



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
9 APRIL 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, P G L Elliott, M W Helm, R Pratt, CC and N R Pudney

977. CHAIRMAN'S NOTICES

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

978. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs B E Acevedo and Mrs H E Elliott.

979. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the meeting of the Committee held on 12 March 2018 be received.

Minute No. 891 – Disclosure of Interest

Councillor M W Helm informed the meeting that he had declared a prejudicial interest in Agenda Item 6 – OUT/MAL/1701338 – Mapledean Poultry Farm and not a pecuniary interest.

Councillor Mrs P A Channer advised that she had also declared an interest regarding her work with Highways and Access.

RESOLVED

- (ii) that subject to the above amendments the Minutes of the meeting of the Committee held on 12 March 2018 be confirmed.

980. DISCLOSURE OF INTEREST

Councillor P G L Elliott declared a pecuniary interest in respect of Agenda Item 5 – FUL/MAL/17/00556 – AA Dog Rescue, Oldfield Lodge, Burnham Road, Latchingdon, Essex, CM3 6EZ as he had a previous business interest with one of the applicants. He informed the Committee he would leave the chamber for this item.

Councillor Mrs P A Channer, CC, declared a non-pecuniary interest as she was a Member of Essex County Council and that was a consultee on planning application matters with respect generally to highways, matters of access and education primarily.

Councillor M W Helm declared a non-pecuniary interest in respect of Item 5 – FUL/MAL/17/00556 - AA Dog Rescue, Oldfield Lodge, Burnham Road, Latchingdon, Essex, CM3 6EZ as he knew the agent.

Councillor R Pratt, CC, declared a non-pecuniary interest as a member of Essex County Council who was a consultee.

Councillor A S Fluker declared in the interest of openness and transparency in respect of Agenda Item 5- FUL/MAL/17/00556 - AA Dog Rescue, Oldfield Lodge, Burnham Road, Latchingdon, Essex, CM3 6EZ as he knew the applicant and some of the objectors and supporters. He also declared an interest in both Agenda Item 6 – OUT/MAL/18/00129 – Theedhams Farm, Steeple Road, Southminster, Essex, as he knew the objectors and Agenda Item 8 –TPO13/91 (WTPO/MAL/18/00210) - Acacia House, 80A Maldon Road, Burnham-on-Crouch as he knew the 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.

981. FUL/MAL/17/00556 - AA DOG RESCUE, OLDFIELD LODGE, BURNHAM ROAD, LATCHINGTON

Application Number	FUL/MAL/17/00556
Location	AA Dog Rescue, Oldfield Lodge, Burnham Road, Latchingdon, Essex, CM3 6EZ
Proposal	Change of use of land and building to a mixed use of a dog rescue centre and equestrian use which will result in 27 kennels, isolation block and vet area and 11 stables and will include a detailed mitigation scheme, relocation of exercise areas, fencing and landscaping.
Applicant	Ms Charlene Nathan
Agent	Mr Ashley Wynn - Greenhayes Planning
Target Decision Date	12 th April 2018
Case Officer	Ian Harrison, TEL: 01621 875751
Parish	LATCHINGDON
Reason for Referral to the Committee / Council	Level of Public Participation

Councillor P G L Elliott left the chamber for this item.

A Members' Update was circulated that contained notice of additional letters of support but these submissions did not raise any grounds of support that have not been mentioned previously.

Following the Officer's presentation, Mr Anthony Fittock, an Objector, Ms Cathy Clarke, a Supporter, and Ms Charlene Nathan, the Applicant, addressed the Committee.

A debate ensued regarding the issue of noise nuisance and the adverse impact on neighbouring properties. Members agreed that everyone was entitled to enjoy peace and quiet in their own homes and that there was nothing in the report to demonstrate that the noise issue could be adequately mitigated.

Councillor R G Boyce, MBE, proposed that the application be refused in accordance with the Officer's recommendation. Upon a vote being taken the motion was carried.

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

- 1 The application relates to the use of the land for equestrian purposes and also the continued use of the land as a dog rescue centre with building operations and management regimes proposed to mitigate noise arising from the dog rescue use. From the information provided, it has not been demonstrated to the satisfaction of the Local Planning Authority that the noise arising from use would be adequately mitigated and, therefore, it has not been satisfactorily demonstrated that the proposed use would not cause significant and unacceptable harm to the amenities and quality of life of neighbouring residents. Taking a precautionary stance, the proposal is, therefore, deemed to be unacceptable and contrary to policies S1, D1 and D2 of the Maldon District Local Development Plan and advice contained within the National Planning Policy Framework and National Planning Practice Guidance.

982. OUT/MAL/18/00129 - THEEDHAMS FARM, STEEPLE ROAD, SOUTHMINSTER

Application Number	OUT/MAL/18/00129
Location	Theedhams Farm, Steeple Road, Southminster, Essex
Proposal	Removal of conditions 13 (Flood Response Plan) & 20 (two bus stops on link road) on approved planning permission OUT/MAL/14/00613 (Creation of a new Northern Bypass/Link Road. Conversion of Steeple Road to a cul-de-Sac. Residential development of approx. 3 hectares, for 94 houses in total, including 28 affordable houses, and all associated works. The provision of new Public Open Space. The allocation of 0.275 hectares of land reserved for the provision of a medical centre)
Applicant	David Wilson Homes (Eastern Counties)
Agent	Phase 2 Planning
Target Decision Date	27.04.18
Case Officer	Kathryn Mathews, TEL: 01621
Parish	SOUTHMINSTER

Reason for Referral to the Committee / Council	Member Call In – Councillor A S Fluker, due to public interest.
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Following the Officer’s presentation, Ms Paula Neal, an Objector, and Parish Councillor, Mr Terry Cassells, Southminster Parish Council, addressed the meeting.

