



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
4 DECEMBER 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

649. CHAIRMAN'S NOTICES

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

650. APOLOGIES FOR ABSENCE

There were none.

651. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 6 November 2017 be approved and confirmed.

652. DISCLOSURE OF INTEREST

Councillor R P F Dewick declared the following:

- in relation to Agenda Item 7 - FUL/MAL/17/01107 – Land South of Charwood, Stoney Hills, Burnham-on-Crouch – he had carried out work for the Applicant in the past;
- in relation to Agenda Item 9 – OUT/MAL/17/01123 – Land to the rear of 60A Maldon Road, Burnham-on-Crouch – he had carried out work for the Applicant in the past.

Councillor Mrs P A Channer declared:

- a non-pecuniary interest as she was also a Member of Essex County Council who was consulted on matters of highways, access etc.;

- an interest in relation to Agenda Item 8 - OUT/MAL/17/01114 – Land East of Goldsands Road, Southminster. The Chairman confirmed that this application had been withdrawn;
- in relation to Agenda Item 9 - OUT/MAL/17/01123 – Land to the rear of 60A Maldon Road, Burnham-on-Crouch – that she knew the Applicant;
- in relation to Agenda Item 5 - FUL/MAL/17/01010 – Land adjacent Fiddlers Rest, The Endway, Althorne – that she knew the Applicant;
- in relation to Agenda Item 7 - FUL/MAL/17/01107 – Land South of Charwood, Stoney Hills, Burnham-on-Crouch – that she knew the Agent.

Councillor Mrs B E Acevedo declared a pecuniary interest in relation to Agenda Item 5 – FUL/MAL/17/01010 – Land adjacent Fiddlers Rest, The Endway, Althorne – as she was one of the Applicants. Councillor Acevedo advised that she would leave the meeting for this item of business.

Councillor N R Pudney declared a non-pecuniary interest in relation to Agenda Item 7 - FUL/MAL/17/01107 – Land South of Charwood, Stoney Hills, Burnham-on-Crouch – as his in-laws lived in Stoney Hills.

Councillor B S Beale declared an interest in relation to Agenda Item 5 - FUL/MAL/17/01010 – Land adjacent Fiddlers Rest, The Endway, Althorne – as he knew the Applicant.

The Chairman advised that this declaration applied to all Members of the Committee.

Councillor Mrs Channer declared an interest in relation to Agenda Item 5 - FUL/MAL/17/01010 – Land adjacent Fiddlers Rest, The Endway, Althorne – as she knew the Applicant.

Councillor R Pratt declared a non-pecuniary interest as he was also a Member of Essex County Council.

Councillor P G L Elliott declared an interest in relation to Agenda Item 7 - FUL/MAL/17/01107 – Land South of Charwood, Stoney Hills, Burnham-on-Crouch – as he knew the Agent.

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

- in relation to Agenda Item 5 - FUL/MAL/17/01010 – Land adjacent Fiddlers Rest, The Endway, Althorne – that he knew the Applicant;
- in relation to Agenda Item 7 - FUL/MAL/17/01107 – Land South of Charwood, Stoney Hills, Burnham-on-Crouch – that he knew the Applicant and the Agent.

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

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

Councillor Mrs B E Acevedo left the Council Chamber at this point in the meeting.

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 875822
Parish	ALTHORNE
Reason for Referral to the Committee / Council	Councillor / Member of Staff

It was noted from the Members' Update that representation had been received from Althorne Parish Council and Essex Highways along with further letters of support.

Following the Officer's presentation of the report, Councillor Burgess, representing Althorne Parish Council and Mr A Cusson, speaking on behalf of the Applicant and Agent, both addressed the Committee.

Members debated this application at some length and attention was drawn to the 19 letters of support that had been received. Some Members were in support of this application and were of the opinion that the proposed development was of sympathetic built form and accorded with sustainability in the surrounding area. However, other Members held the converse view that it was outside the settlement boundary, was unsustainable and were in support of the Officer's recommendation regarding the Council's Local Development Plan (LDP).

Concern was raised about sustainability and that bus and train services would only survive if they were used.

The Group Manager – Planning Services advised that letters of support or objection on their own were not a material consideration.

In response to a question the Group Manager – Planning Services advised that windfall sites were set within the plan and it was not usually the case that sites outside of the development boundary would be looked at. This was not an allocated site within the LDP.

The Group Manager – Planning Services then drew Members' attention to the Appendices to the report which showed the number of applications that had been refused by the Council and advised that all of those that had been appealed had been dismissed. The Council and the Planning Inspectorate were united in their view that this area was not suitable for development. If this application was granted, then it would become a material consideration for any other site around the area. Members

should make decisions in accordance with the LDP unless material considerations outweighed this.

The Chairman put the Officers' recommendation of refusal to the Committee and upon a vote being taken this was agreed.

