor R P F Dewick, a Ward Member, commented how Members had previously been told that sycamore trees were a weed. He provided some detail regarding the issues surrounding this tree, the adjacent paddock and the safety of the animals who were kept in the paddock. Councillor Dewick proposed that the application be approved, contrary to Officers' recommendation, the tree removed and replaced with a non-poisonous tree. This proposal was duly seconded.

In response to the proposal the Group Manager - Planning Services advised that as this application was for a variation to condition 5 of a previous permission, if Members were minded to approve it would be necessary to impose the original conditions along with any other conditions. He suggested that this be delegated to Officers to clarify, if approval was agreed.

The Chairman then put the proposal in the name of Councillor Dewick to the Committee and upon a vote being taken this was agreed.

RESOLVED that this application be **APPROVED** subject to conditions as detailed below, the detail of which is delegated to Officers to confirm.

- 1 The development shall be carried out in accordance with plans and particulars relating to the layout, scale, appearance and the landscaping 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 for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 21 June 2019.
- 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 Prior to the commencement of the development details of the surface and 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.
- 5 With the exception of the sycamore tree the subject of this application, no trees within the site shall be felled, cut back, damaged or removed, unless otherwise first agreed in writing with the Local Planning Authority. No development shall commence until information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS:5837:2012 in relation to tree retention and protection as follows:
 - Tree survey detailing works required;
 - Trees to be retained;
 - Tree retention protection plan;
 - Tree constraints plan;
 - Arboricultural implication assessment;
 - Arboricultural method statement (including drainage service runs and construction of hard surfaces).

No development shall commence until fencing and ground protection to protect the trees to be retained has been erected as per BS5837:2012(Trees in relation to construction), details of which shall have gained the prior written approval of the local planning authority. The protective fencing and ground protection shall be

- erected before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the Local Planning Authority.
- 6 No development shall take commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be constructed prior to the first occupation of the development to which it relates and be retained as such thereafter.
- 7 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials and details as approved.
- 8 The landscaping details referred to in Condition 1 shall provide full details and specifications of both hard and soft landscape works which shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses. The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first 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 that tree or plant, or any tree or plant planted in its replacement, is removed, 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.
- 9 Prior to the first occupation of the development, the vehicular access at its junction with the highway shall not be less than 3 metres in width and shall be provided with an appropriate dropped kerb crossing of the footway.
- 10 Prior to the first occupation of the development a 1.5 metre by 1.5 metre pedestrian visibility splay, as measured from, and long the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction of perpetuity. These visibility splays must not form part of the vehicular surface of the access.
- 11 No surface water from the application site shall be discharged onto the highway.
- 12 No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary of the site.

- 13 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.
- 14 If the sycamore tree the subject of this planning permission is removed, it shall be replaced by 31 December 2018 with a new native tree in accordance with details which shall have been submitted in writing to and gained the prior written approval of the local planning authority. If within a period of five years from the date of the planting of the replacement tree, or any tree planted in its replacement, is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree 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.

INFORMATIVES

- 1 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
 - a. No waste materials should be burnt on the site, instead being removed by licensed 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.
- 2 All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of the Highway Authority and application for the necessary works should be made to Essex County Council on 0845 603 7631.

565. 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: 09/10/2017

Enforcement Notice Reference Number: ENF/17/00081/01

Appeal Reference Number: APP/X1545/C/17/3182492

Site: Land Adjacent The Old School House Southminster Road Mayland

Alleged Breach of Planning Control: Without planning permission the unauthorised erection of fencing and gates and the unauthorised creation of a hard surfaced area.

Appeal by: Mr Jason Boutwell

Grounds of Appeal: Ground A

That planning permission should be granted for what is alleged in the notice Ground F that the steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections Ground G that the time given to comply with the notice is too short.

Appeal procedure requested: Written Representations/Informal Hearing/Public Inquiry

Appeal Start Date: 09/10/2017

Application Number: OUT/MAL/16/00224 (APP/X1545/W/17/3182361)

Site: Whitecap Mushroom Farm - Mill Road - Mayland

Proposal: Demolition of former Mushroom Farm and associated buildings and erection of up to 35 dwellings with associated landscaping, open space and upgrading of Mill Road to adoptable standard

Appeal by: Mr Alen Powl

Appeal against: Refusal

Appeal procedure requested: Informal Hearing

(ii) Appeal Decision

It was noted that the following appeal decision had been received from the Planning Inspectorate:

WTPO/MAL/16/01456 (Appeal Ref: APP/TPO/X1545/6122)

Proposal: TPO 13/1 T9 Horse Chestnut - Reduce height by 5M crown Lift by 3M cut back to boundary by 3M. T8 London Plane - Reduce height by 8M crown Lift by 6M cut back to boundary by 6M. T7 Horse Chestnut - Reduce height by 5M crown Lift by 3M cut back to boundary by 3M. T5 Horse Chestnut - Reduce height by 5M crown Lift by 3M cut back to boundary by 3M. T4 & T2 London Plane - Reduce height by 8M crown Lift by 6M cut back to boundary by 6M. T1 Horse Chestnut - Reduce height by 5M crown Lift by 3M cut back to boundary by 3M. T10 - T11 Various Species - Removal of large roots and where necessary the insertion of root barrier along boundary edge.

Address: Holyrood Lodge, Green Lane, Burnham-On-Crouch, Essex, CM0 8PU

Decision Level: Non Determination

APPEAL DISMISSED – 24 October 2017

566. 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 10 October – 6 November 2017.

In response to a question regarding application AGR/MAL/17/01131 Members were advised of the reasons why this application was refused.

There being no further items of business the Chairman closed the meeting at 8.19 pm.

R P F DEWICK
CHAIRMAN