MALDON DISTRICT COUNCIL

MINUTES AND REPORTS OF THE COUNCIL AND ITS COMMITTEES

MAY - JUNE 2016
THIS PAGE IS INTENTIONALLY BLANK
MEETING OF THE COUNCIL
THURSDAY 14 JULY 2016

MINUTE BOOK

Please note that the attached Minutes correspond to the following Agenda Items due to be considered by the Council at its meeting on 14 July 2016.

3. **Minutes of the last meeting** (Pages 5 - 22)

   To confirm the Minutes of the Statutory Annual meeting of the Council held on 8 May 2016 (copy enclosed – Minute Book: Blue Pages 5 - 22).

4. **Minutes of the extraordinary meeting** (Pages 23 - 40)

   To confirm the Minutes of the extraordinary meeting of the Council held on 19 May 2016 (copy enclosed – Minute Book: Blue Pages 23 - 40).

9. **To receive the Minutes of the Special Meetings of the under-mentioned Committees (copy enclosed - Minute Book):** (Pages 41 - 60)

<table>
<thead>
<tr>
<th>Committee</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finance and Corporate Services Committee</td>
<td>41 - 42</td>
</tr>
<tr>
<td>Community Services Committee</td>
<td>43 - 44</td>
</tr>
<tr>
<td>Planning and Licensing Committee</td>
<td>45 - 46</td>
</tr>
<tr>
<td>Overview and Scrutiny Committee</td>
<td>47 - 48</td>
</tr>
<tr>
<td>Audit Committee</td>
<td>49 – 50</td>
</tr>
<tr>
<td>Joint Standards Committee</td>
<td>51 – 52</td>
</tr>
<tr>
<td>Investigating and Disciplinary Committee</td>
<td>53 - 54</td>
</tr>
<tr>
<td>Central Area Planning Committee</td>
<td>55 – 56</td>
</tr>
<tr>
<td>North Western Area Planning Committee</td>
<td>57 - 58</td>
</tr>
<tr>
<td>South Eastern Area Planning Committee</td>
<td>59 - 60</td>
</tr>
<tr>
<td>8 May 2016</td>
<td></td>
</tr>
</tbody>
</table>

10. **To receive the Minutes of the under-mentioned Committees (copy enclosed - Minute Book):** (Pages 61 - 230)

    | Committee                                      | Pages |
    |-----------------------------------------------|-------|
    | North Western Area Planning Committee         | 61 - 92|
    | South Eastern Area Planning Committee         | 93 - 112|
    | Community Services Committee                  | 113 - 120|
    | Central Area Planning Committee               | 121 - 134|
    | Planning and Licensing Committee              | 135 - 146|
    | Overview and Scrutiny Committee               | 147 - 154|
    | North Western Area Planning Committee         | 155 - 178|
    | Finance and Corporate Services Committee      | 179 - 198|
    | South Eastern Area Planning Committee         | 199 – 222|
    | Audit Committee                               | 223 - 230|
    | 16 May                                        |       |
    | 23 May                                        |       |
    | 24 May                                        |       |
    | 1 June                                        |       |
    | 2 June                                        |       |
    | 8 June                                        |       |
    | 13 June                                       |       |
    | 14 June                                       |       |
    | 20 June                                       |       |
    | 27 June                                       |       |
MINUTES of
ANNUAL MEETING OF THE MALDON DISTRICT COUNCIL
12 MAY 2016

PRESENT

Chairman
Councillor P G L Elliott

Councillors

1. CHAIRMAN'S NOTICES (PLEASE SEE PAGE 4).

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

2. ELECTION OF CHAIRMAN

It was proposed by Councillor H M Bass and seconded by Councillor R G Boyce that Councillor P G L Elliott be re-elected as Chairman of the Maldon District Council for the ensuing Municipal Year.

There being no further nominations it was:

RESOLVED that Councillor P G L Elliott be re-elected Chairman of the Maldon District Council for the ensuing Municipal Year.

3. CHAIRMAN'S STATUTORY DECLARATION OF ACCEPTANCE OF OFFICE

Councillor P G L Elliott made the Statutory Declaration of Acceptance of the Office of Chairman of the Council.

IN THE CHAIR : COUNCILLOR P G L ELLIOTT
4. APPOINTMENT OF VICE-CHAIRMAN

It was proposed by Councillor P G L Elliott, and seconded by Councillor Miss M R Lewis that Councillor H M Bass be re-elected as Vice-Chairman of the Maldon District Council for the ensuing Municipal Year.

There being no further nominations it was:

RESOLVED that Councillor H M Bass be re-elected as Vice-Chairman of the Maldon District Council for the ensuing Municipal Year.

5. THE VICE-CHAIRMAN'S STATUTORY DECLARATION OF ACCEPTANCE OF OFFICE.

Councillor H M Bass made the Statutory Declaration of Acceptance of the Office of Vice-Chairman of the Council.

6. APOLOGIES FOR ABSENCE.

Apologies for absence had been received from Councillors J P F Archer, A T Cain, C A R MacKenzie and N R Pudney. It was noted that Councillor Miss S White would be arriving late.

7. DECLARATIONS OF INTEREST

Councillor S J Savage disclosed a pecuniary interest in Agenda Item 9 – Minutes of the meeting of the Council held on 7 April 2016 as the serious crime directorate had been called in.

Councillor Mrs P A Channer disclosed a non-pecuniary interest an Essex County Councillor. She advised that the Finance and Corporate Services Committee had made a recommendation to the Council regarding Essex Superfast Broadband, that she was Chairman of the Essex Superfast Broadband Steering Group and would leave the chamber for consideration of that recommendation as she had also previously left the meeting of the Planning and Licensing Committee when it had discussed this item of business.

8. MINUTES - 31 MARCH 2016

RESOLVED

(i) that the Minutes of the extraordinary meeting of the Council held on 31 March 2016 be received.

Minute 1050 – Exclusion of the Public and Press
It was noted that this Minute should read “RESOLVED that under Section 100A…”. 
RESOLVED

(ii) that subject to the above amendment, the Minutes of the extraordinary meeting of the Council held on 31 March 2016 be received.

In accordance with his earlier declaration, Councillor S J Savage left the meeting at this point.