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

- 1 The development of this site for housing is remote from essential support facilities, community services, is inaccessible by a range of transport and is located where the need to travel would be maximised and the use of sustainable transport modes would be minimised and would therefore represent an unsustainable form of development. Furthermore, the poor sustainability credentials of the site and its locality in combination with the fact that the location of the site would not encourage sustainable travel patterns would significantly and demonstrably outweigh the benefits of the proposal when assessed against the Maldon District Local Development Plan policies S1, S8, D1, H4, T1 and T2 of the and guidance contained within the National Planning Policy Framework.
- 2 The introduction of a residential dwelling and associated paraphernalia on the site would represent the inappropriate urbanisation of the site and would have a harmful impact on the rural and open character of the area. The proposal is therefore considered to result in demonstrable harm to the character and appearance of the locality contrary to policies S8, D1 and H4 of the Maldon District Local Development Plan as well as the principles and guidance contained within the National Planning Policy Framework.

Councillor Mrs Acevedo returned to the Council Chamber.

654. FUL/MAL/17/01096 - LAND ADJACENT 101 MALDON ROAD, BURNHAM-ON-CROUCH, ESSEX

Application Number	FUL/MAL/17/01096
Location	Land Adjacent 101 Maldon Road Burnham-On-Crouch Essex
Proposal	Proposed new detached dwelling house
Applicant	Mr E J Dominic Savio
Agent	Greg Wiffen - Planman
Target Decision Date	22 November 2017
Case Officer	Hannah Bowles, TEL: 01621 875822
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Chief Executive Call In

This application had been called in by the Chief Executive in her capacity as Director of Planning and Regulatory Services.

It was noted from the Members' Update that additional information had been received from the applicant regarding land ownership.

Following the Officer's presentation of the report Mr Hammans, an Objector, of 99 Maldon Road, Burnham-on-Crouch, addressed the Committee.

Members then debated this application and raised concerns that this was an overdevelopment. Members requested clarification of the ownership of the land and matters included in the Members' Update.

Councillor R Pratt proposed that this application be deferred and this was duly seconded. Upon a vote being taken this was agreed.

RESOLVED that this application be **DEFERRED** to seek clarification in relation to the ownership of the land and the ability to provide the access shown.

Councillor R P F Dewick left the Council Chamber at this point in the meeting.

COUNCILLOR A S FLUKER IN THE CHAIR

Councillor A S Fluker extended the invitation of the Chairman of the Council for Members to attend a Carol Service at St. Leonard's Church at 4.30pm on Friday 8 December 2017.

655. OUT/MAL/17/01107 - LAND SOUTH OF CHARWOOD, STONEY HILLS, BURNHAM-ON-CROUCH, ESSEX

Application Number	OUT/MAL/17/01107
Location	Land South Of Charwood Stoney Hills Burnham-On-Crouch Essex
Proposal	Proposed construction of 5 bungalows
Applicant	Think Green Energy Ltd
Agent	Cussen Construction Consultants
Target Decision Date	18 th December 2017
Case Officer	Anna Tastsoglou, TEL: 01621 875741
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Departure from the Local Development Plan 2017 Previous Committee Decision

It was noted from the Members' Update that a consultation response had been received from Burnham-on-Crouch Town Council along with a further letter of objection.

Following the Officer's presentation of the report, Mr A Cussen, the Agent, addressed the Committee.

Members were concerned about this site and the access to it and believed it to be an inappropriate site. Two dwellings had already been approved on this site and Members did not agree with approval of the further three dwellings. Furthermore, this site was not allocated within the Council's approved Local Development Plan (LDP).

In response to a question, the Group Manager – Planning Services advised that planning applications should be determined in accordance with the LDP unless material

considerations stated otherwise. Members could give weight to the LDP if they felt it appropriate, but should consider the material changes since the two dwellings had been approved on the site. If Members were minded to refuse this application, then it would be necessary to demonstrate harm.

A further question was asked and the Group Manager – Planning Services confirmed that the Burnham-on-Crouch Neighbourhood Plan was taken into consideration when making the recommendation for approval.

Members were mindful of the Officer’s comments regarding appeal decisions but understood that such decisions had been made prior to the LDP and the Burnham Neighbourhood Plan.

The Officer’s recommendation of approval was then put to a vote and this recommendation was not agreed.

Councillor A S Fluker requested that his vote in support of the Officer’s recommendation be recorded.

Councillor Mrs H E Elliott then proposed refusal of this application and this was duly seconded.

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

- 1 The proposed development is located outside of the defined settlement boundaries of the Maldon District and would represent an intensive and urban form of development that would be materially harmful to the character of the application site and the surrounding area. The proposal is therefore contrary to the National Planning Policy Framework, Maldon District Local Development Plan (2017) policies S1, S8, D1, H4 and policies HO.1 and H0.8 of the Burnham-on-Crouch Neighbourhood Development Plan (2017).

656. OUT/MAL/17/01114 - LAND EAST OF GOLDSANDS ROAD, SOUTHMINSTER

Application Number	OUT/MAL/17/01114
Location	Land East Of Goldsands Road Southminster
Proposal	Outline application for proposed agricultural workers dwelling with appearance and landscaping matters reserved. Dwelling to be tied to use by agricultural worker.
Applicant	Mr John Fisher - D.J.Fisher (Farms) Limited
Agent	Mr Mike Otter - GPO Designs Ltd
Target Decision Date	14.12.2017
Case Officer	Hannah Bowles, TEL: 01621 875822
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Member Call In

The Chairman advised that this application had been withdrawn by the Agent.