Members discussed Essex County Highways justification for removing the condition for two new bus stops. It was felt that this was unacceptable given the potential transport demand going forward as a result of the additional development. The lack of response from Essex County Highways was also considered unacceptable.

Councillor A S Fluker proposed that the application be refused in accordance with the Officer’s recommendation. It was further agreed that an additional reason for refusal be included regarding the necessary inclusion of the original condition 20 for the provision of two new bus stops. This was duly seconded by Councillor B S Beale and agreed.

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

1. In the absence of a Flood Response Plan, it could not be ensured that the impacts of potential flooding were minimised as users of the site would be exposed to flood hazards, contrary to the NPPF, NPPG and Policy D5 of the Maldon District Approved Local Development Plan.
2. In the absence of a Deed of Variation or new Section 106 Agreement, the proposal would not make provision for affordable housing, open space, education, residential travel packs, health care or the highway works necessary to make the proposal acceptable in planning terms, contrary to the NPPF and Policies S1, D1, D2, H1, N3, T1, T2, I1 and I2 of the Maldon District Approved Local Development Plan.
3. The proposed removal of condition 20 of planning permission OUT/MAL/14/00613, enabling the development to occur without the previously approved bus stops, would result in the development including inadequate measures to promote sustainable modes and improve access for all in the community. The proposal would therefore not represent sustainable development and would be contrary to policies S1, T1 and T2 of the Maldon District Local Development Plan and the National Planning Policy Framework.

983. HOUSE/MAL/18/00184 - 115 WEST AVENUE, MAYLAND

Application Number	HOUSE/MAL/18/00184
Location	115 West Avenue, Mayland
Proposal	Convert Chalet style dwelling to No.1 two storey house together with single storey rear extension and conservatory
Applicant	Mr Alan Harrison
Agent	Mr David Blacker – DSB Property Designs Ltd
Target Decision Date	11.04.2018
Case Officer	Devan Lawson, TEL: 01621 854477
Parish	MAYLAND
Reason for Referral to the Committee / Council	Member Call In – Councillor Mrs P A Channer, CC Reasons: Public Interest, local knowledge and being aware of the Parish Council view.

The Development Management Team Leader presented the item.

Councillor A S Fluker proposed that this application be approved in accordance with the Officer's recommendation. This was duly seconded and agreed.

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 approved drawing: 2018/01/01/115WA, 2018/01/02/115WA, 2018/01/03/115WA, 2018/01/04/115WA, Proposed Street Scene.
3. The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application.
4. 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 dormer window or other form of addition or opening shall be constructed in the roof or gable walls of the building(s)/ extension hereby permitted without planning permission having been obtained from the local planning authority.

984. WTPO/18/00210 - ACACIA HOUSE, 80A MALDON ROAD, BURNHAM-ON-CROUCH

Tree Preservation Order	TPO 13/91 (WTPO/MAL/18/00210)
Location	Acacia House 80A Maldon Road, Burnham-on-Crouch
Proposal	TPO 13/91 T1 False Acacia - Remove dead & dying wood from canopy. Remove hollow limb on South Side & re-balance canopy. Reduce canopy by 3m due to proximity of dwelling and presence of perenniporia fraxinea.
Owner	Mr Robert Hammond
Agent	Mr John Foss – Manor Tree Services
Case Officer	Devan Lawson
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Member Call In by Councillor N R Pudney. Reason - The tree requires attention regarding fungus and dead wood. The applicant wants to keep the tree, but it does need attention as there is a danger if not treated.

Following the Officer’s presentation Councillor Mrs Wendy Stamp, Burnham-on-Crouch Town Council and Mr Robert Hammond, the Applicant, addressed the Committee.

Members debated issues around the significance of the tree together with the need for the work to go ahead to reduce the height of the canopy. Concerns were raised regarding the potential risk of injury to the family due to the tree’s poor condition.

There followed a long discussion regarding the difference of opinions expressed, the fact that this tree has been subject to two planning applications already and that the work should be carried out before some significant damage occurs.

Councillor Pudney proposed that the application be approved contrary to the Officer’s recommendation and this was duly seconded and agreed.

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

1. The works hereby permitted shall be carried out in accordance with the British Standard Recommendations for Tree Works (BS3998:2010).
REASON: In order to safeguard the health and appearance of the trees.
2. The works hereby permitted shall be carried out within 2 years from the date of this permission.
REASON: To ensure that the works are carried out whilst they are still relevant to the condition of the trees

985. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRMAN OF THE COMMITTEE DECIDES ARE URGENT

The Chairman drew attention to the ‘Reports for noting’ on the reverse of the agenda. He then went on to remind Members that a special meeting of the South Eastern Area Planning Committee to discuss Enforcement would take place on 17 April 2018 at 10

am, in the Council Chamber. Councillor Mrs P A Channer gave her apologies for this meeting.

There being no further items of business the Chairman closed the meeting at 8.51 pm.

R P F DEWICK
CHAIRMAN