



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
15 JANUARY 2018**

PRESENT

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

723. CHAIRMAN'S NOTICES (PLEASE SEE OVERLEAF)

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

724. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs B E Acevedo, P G L Elliott, R Pratt CC and N R Pudney.

725. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the meeting of the Committee held on 4 December 2017 be received.

Councillor R P F Dewick declared that he had a pecuniary interest in this item and left the Chamber for this discussion.

COUNCILLOR A S FLUKER IN THE CHAIR

**Minute No. 657 – OUT/MAL/17/01123 – LAND TO THE REAR OF 60A
MALDON ROAD, BURNHAM-ON-CROUCH, ESSEX**

There was some discussion on the Minute relating to this item and it was agreed that the wording of the first sentence of the third paragraph should read as follows:

“A Member advised that access was no longer available as the donor bungalow was no longer to be demolished.”

The second paragraph on page 683 should read as follows:

“Councillor Mrs P A Channer CC proposed that the Chairman in consultation with the Group Manager – Planning Services and Ward Members come up with the wording for the reasons for refusal ...”

RESOLVED

- (ii) that subject to the above amendment the Minutes of the meeting of the Committee held on 4 December 2017 be confirmed.

Councillor R P F Dewick then returned to the Chamber.

COUNCILLOR R P F DEWICK IN THE CHAIR

726. DISCLOSURE OF INTEREST

Councillor A S Fluker declared in the interests of openness and transparency that, in relation to Agenda Item 6 – FUL/MAL/17/01251 – Land East of The Rest, Southminster Road, Asheldham, Essex, he knew the Applicant and the Applicant’s family.

Councillor Mrs P A Channer CC declared:

- that she was also a Member of Essex County Council who was consulted on highways, access and other matters;
- a non-pecuniary interest in relation to Agenda Item 6 – FUL/MAL/17/01251 – Land East of The Rest, Southminster Road, Asheldham, Essex, as she knew the Applicant’s Agent.

The Committee received the reports of the Director of Planning and Regulatory Services 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.

727. 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

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.
- 3 No development shall commence until full details of the materials to be used in the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details as approved.
- 4 No works or development shall take place until full details of both hard and soft landscape works to be carried out have been 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, 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, 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, unless the Local Planning Authority gives its written consent to any variation.

- 5 Prior to occupation of the proposed dwelling, the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres and no more than 6 metres, and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.
- 6 Prior to occupation of the proposed dwelling and as shown in Drawing no SI 5 (Proposed block plan showing visibility splays), the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
- 7 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
- 8 Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be identified clear of the highway. Details are to be submitted to and approved in writing by the Local Planning Authority and the development is to be carried out in accordance with the approved details.

- 9 Prior to the commencement of the development details of the surface water 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. The scheme shall ensure that for a minimum:

The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.

Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s).

You are advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the Local Planning Authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

- 10 Prior to the first occupation of the building hereby permitted, the windows in the east and west side elevations shall be glazed with opaque glass and of a non-openable design with the exception of a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.

728. FUL/MAL/17/01251 - LAND EAST OF THE REST, SOUTHMINSTER ROAD, ASHELDHAM, ESSEX

Application Number	FUL/MAL/17/01251
Location	Land East Of The Rest Southminster Road Asheldham Essex
Proposal	Demolition of existing stables and pole barn and erection of a new single dwelling and change of use of land to residential (Class C3) (amendment to and repositioning of dwelling approved under reference 13/00595 onto adjacent paddock).
Applicant	Mr David Hall
Agent	Mr Anthony Cussen - Cussen Construction Consultants
Target Decision Date	4 January 2018
Case Officer	Hannah Bowles, TEL: 01621 875822
Parish	ASHELDHAM
Reason for Referral to the Committee / Council	Councillor / Member of Staff

The Development Management Team Leader presented the report and advised the Committee that Officers were looking to secure a Section 106 Agreement.

Members debated this application and, in response to a question, the Development Management Team Leader advised that the access would remain as it was currently.

RESOLVED that this application be **APPROVED** subject to:

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- Voluntary agreement for the non-implementation of planning application **FUL/MAL/13/00055**

and 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: 1092/08 A, 1092/09 A, 1092/10, 1092/11, 1092/12.
- 3 Prior to the construction of the dwelling hereby approved, samples and written details of the materials to be used in the construction of the external surfaces of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has submitted an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site.