9. MINUTES - 7 APRIL 2016

RESOLVED that the Minutes of the meeting of the Council held on 7 April 2016 be received and adopted.

Councillor Savage returned to the Chamber.

10. CHAIRMAN'S ANNOUNCEMENTS

The Chairman thanked Members for their support over the last year and for reappointing him as Chairman of the Council. He advised that this year he wanted Members to concentrate on Procedure Rule 8 specifically Members only speaking once on a proposition. The Chairman explained that the exception to this should be at Planning meetings where Ward Members would be allowed to speak initially to put the Ward opinion and then again following discussions to round up the debate.

The Chairman talked about taking pride out into the Community and how with input from Members the business awards would take place this year along with the awards for staff member of the year. He informed the Council that he also wished to inaugurate a charity or volunteers reception and sought any ideas / suggestions from Members.

Referring to ‘sad news’ the Chairman advised of the forthcoming departure of Mr Ray Ware, IT Manager. The Chairman provided those present with a brief history of Mr Ware’s time at Maldon and then handed over to the Leader of the Council who made a presentation to Mr Ware on behalf of all the Members. Mr Ware thanked Members and Officers, both past and present, and commented that Maldon District Council was a fantastic place to work.

A list of the official engagements attended by the past-Chairman since the last meeting of the Council is reproduced below:

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>08/04/2016</td>
<td>Brentwood Civic Dinner</td>
</tr>
<tr>
<td>12/04/2016</td>
<td>Essex Millennium Fund Awards Ceremony</td>
</tr>
<tr>
<td>14/04/2016</td>
<td>RNLI Maldon and District Branch Annual General Meeting (Vice-Chairman)</td>
</tr>
<tr>
<td>15/04/2015</td>
<td>Thurrock Civic Dinner</td>
</tr>
<tr>
<td>19/04/2016</td>
<td>Maldon Town Council Annual Town Meeting</td>
</tr>
<tr>
<td>20/04/2016</td>
<td>Living Well Event, Blackwater Leisure Centre</td>
</tr>
<tr>
<td>Date</td>
<td>Event</td>
</tr>
<tr>
<td>------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>20/04/2016</td>
<td>Primary School Music Festival - Plume School</td>
</tr>
<tr>
<td>21/04/2016</td>
<td>Maldon District Council Chairman's Barge Trip</td>
</tr>
<tr>
<td>21/04/2016</td>
<td>HM The Queen's 90th Birthday Celebrations - Lighting of Beacon, Maldon Promenade Park</td>
</tr>
<tr>
<td>21/04/2016</td>
<td>HM The Queen's 90th Birthday Celebrations - Lighting of Beacon, Burnham Town Council (Vice-Chairman)</td>
</tr>
<tr>
<td>22/04/2016</td>
<td>Uttlesford St George's Day Dinner</td>
</tr>
<tr>
<td>27/04/2016</td>
<td>Primary School Music Festival - Plume School</td>
</tr>
<tr>
<td>28/04/2016</td>
<td>Action for Family Carers Celebration Cream Tea</td>
</tr>
<tr>
<td>29/04/2016</td>
<td>Rochford Civic Thanksgiving Service</td>
</tr>
<tr>
<td>01/05/2016</td>
<td>Castle Point Borough Council Civic Service (Vice-Chairman)</td>
</tr>
<tr>
<td>06/05/2015</td>
<td>Opening of the Museum, Stow Maries Great War Aerodrome (Vice-Chairman)</td>
</tr>
</tbody>
</table>

11. MINUTES OF NORTH WESTERN AREA PLANNING COMMITTEE - 4 APRIL 2016

RESOLVED that the Minutes of the meeting of the North Western Area Planning Committee held on 4 April 2016 be received and adopted.

12. MINUTES OF THE SOUTH EASTERN AREA PLANNING COMMITTEE - 11 APRIL 2016

RESOLVED that the Minutes of the meeting of the South Eastern Area Planning Committee held on 11 April 2016 be received and adopted.

13. MINUTES OF COMMUNITY SERVICES COMMITTEE - 12 APRIL 2016

RESOLVED

(i) that the Minutes of the meeting of the Community Services Committee held on 12 April 2016 be received.

The Council received the Committee’s recommendation on the following matters:

Minute 1136 – Affordable Rural Housing

RESOLVED

(ii) that the cessation of the Rural Housing Task Group be approved and notice be given to the Rural Community Council for Essex that the Council will no longer financially contribute or directly benefit from the work of their Rural Housing Enabler.
RESOLVED

(iii) That the Council’s membership of the Essex Countrywide Traveller Committee be renewed through the signing of the Essex Countrywide Traveller Committee Agreement 2015 (as set out in APPENDIX 2 to the Minutes of the Committee).

RESOLVED

(iv) that subject to the above decision, the Minutes of the meeting of the Community Services Committee held on 12 April 2016 be adopted.

14. MINUTES OF OVERVIEW AND SCRUTINY COMMITTEE - 13 APRIL 2016

RESOLVED

(i) that the Minutes of the meeting of the Overview and Scrutiny Committee held on 13 April 2016 be received.

Minute 1150 – Use of Microphones and Sound Recording Equipment

It was noted that the fourth paragraph on page 59 relating to this Minute should read “…the Chairman of the Committee must be informed.”

RESOLVED

(ii) that subject to the above amendment, when confirmed, the Minutes of the meeting of the Overview and Scrutiny Committee held on 13 April 2016 be adopted.

15. MINUTES OF PLANNING AND LICENSING COMMITTEE - 18 APRIL 2016

RESOLVED

(i) that the Minutes of the meeting of the Planning and Licensing Committee on 18 April 2016 be received

Minute 1157 – Disclosure of Interest

Councillor Mrs P A Channer advised that her declaration of interest required further clarification as she had vacated the chair, left the chamber and not voted on the matter relating to Essex Superfast Broadband.

Minute 167 – Any Other Business

In response to a question the Chairman of the Planning and Licensing Committee clarified that at this point in the meeting she was highlighted that she had been asked to consider a matter of urgent business and explaining at this point in the meeting how this had not been allowed and the reasons, in accordance to guidance provided by the Monitoring Officer.
Minute 1169 – Superfast Broadband in the Maldon District
It was noted that in the title of this Minute Maldon was spelt incorrectly as Madon.