657. OUT/MAL/17/01123 - LAND TO THE REAR OF 60A MALDON ROAD, BURNHAM-ON-CROUCH, ESSEX

Application Number	OUT/MAL/17/01123
Location	Land To The Rear Of 60A Maldon Road, Burnham-On-Crouch, Essex
Proposal	Proposed erection of 6 residential dwellings and ancillary works with shared surface access off Green Lane and pedestrian/ cycle link to Maldon Road.
Applicant	Dr Hamid Latif
Agent	Mr David Devries
Target Decision Date	24 November 2017
Case Officer	Anna Tastsoglou, TEL: 01621 975741
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Departure from the Local Development Plan 2017

Following the Officer's presentation of the report, Members debated this application in some depth. It was noted that Green Lane was becoming very busy and there were concerns that the area was becoming overdeveloped. Furthermore, planning applications in this area had previously been refused.

The Group Manager – Planning Services advised that whilst a number of dwellings on this site had previously been refused by the Council, they had subsequently been allowed on appeal.

A Member advised that access was no longer available as the donor bungalow was not there. However, the Group Manager – Planning Services advised that this should not be taken into account.

In response to a question, the Development Management Team Leader advised that it was understood that a certificate of ownership had been served on the land owner who shared the same surname as the Applicant.

Members were concerned that this was outside of the development boundary, was not a strategic allocation in accordance with the Local Development Plan (LDP) and the Neighbourhood Plan for Burnham-on-Crouch was now in place.

There was also concern regarding access and the impact on Green Lane. Although the Highways Authority had raised no objection to access, Members believed that any access was contrived access.

At this point, and in light of discussions, the Chairman then asked Members for a proposal for refusal of this application. A number of reasons for refusal were discussed and it was suggested that if refused the reasons could be agreed by the Chairman and Officers.

The Group Manager – Planning Services did not agree with some of the concerns raised by Members and advised that because the Council had a policy that was not a reason for refusal. He advised that demonstrable harm had to be shown and being contrary to a policy was not demonstrable harm.

In response to a question, the Development Management Team Leader confirmed that if granted this was for outline permission only and reserved matters would need to be dealt with before the site could be developed.

Councillor Mrs P A Channer proposed that the Chairman in consultation with the Group Manager - Planning Services and Ward Members come up with reasons for refusal. This proposal was not supported.

The Group Manager – Planning Services referred to the need for reasons to show planning harm. He suggested that following Members discussions that the reasons for refusal put forward by Members were concern in relation to the new access, impact on the character of the area, the development is contrary to the LDP and the Burnham-on-Crouch Neighbourhood Plan.

Members voted on the Officer’s recommendation of approval and this was not agreed.

A second vote was taken on refusal of this application and this motion was carried, subject to the reasons as detailed by the Group Manager - Planning Services to be confirmed with the Ward Members and Chairman (Councillor A S Fluker).

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

- 1 The proposed development on land outside the settlement boundary of Burnham-on-Crouch would represent the sprawl of development into the countryside and cause harm to the character and intrinsic beauty of the countryside. The proposal is therefore contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan 2017, policies HO.1 and HO.8 of the Burnham-on-Crouch Neighbourhood Development Plan 2017 and the guidance contained within the National Planning Policy Framework.
- 2 The proposed development, by virtue of the proposed new access road linking the proposed dwellings to Green Lane, would have a detrimental and harmful visual impact on the character and intrinsic beauty of the countryside. The proposal is therefore unacceptable and contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan 2017, policies HO.1 and HO.8 of the Burnham-on-Crouch Neighbourhood Development Plan 2017 and the guidance contained within the National Planning Policy Framework.

Councillor R P F Dewick returned to the Council Chamber.

COUNCILLOR R P F DEWICK IN THE CHAIR

658. TREE PRESERVATION ORDER (TPO) 8/17 - 9 BARNMEAD WAY, BURNHAM-ON-CROUCH

The Officer presented the report, the purpose of which was that objections had been received relating to the serving of TPO 8/17 on trees at 9 Barnmead Way, Burnham-on-Crouch as shown in Appendix 1 to the report. The TPO protected two Oriental Plane trees in the rear garden of 9 Barnmead Way, these were numbered T1 and T2. The objections remain unresolved. Therefore, the question of whether or not to confirm the TPO has been brought before Members to decide.

Following this and with the agreement of the Chairman Mrs Harman, the Applicant, addressed the Committee.

Members were concerned that the trees were very tall already even though they were not fully grown. Members were of the opinion that these trees should be removed and stated that the Applicants were willing to plant similar trees but not in their back garden.

Councillor P G L Elliott proposed that the TPO not be confirmed, contrary to Officers' recommendation and this was duly seconded.

RESOLVED that Tree Preservation Order 8/17 at 9 Barnmead Way, Burnham-on-Crouch not be confirmed.

There being no further items of business the Chairman closed the meeting at 9.14 pm.

R P F DEWICK
CHAIRMAN