Such archaeological assessment shall be approved by the Local Planning Authority and will inform the implementation of a programme of archaeological work. The development shall be carried out in a manner that accommodates such approved programme of archaeological work.

- 5 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.

The archaeological work will comprise trial-trenching of the site, followed by full excavation if archaeological features are identified. All fieldwork should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by this office.

- 6 Prior to the commencement of the development details of the surface water 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. The scheme shall ensure that for a minimum:

- 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
- 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)

You are advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the Local Planning Authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

- 7 Any gates erected at the vehicular access shall be inward opening only and shall be recessed a minimum of 6m from the highway boundary.
- 8 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 9 No development shall 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 use/occupation of the development to which it relates and be retained as such thereafter.
- 10 No works or development shall take place until full details of both hard and soft landscape works to be carried out have been 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, 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, 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, unless the Local Planning Authority gives its written consent to any variation.

- 11 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the Local Planning Authority.

729. HOUSE/MAL/17/01267 - NORTONLEA, 6 KATONIA AVENUE, MAYLAND, ESSEX, CM3 6AD

Application Number	HOUSE/MAL/17/01267
Location	Nortonlea 6 Katonia Avenue Mayland Essex
Proposal	First floor extension to existing bungalow to create additional bedroom space.
Applicant	Ms Stacy Christmas
Agent	Annabel Brown - Annabel Brown Architect
Target Decision Date	9 January 2018
Case Officer	Devan Lawson, TEL: 01621 875845
Parish	MAYLAND
Reason for Referral to the Committee / Council	Member Call In

Following the Officer's presentation of the report Mr Edwards, from Mayland Parish Council, addressed the Committee.

Councillor M W Helm advised that he had called this application in and that the Parish Council considered that the proposed development would be overdevelopment and out of keeping with the street scene.

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

- 1 The proposed development, by virtue of the scale, form, design and appearance of the roof extension, would result in the dwelling having an incongruous and discordant visual appearance that would be harmful to the character and appearance of the site and the surrounding area. The proposal is therefore contrary to policies D1 and H4 of the Maldon District Local Development Plan, the Maldon District Design Guide and the guidance contained within the National Planning Policy Framework.

730. FUL/MAL/17/01289 - 33 PRINCES AVENUE, MAYLAND, ESSEX, CM3 6BA

Application Number	FUL/MAL/17/01289
Location	33 Princes Avenue Mayland Essex CM3 6BA
Proposal	Erection of 2No. 3 bedroom dwelling to replace existing dwelling.
Applicant	Royal Day Investments
Agent	Mr Gary Taylor - Ken Judge & Associates Ltd
Target Decision Date	15 January 2018
Case Officer	Devan Lawson, TEL: 01621 875845
Parish	MAYLAND
Reason for Referral to the Committee / Council	Member Call In

Following the Officer's presentation of the report Mr Edwards, from Mayland Parish Council, addressed the Committee.

Councillor M W Helm advised that the had called this application in as the Parish Council were of the opinion that this would be overdevelopment, not in keeping with the street scene and that there was insufficient parking. Councillor Helm proposed that this application be refused contrary to the Officer's recommendation.

Members discussed this application and raised concerns about the design changes, but felt that it would be difficult to refuse an application where planning permission for a replacement building had already been granted. Furthermore, as the change was to the rear elevation, it would not affect the street scene.

Councillor Helm's proposal was duly seconded.

Councillor Helm requested a recorded vote.

In favour of refusal:

Councillor B M Beale MBE
Councillor Mrs P A Channer CC
Councillor Mrs H E Elliott
Councillor A S Fluker
Councillor M W Helm

Against refusal:

Councillor R G Boyce MBE

Abstention:

Councillor R P F Dewick

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

The proposed development, by virtue of the proposed first floor, flat-roofed rear projection would be of inadequate design and result in an unacceptable bulk and mass at the rear of the dwellings, thereby being an incongruous and visually unacceptable

element, to the detriment of the site and the surrounding area. The proposal is therefore contrary to the National Planning Policy Framework, Maldon District Local Development Plan (2017) policies D1 and H4 and the Maldon District Design Guide (2017).

There being no further items of business the Chairman closed the meeting at 8.18 pm.

R P F DEWICK
CHAIRMAN