RESOLVED

(ii) that subject to the above amendments when confirmed, the Minutes of the meeting of the Planning and Licensing Committee on 18 April 2016 be adopted.

16. MINUTES OF FINANCE AND CORPORATE SERVICES COMMITTEE - 19 APRIL 2016

RESOLVED

(i) that the Minutes of the meeting of the Finance and Corporate Services Committee held on 19 April 2016 be received.

The Council received the Committee’s recommendation on the following matters:

Minute 1179 – Internal Human Resources (HR) Investigations and Proposed Changes to HR Appeals Procedures

RESOLVED

(ii) that the need for the Members’ Appeals Sub-Committee is replaced by new singular arrangements involving an Appeals Hearing Panel for the handling of appeals arising from HR Policies with the exception of those matters dealt with by the Investigating and Disciplinary Committee as set out and referred to in Appendices 1, 2 and 3 to the minutes of this Committee.

(iii) that the relevant procedures referred to at Appendix 2 and included in Appendix 3 to the Minutes of the Committee be updated accordingly.

(iv) that the appeals processes for non-statutory roles of Director be incorporated into the existing Investigating and Disciplinary Committee procedures;

(v) that the Legal and Democratic Services Manager be authorised to make the necessary consequential amendments to the Council’s Constitution to reflect these changes.

Minute 1181 – Staff Pay Award 2016 / 17
In response to a question, the Chairman of the Finance and Corporate Services Committee and the Director of Resources provided an update in respect of the 1% pay award. Members noted that this had yet to be settled and was out for consultation with the unions. The Finance and Corporate Services Committee would be advised once it was settled.
RESOLVED
(vi) that the revised 2016 / 17 budget as attached at Appendix 4 to the Minutes of the Committee, be approved.

In accordance with her earlier declaration, Councillor Mrs P A Channer left the chamber at this point in the meeting.

RESOLVED
(vii) that a capital contribution of £45,000 (paid over three years of the duration of phase 2a (i.e. Phase 2a for the whole of the Essex wide programme) that is required for funding Phase 2a of the Essex Superfast Broadband Programme, be agreed.

RESOLVED
(viii) that subject to the above decisions, the Minutes of the meeting of the Finance and Corporate Services Committee held on 19 April 2016, be adopted.

RESOLVED that the Minutes of the meeting of the Central Area Planning Committee held on 20 April 2016 be received and adopted.

There were none.

The Council considered the report of the Chief Executive, tabled at the meeting. As required by the Local Government and Housing Act 1989, the Chief Executive had been notified that the composition of the political Groups on the Council were as follows:-

<table>
<thead>
<tr>
<th>Political Group</th>
<th>Number of Members</th>
<th>Leader</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conservative</td>
<td>27</td>
<td>Councillor Miss M R Lewis</td>
</tr>
<tr>
<td>Independent</td>
<td>2</td>
<td>Councillor B S Beale MBE</td>
</tr>
</tbody>
</table>
It was noted that there were two single Members, Councillor Mrs B E Acevedo (UK Independent Party) and Miss S White (Other), who although not part of a political Group constituted the political make-up of the Council.

In response to a question, the Chief Executive advised that the Leader of the Council was keen to have consistent membership for both the Joint Standards and Investigating & Disciplinary Committees as the skill set required was compatible. The Chief Executive informed Members that these Committees rarely met and political balance had been considered when allocating these seats.

In accordance with the Council’s Constitution, Councillor Miss M R Lewis was therefore recognised as Leader-designate. There being no further nominations it was:

RESOLVED

(i) that the Leader-designate, Councillor Miss M R Lewis, be ratified as Leader of the Council;

Councillor Miss M R Lewis then proposed that Councillor M F L Durham be elected as Deputy Leader of the Council and this was seconded by Councillor D M Sismey. There being no further nominations it was:

RESOLVED

(ii) that Councillor M F L Durham be elected as Deputy Leader of the Council for the ensuing Municipal Year.

20. APPPOINTMENT OF MEMBERSHIP OF COMMITTEES OF THE COUNCIL

The Council considered the report of the Chief Executive, tabled at the meeting.

RESOLVED

(i) that the Council notes the nominations of the Leader of the Council and the Opposition Leader to the places allocated to their respective Groups and the proposed allocations made for Councillors Mrs B E Acevedo and Miss S White;

(ii) Accordingly, the Council is asked to agree the membership of the Committees of the Council as set out overleaf:
<table>
<thead>
<tr>
<th>Committee</th>
<th>Councillors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finance and Corporate Services Committee</td>
<td>Mrs B E Acevedo</td>
</tr>
<tr>
<td></td>
<td>J P F Archer</td>
</tr>
<tr>
<td></td>
<td>I E Dobson</td>
</tr>
<tr>
<td></td>
<td>Mrs H E Elliott</td>
</tr>
<tr>
<td></td>
<td>A S Fluker</td>
</tr>
<tr>
<td></td>
<td>B E Harker</td>
</tr>
<tr>
<td></td>
<td>M R Pearlman</td>
</tr>
<tr>
<td></td>
<td>Rev. A E J Shrimpton</td>
</tr>
<tr>
<td></td>
<td>D M Sismey</td>
</tr>
<tr>
<td>Plus ex-officio non-voting Members:</td>
<td></td>
</tr>
<tr>
<td>Leader of the Council</td>
<td></td>
</tr>
<tr>
<td>Deputy Leader of the Council</td>
<td></td>
</tr>
<tr>
<td>Leader of the Opposition</td>
<td></td>
</tr>
<tr>
<td>Community Services Committee</td>
<td>Miss A M Beale</td>
</tr>
<tr>
<td></td>
<td>A T Cain</td>
</tr>
<tr>
<td></td>
<td>I E Dobson</td>
</tr>
<tr>
<td></td>
<td>M F L Durham</td>
</tr>
<tr>
<td></td>
<td>Mrs B D Harker</td>
</tr>
<tr>
<td></td>
<td>M S Heard</td>
</tr>
<tr>
<td></td>
<td>Miss M R Lewis</td>
</tr>
<tr>
<td></td>
<td>R Pratt</td>
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<tr>
<td></td>
<td>N R Pudney</td>
</tr>
<tr>
<td></td>
<td>Miss S White</td>
</tr>
<tr>
<td>Plus ex-officio non-voting Members:</td>
<td></td>
</tr>
<tr>
<td>Leader of the Opposition</td>
<td></td>
</tr>
<tr>
<td>Planning and Licensing Committee</td>
<td>E L Bamford</td>
</tr>
<tr>
<td></td>
<td>H M Bass</td>
</tr>
<tr>
<td></td>
<td>B S Beale, MBE</td>
</tr>
<tr>
<td></td>
<td>R G Boyce MBE, CC</td>
</tr>
<tr>
<td></td>
<td>Mrs P A Channer, CC</td>
</tr>
<tr>
<td></td>
<td>P G L Elliott</td>
</tr>
<tr>
<td></td>
<td>Miss M R Lewis</td>
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<tr>
<td></td>
<td>A K M St Joseph</td>
</tr>
<tr>
<td></td>
<td>S J Savage</td>
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<tr>
<td></td>
<td>Mrs M Thompson</td>
</tr>
<tr>
<td>Plus ex-officio non-voting Members:</td>
<td></td>
</tr>
<tr>
<td>Deputy Leader of the Council</td>
<td></td>
</tr>
<tr>
<td>Overview and Scrutiny Committee</td>
<td>E L Bamford</td>
</tr>
<tr>
<td></td>
<td>H M Bass</td>
</tr>
<tr>
<td></td>
<td>Mrs P A Channer, CC</td>
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<tr>
<td></td>
<td>R P F Dewick</td>
</tr>
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<td></td>
<td>M W Helm</td>
</tr>
<tr>
<td></td>
<td>M S Heard</td>
</tr>
<tr>
<td></td>
<td>N R Pudney</td>
</tr>
<tr>
<td></td>
<td>S J Savage</td>
</tr>
<tr>
<td>Committee</td>
<td>Councillors</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>Audit Committee</td>
<td>M F L Durham, Mrs H E Elliott, A S Fluker, B E Harker, M S Heard, R Pratt, A K M St Joseph, Mrs M E Thompson</td>
</tr>
<tr>
<td>Joint Standards Committee</td>
<td>Mrs B E Acevedo, R G Boyce MBE, CC, M R Pearlman, Rev. A E J Shrimpton, Mrs M E Thompson</td>
</tr>
<tr>
<td>Investigating and Disciplinary Committee</td>
<td>Mrs B E Acevedo, R G Boyce MBE, CC, M R Pearlman, Rev. A E J Shrimpton, Mrs M E Thompson</td>
</tr>
<tr>
<td>Appointments Committee</td>
<td>Leader of the Council, Chairman of the Council, Leader of the Opposition</td>
</tr>
<tr>
<td></td>
<td>Chairman or Vice-Chairman of the relevant service Committee where a Director appointment is to be made.</td>
</tr>
</tbody>
</table>

In accordance with the Local Government (Committees and Political Groups) Regulations 1990 Part IV, Paragraph 16(a), the membership of the Area Committees is confirmed as follows:

<table>
<thead>
<tr>
<th>Committee</th>
<th>Councillors</th>
<th>Plus ex-officio non-voting Member:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Area Planning Committee</td>
<td>Miss A M Beale, A T Cain, I E Dobson, Mrs B D Harker, B E Harker, M S Heard, Miss M R Lewis, C A R MacKenzie, M R Pearlman, S J Savage, Rev. A E J Shrimpton</td>
<td>Chairman of Planning and Licensing</td>
</tr>
</tbody>
</table>
21. **ADJOURNMENT OF MEETING**

RESOLVED that the meeting be adjourned at 8:14pm to allow special meetings to be held as follows:

Finance and Corporate Services Committee, Community Services Committee, Planning and Licensing Committee, Overview and Scrutiny Committee, Audit Committee, Joint Standards Committee, Investigating and Disciplinary Committee, Central Area Planning Committee, North Western Area Planning Committee and South Eastern Area Planning Committee.

22. **RESUMPTION OF BUSINESS**

RESOLVED that the business of the Annual Meeting of the Council be resumed at 8:35pm.
23. **APPOINTMENT OF REPRESENTATIVES TO LOCAL GOVERNMENT AND OUTSIDE BODIES**

The report was circulated at the meeting.

The Council considered the report of the Chief Executive listing the nominations of the Leader Designate of the Council, tabled at the meeting.

**RESOLVED** that the appointment of representatives on Local Government and outside bodies as detailed in **APPENDIX 1** to these Minutes, be approved.

Councillor Miss S White joined the meeting at this point.

24. **APPOINTMENT OF MEMBERS TO SERVE ON WORKING GROUPS OF THE COUNCIL**

The report was circulated at the meeting.

The Council considered the report of the Chief Executive seeking Members’ agreement to appoint Members to serve on Working Groups of the Council for the municipal year.

**RESOLVED**

(i) that the Community Engagement Working Group be disbanded;

(ii) that the appointments to the Working Groups as set out below be confirmed.

<table>
<thead>
<tr>
<th>Working Group</th>
<th>Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Hospital Working Group</td>
<td>Leader of the Council&lt;br&gt;Leader of the Opposition Party&lt;br&gt;Councillor Mrs P A Channer CC&lt;br&gt;Councillor P G L Elliott&lt;br&gt;Councillor Mrs B D Harker&lt;br&gt;Councillor R Pratt&lt;br&gt;Councillor N R Pudney</td>
</tr>
<tr>
<td>Community Services and Hospital Project Board</td>
<td>Councillor Mrs P A Channer CC&lt;br&gt;Councillor Mrs B D Harker</td>
</tr>
<tr>
<td>Corporate Governance Working Group</td>
<td>Councillor B S Beale MBE&lt;br&gt;Councillor H M Bass&lt;br&gt;Councillor M F L Durham&lt;br&gt;Councillor P G L Elliott&lt;br&gt;Councillor A S Fluker&lt;br&gt;Councillor Mrs M E Thompson&lt;br&gt;Leader of the Council</td>
</tr>
</tbody>
</table>
25. ADOPTION AND CONFIRMATION OF MINUTES OF COMMITTEES

The Council received the report of the Director of Resources seeking Members’ approval to a change of procedure in terms of the submission to the Council of Minutes of Committees for reception and adoption.

The report set out the current practice of receiving and adopting Minutes at meetings of the Council, which Members were advised was felt to serve very little purpose, other than by way of dealing with recommendations. It was noted that the Council had recently introduced Modern.Gov (a paperless Committee management system) and this provided opportunity to modernise the Council’s process for the adoption and confirmation of Minutes of Committees. The report set out options for changing current practices.

The Leader of the Council presented the report and advised that the Council and Leader and Chief Executive’s forum had been looking at streamlining processes. She proposed that this matter be referred to the Corporate Governance Working Group to review how an alternative arrangement would work. At this point a Member made reference to current Standing Orders and the right for Members to question reports before the Council and the impact the draft proposals would have on this. This was noted.

In response to questions, the Leader suggested that if agreed, a report would be brought back to the next meeting of the Council. The proposal of the Leader of the Council was duly agreed. It was also agreed that for the purpose of this subject an invitation to join the Corporate Governance Working Group would be extended to Councillor R G Boyce.

RESOLVED

(i) that the proposed changes to procedures in terms of the submission to the Council of Minutes of Committees for reception and adoption is referred to the Corporate Governance Working Group for consideration and reported back to the next meeting of the Council;
(ii) that Councillor R G Boyce MBE be added to the Membership of the Corporate Governance Working Group for the purpose of consideration of this matter of business.

Councillor P G L Elliott advised that as Chairman of the Council had had detached himself from the Conservative Group and represented everyone without any political allegiance.

The Chairman then invited all those present to join him for light refreshments in the training room after the meeting. There being no other items of business the Chairman closed the meeting at 8:42p.m.

P G L ELLIOTT
CHAIRMAN
APPENDIX 1

APPOINTMENT OF REPRESENTATIVES ON LOCAL GOVERNMENT AND OUTSIDE BODIES
2016 - 2017

<table>
<thead>
<tr>
<th>LOCAL GOVERNMENT BODIES</th>
<th>2016 / 17 NOMINATIONS OF THE LEADER OF THE COUNCIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>East of England Local Government Association</td>
<td>Leader of the Council</td>
</tr>
<tr>
<td>Essex Local Government Association</td>
<td>Leader of the Council</td>
</tr>
<tr>
<td>Local Government Association</td>
<td>Leader of the Council</td>
</tr>
</tbody>
</table>

The list of Outside Bodies seeking a Member(s) representative has been split into three. The first section covers Outside Bodies with a wide remit covering the whole of the Council’s services. The second and third sections of the list cover Outside Bodies with particular remits that are closely aligned with the Community Services Committee and Planning and Licensing Committee respectively. In these instances, the Council may feel it is more appropriate to nominate Members who sit on those Service Committees.

<table>
<thead>
<tr>
<th>OUTSIDE BODIES</th>
<th>2016 / 17 NOMINATIONS OF THE LEADER OF THE COUNCIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bradwell Local Community Liaison Council</td>
<td>Councillors B S Beale MBE, A S Fluker and R Pratt</td>
</tr>
<tr>
<td>British Red Cross Society – Essex County Branch</td>
<td>Chairman of the Council</td>
</tr>
<tr>
<td>Essex Countywide Traveller Unit Committee</td>
<td>Councillor M F L Durham</td>
</tr>
<tr>
<td>Essex Flood Partnership Board</td>
<td>Councillor A K M St. Joseph</td>
</tr>
<tr>
<td>Haven Gateway Partnership</td>
<td>Leader of the Council and Chairman of the Planning and Licensing Committee</td>
</tr>
<tr>
<td>(Previously Heart of Essex and Haven Gateway Local Enterprise Partnerships)</td>
<td>Substitute: Deputy Leader of the Council and / or Vice-Chairman of the Planning and Licensing Committee, as appropriate</td>
</tr>
<tr>
<td>Maldon District Locality Board</td>
<td>Leader of the Council</td>
</tr>
<tr>
<td></td>
<td>Deputy Leader of the Council</td>
</tr>
<tr>
<td></td>
<td>Leader of the Opposition (or representative)</td>
</tr>
<tr>
<td></td>
<td>Chairmen (or Vice-Chairmen) of the Community Services, Planning and Licensing and Finance and Corporate Services Committees</td>
</tr>
<tr>
<td>OUTSIDE BODIES</td>
<td>2016 / 17 NOMINATIONS OF THE LEADER OF THE COUNCIL</td>
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<tr>
<td>---------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Maldon District Rural Housing Task Group</td>
<td>On behalf of the Community Services Committee: Councillor Mrs B D Harker</td>
</tr>
<tr>
<td><em>Please see note in report</em></td>
<td>On behalf of the Planning and Licensing Committee: Councillor H M Bass</td>
</tr>
<tr>
<td>Maldon Harbour Improvement Commissioners</td>
<td></td>
</tr>
<tr>
<td>This position is an appointment as a Commissioner for a minimum period of three years (appointment will continue even if Member leaves the Council)</td>
<td>Councillor A S Fluker</td>
</tr>
<tr>
<td>Maldon and District Youth Strategy Group</td>
<td>Councillor Miss S White</td>
</tr>
<tr>
<td>Mid Essex Hospital Services NHS Foundation Trust - Council of Governors</td>
<td>Councillor N R Pudney</td>
</tr>
<tr>
<td>Police and Crime Panel</td>
<td>Councillor Mrs P A Channer, CC Substitute Councillor M F L Durham</td>
</tr>
<tr>
<td>Plume Educational Trust (Four yearly appointment)</td>
<td>Councillor A T Cain (to June 2019) D N Williams (to June 2017)</td>
</tr>
<tr>
<td>The Sparsity Partnership for Authorities Delivering Rural Services (SPARSE)</td>
<td>Chairman or Vice-Chairman of the Finance and Corporate Services Committee</td>
</tr>
<tr>
<td><em>Please see note in report</em></td>
<td></td>
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</tbody>
</table>

**Outside Bodies aligned with the Community Services Committee’s responsibilities.**

<table>
<thead>
<tr>
<th>OUTSIDE BODIES</th>
<th>2016 / 17 NOMINATIONS OF THE LEADER OF THE COUNCIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drapers Farm Sports Club Committee</td>
<td>Councillor Miss M R Lewis</td>
</tr>
<tr>
<td>Essex Waste Inter Authority Agreement Member Working Group</td>
<td>Chairman of Community Services Substitute: Vice Chairman of Community Services</td>
</tr>
<tr>
<td>Essex Waste Member Partnership Board</td>
<td>Chairman of Community Services Substitute: Vice Chairman of Community Services</td>
</tr>
<tr>
<td>Maldon and District Community Transport Liaison Group</td>
<td>Councillors B E Harker and Rev. A E J Shrimpton</td>
</tr>
<tr>
<td>Maldon Children’s Centre Partnership Group</td>
<td>Councillor N R Pudney Substitute: Councillor Rev A E J Shrimpton</td>
</tr>
<tr>
<td>Maldon Older People’s Floating Service Steering Group</td>
<td>Councillor E L Bamford Substitute: Councillor Miss S White</td>
</tr>
<tr>
<td><em>Please see note in report</em></td>
<td></td>
</tr>
<tr>
<td>Moat Homes Ltd Joint Strategic Board</td>
<td>Chairman and Vice-Chairman of the Community Services Committee Leader of the Council</td>
</tr>
</tbody>
</table>
### OUTSIDE BODIES

<table>
<thead>
<tr>
<th>OUTSIDE BODIES</th>
<th>2016 / 17 NOMINATIONS OF THE LEADER OF THE COUNCIL</th>
</tr>
</thead>
</table>
| Parking and Traffic Regulations outside London Adjudication Joint Committee (PATROL) | Councillor R Pratt  
  *Substitute: Councillor Rev. A E J Shrimpton* |
| Responsible Authorities Group (RAG) (Community Safety) | Councillor Miss S White  
  *Substitute: Councillor Mrs B D Harker* |
| South Essex Parking Partnership – Joint Committee  
  *(NB representative to be member of Community Services Committee)* | Councillor R Pratt  
  *Substitute: From Community Services Committee (If use of substitute, must notify the Committee 30 minutes prior to the start of a meeting)* |
| West Maldon Community Association Management Committee | Councillor M S Heard |

### Outside Bodies aligned with the Planning and Licensing Committee’s responsibilities

<table>
<thead>
<tr>
<th>OUTSIDE BODIES</th>
<th>2016 / 17 NOMINATIONS OF THE LEADER OF THE COUNCIL</th>
</tr>
</thead>
</table>
| Bradwell Legacy Partnership  
  *(Membership amended by the Council 07/04/16)* | Chairman of the Planning and Licensing Committee  
  *Substitute: Vice-Chairman of the Planning and Licensing Committee*  
  **Representing the Dengie Peninsular**  
  Councillor R G Boyce MBE CC  
  *Substitute: Councillor E L Bamford* |
| Blackwater Estuary Siltation Steering Group | Councillor A K M St. Joseph |
| “Dawn” Sailing Barge Trust Limited | Councillor R G Boyce MBE CC |
| Essex Coastal Forum | Councillor M F L Durham  
  *Substitute: Councillor A S Fluker* |
| Local Highways Panel | Councillors M F L Durham,  
  Mrs B D Harker, M W Helm,  
  Miss M R Lewis, R Pratt and  
  Mrs M E Thompson |
| Local Government Association Coastal Issues Special Interest Group | Councillor A K M St. Joseph  
  *Substitute: Councillor Miss S White* |
| Local Government Flood Forum | Councillor Miss M R Lewis  
  *Substitute: Councillor A K M St. Joseph* |
| Sense of Place Board | Chairman of the Planning and Licensing Committee  
  *Substitute: Vice-Chairman of the Planning and Licensing Committee* |
| Southend Airport Consultative Committee | Councillor P G L Elliott |
| Southminster Heritage Economic Regeneration Scheme Steering Group | Councillor A S Fluker |

**The following body is not appointed by Maldon District Council but involves Members of the Council:**

| Essex Partnership Board (Mid Essex representative) | Leader of the Council  
  *(appointed 4 April 2013)* |
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82. CHAIRMAN'S NOTICES

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

83. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs B E Acevedo, J P F Archer, R G Boyce MBE, CC, R P F Dewick, Mrs B D Harker, B E Harker, Miss M R Lewis, C A R MacKenzie, M R Pearlman, N R Pudney and D M Sismey.

84. DISCLOSURE OF INTERESTS

Councillor Mrs P A Channer CC declared a non-pecuniary interest in all matters as she was a Member of Essex County Council which was consulted and had responded on Highways, Education and other areas.

Councillor M S Heard declared a non-pecuniary interest in relation to Agenda Item 4 – FUL/MAL/15/00885 Land West of Broad Street Green Road, Heybridge in that he knew two of the objectors.

85. FUL/MAL/15/00885 - LAND WEST OF BROAD STREET GREEN ROAD, HEYBRIDGE

The Council considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

It was noted from the Members’ Update that there were some amendments to be made to the report, further consultation responses had been received and an addition to the
Heads of Terms of any Section 106 Agreement. The applicant had requested that some of the proposed conditions be altered and the Major Applications Officer advised Members that any amendments that had been proposed within the Members’ Update were acceptable to both statutory consultees and Officers.

The Chairman advised the Committee that members of the public had registered their wish to speak and outlined the procedure for public participation.

<table>
<thead>
<tr>
<th>Application Number</th>
<th>FUL/MAI/15/00885</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Land West Of Broad Street Green Road Heybridge Essex</td>
</tr>
<tr>
<td>Proposal</td>
<td>Development for 145 residential dwellings with associated landscaping, open space, access, parking and ancillary infrastructure including pumping station.</td>
</tr>
<tr>
<td>Applicant</td>
<td>Persimmon Homes</td>
</tr>
<tr>
<td>Agent</td>
<td>Mr Mark Furlonger - Temple Group</td>
</tr>
<tr>
<td>Target Decision Date</td>
<td>11 December 2015</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Debi Sherman, TEL: 01621 875862</td>
</tr>
<tr>
<td>Parish</td>
<td>HEYBRIDGE WEST</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Environmental Impact Assessment Strategic Site within the submitted Local Development Plan Departure from the Local Plan 2005 Major Application</td>
</tr>
</tbody>
</table>

The Local Development Plan (LDP) Project Officer advised Members of the relevant policy background to this application site including its importance to the delivery of the LDP. The Major Applications Officer then presented the report to the Council advising of a correction to the report at paragraph 3.4.1 referencing 33 no. three bed houses rather than 13 no. as referenced in the report and following this, Mr Mark Furlonger, the Agent addressed the Council.

Councillor I E Dobson, a Ward Member, felt that this was a critical application for the District and raised a number of concerns, including the number of proposed housings on the site, the site not being in a garden suburb, vehicular access and density. Councillor Dobson then proposed that the application be refused, contrary to Officers’ recommendation. This proposal was not supported.

Members debated this application at length and raised concerns including, in particular, the density of the application site and the amenity space provided in relation to the flats.

In response to questions from Members, the Major Applications Officer advised:

- whereas the amenity space for two of the blocks of flats did fall below the Essex Design Guide standard, they did have usable balconies or patio areas and there was open space nearby. On this basis, the deficit was not felt to be materially harmful or form a reason upon which to base a refusal.
- there were 16 flats in total, all of which had parking spaces and there was also provision for visitor parking.
- Streetscene 2 predominantly overlooked Heybridge Wood and would not overlook any new properties to be built at a later date.
• all properties met the Essex Design Guide standards in relation to parking and the majority would have two parking spaces, with the addition of on street and visitor parking.

• the gross density of the site was 24 dwellings per hectare which was well within the range in relation to garden suburbs.

• the parameters in terms of the classification of affordable housing would be set out in the legal agreement, should Members be mindful to approve the application.

• Officers were confident that in relation to the network of open spaces, including nature areas, playspaces and Heybridge Wood, the application was in accordance with the principles of the Masterplan Framework.

• there was no overarching management company currently being proposed for maintenance and management of the whole of the North Heybridge Garden Suburb (NHGS).

The Director of Planning and Regulatory Services clarified that the proposed amendments to recommendations (as set out in the Members’ Update) gave greater clarity and due diligence had been done to ensure that they were compliant with requirements.

A number of Members raised concerns regarding the density of the proposal and in response the Director of Planning and Regulatory Services advised that it would be very difficult to defend refusal of this application on the grounds of density. He further advised that any reduction in density could lead to issues regarding the provision for 40% affordable housing.

Members raised a concern in relation to the clarity of proposed condition 19 within the Members update (now condition 17), and asked that it be made clearer that the obligation would apply each time a further dwelling was completed and occupied.

The Chairman then put the Officers’ recommendation of approval, subject to a legal agreement and conditions as set out in the report and Members’ Update. Upon a vote being taken this was duly agreed.

RESOLVED that this application be APPROVED subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following planning obligations:

• Appropriate contributions towards the following strategic infrastructure to support the delivery of the North Heybridge Garden Suburb (note that costs are estimates within the Infrastructure Delivery Plan, and are subject to final agreement within the Section 106 (S106) agreement):
  • Highways infrastructure towards the following projects:
    • North Heybridge relief road, £1,259,914
    • Public transport improvements to serve North Heybridge Garden Suburb (GS), £248,510.74
  • Education contributions towards the following projects:
    • 56-place Early Years and Childcare (EY&C) facility, £129,149.79
    • 210-place (1FE) primary school, £422,672.06
• Teen shelters, skateboard facilities and access to shared community facilities, £75,780
• Neighbourhood Equipped Areas for Play (NEAPs) and Local Equipped Area of Play (LEAPs), £16,704
• Medical facilities to serve North Heybridge GS, £47,720
• Allotments to serve North Heybridge GS, £6,926.65
• 40% affordable housing.
• Prior to first occupation of any dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Plan including the payment of a £3,000 (three thousand pounds) monitoring fee to Essex County Council and the provision of a Travel Plan Co-ordinator to give advice. The plan is to be monitored annually, with all measures reviewed to ensure targets are met.
• Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers per dwelling, for use with the relevant local public transport operator.
• Contribution towards the provision of a joint school and community changing room facility on the Upper Plume School site of up to £150,000.
• Maintenance of Sustainable Drainage Systems (SuDS) and Open Space to include timetable for provision of a management plan for ongoing maintenance.

AND subject to the following conditions:
1 The development hereby permitted shall be begun within three years from the date of this approval. The development shall be carried out as approved.
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 above ground level (for the purposes of this condition development shall exclude site clearance, archaeological investigations) 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.
4 No development shall commence (for the purposes of this condition development shall exclude site clearance, archaeological investigations) 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 boundary treatment as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.
5 Prior to the commencement of development, precise written details of the proposed phasing of development, supported by a phasing plan shall be submitted to and be approved in writing by the Local Planning Authority. The development shall proceed in compliance with the agreed phasing schedule as approved.
6 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in
writing by the Local Planning Authority. The Construction Management Plan shall require details of the following:

- How any groundwater seepage and surface water runoff during excavation / construction works will be adequately dealt with. The scheme shall minimize the risk of offsite flooding caused by surface water run-off and groundwater during construction.
- Access arrangements to the site in conjunction with demolition / construction operations.
- Provision for the parking of vehicles or site operatives and visitors.
- Loading and unloading of plant and material.
- Storage of plant and materials used in constructing the development.
- Wheel and underbody washing facilities.
- Mitigation measures to protect ecology on site.
- Dust management.
- Pollution control: protection of water courses and ground water and soils, bunding of fuel storage areas, sewage disposal.
- Temporary site illumination.
- Arrangements for keeping the site entrance and adjacent public road clean.
- Construction noise management plan.
- All approved measures shall be put in place prior to development commencing on site and all subsequent construction of the development shall be implemented in accordance with the approved details.

The approved Construction Management Plan shall be implemented in accordance with the details as agreed and shall be adhered to throughout the construction of the development.

7 No development shall commence until details of the proposed Local Area for Play (LAP), together with a timetable for implementation and arrangements for the future management and maintenance have been submitted to and approved in writing by the Local Planning Authority. Such details shall include all items of play equipment, landscaping, ground surfacing treatment, enclosure of the area incorporating self-closing gates, seating, and refuse facilities and safety notices. The Local Area for Play (LAP) shall be implemented and shall be made available for public use in accordance with the approved timetable for implementation. Once implemented the Local Area for Play (LAP) shall be permanently maintained in accordance with the approved details and retained for such purposes thereafter.

8 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

9 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

1. Control all the surface water run-off (incremental flows) generated within the development for all events up to and including the 1 in 100 year event inclusive of climate change. Run-off from the development should be limited to the Greenfield 1 in 1 year return period event.
2. Provide mitigation within the site of the surface water run-on (cumulative flows) from the upstream catchment of the development and of CDA5, through use of Flood Storage Areas.

3. Provide detailed calculations of the sizing of flood volumes identified within the site, and consider the site in its singularity. At this stage the measures in the Maldon SWMP have not been implemented including the North Heybridge Flood Alleviation Scheme.

4. Provide results of the dynamic hydraulic modelling showing the combined effects of the SuDS scheme both in meeting the water quality and water quantity criteria. This should include the sizing of individual tanked permeable paving, swales and ponds cascaded together.

5. Provide further details on the wider connectivity from the proposed discharge locations. Clear evidence must be shown that the proposed ditches are not blind ditches; alternatively they should be designed as landscaped infiltration swales / ditches.

6. Provide evidence of water quality treatment from the development using the risk based approach as outlined in the CIRIA SuDS manual C753.

7. Provide a plan showing the final exceedance flow paths, these should be away from any buildings.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

10 No development (for the purposes of this condition development shall exclude site clearance, archaeological investigations) shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. The details of the foul drainage strategy shall be implemented as agreed and no dwelling shall be occupied until the works have been carried out in accordance with the foul water strategy.

11 A) No demolition/development or groundworks shall commence until a Written Scheme of Investigation, in response to an archaeological brief, has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:
   1. The programme and methodology of site investigation and recording
   2. The programme for post investigation assessment
   3. Provision to be made for analysis of the site investigation and recording
   4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
   5. Provision to be made for archive deposition of the analysis and records of the site investigation

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

12 No development or demolition / conversion of any kind shall take place within the site until the applicant, their agents, the owner of the site or successors in title,
has secured the implementation of a programme of archaeological recording from an accredited archaeologist or historic building specialist 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 agreed programme of works.

13 The areas of public open space shall be laid out and landscaped in accordance with a detailed scheme and timetable for implementation to include details of future management and maintenance that shall be submitted and approved in writing by the Local Planning Authority within 6 months from prior to the commencement of development. The public open space shall be made available for public use in accordance with the approved timetable for implementation. The public open space shall be permanently maintained in accordance with the approved details and retained for such purposes thereafter.

14 Prior to first occupation of the development the proposed access onto Broad Street Green Road at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4m by 160m to the north and south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided prior to first occupation and retained free of any obstruction in perpetuity.

15 Prior to first occupation of the development the developer shall implement and retain in perpetuity the access arrangements for the proposed development, as shown on the approved plans, to include but not limited to:

- A new bellmouth access with a minimum of 6m radii
- Footway and cycleway connections

16 Prior to residential occupation of 30 units within the development the developer shall implement bus stop improvements to the adjacent stops to the front of the site, this shall include the following works:

- The relocation of the northbound bus stop to the south of its present position with raised kerbs etc. to an agreed safe location
- Provision of timetable information to each stop either through free standing Real Time Passenger Information (RTPI) signs, or if not possible to implement the RTPI signs, then the provision of a new post with timetable.

17 Upon first occupation of each completed dwelling the Developer shall provide the occupiers of each such dwelling with a Residential Travel Information Pack promoting sustainable transport choices and which Pack shall contain, but not be limited to, the provision of public transport information, timetables and six one day travel vouchers for use with the relevant local public transport operator.

18 An individual dwelling hereby permitted shall not be first occupied until such time as the vehicle parking area(s) serving that dwelling indicated on the approved plans has been laid out, hard surfaced, marked out in parking bays (where applicable) and made available for use. The vehicle parking area(s) shall be retained for vehicle parking purposes at all times thereafter.

19 The development shall be carried out in accordance with the requirements and mitigation measures set out in the approved Ecological Assessment. No development shall commence until a Construction Environmental Management Plan and Ecological Mitigation Management Plan have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained in that form thereafter.
The landscaping details and specifications of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. 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, 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 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.

No trees within the site shall be felled, cut back, damaged or removed, unless as shown on the approved plans. No development shall commence until information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:

- Tree survey detailing works required;
- Trees to be retained;
- Tree and hedgerow retention protection plan including fencing and ground protection measures;
- Tree constraints plan;
- Arboricultural implication assessment;
- Arboricultural method statement (including drainage service runs and construction of hard surfaces).

The development shall be implemented in accordance with the details and protection measures as approved. 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.

Prior to the commencement of the development hereby permitted (for the purposes of this condition commencement shall exclude site clearance, archaeological investigations), details of the means of refuse and recycling storage including details of any bin stores to be provided shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and provided prior to the first occupation of the development and retained for such purposes at all times thereafter.

No development shall commence until details of the external lighting strategy for the site including the luminance and spread of light and the design and...
specification of the light fittings shall be submitted to and approved in writing by the Local Planning Authority. All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site unless otherwise agreed in writing by the Local Planning Authority.

24 No development shall commence until detailed drawings showing the finished ground and finished floor levels of the development in relation to the levels of the surrounding area shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the scheme as approved.

25 No development shall commence until a strategy to facilitate superfast broadband for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.

26 Prior to first occupation of residential dwellings within the areas identified as C, D and E in the Phase 1 and Phase 2 Contaminated Land Report, Reference 355, SI – Report, AF, TP, 29-05-12, V1 Ground Gas Protection measures, as prescribed in BRE 141 shall be installed into all dwellings located within the areas. Verification that completed gas protection measures have been installed as required shall be provided to the Local Planning Authority for approval prior to first occupation of the residential dwellings affected. Where development in these areas is being carried in separate phases the verification and discharge of this condition can be carried out in part for each phase as agreed in writing with the Local Planning Authority.

27 Prior to construction of plots 26, 27 and 87 above ground level, a scheme of acoustic glazing and passive ventilation for these units shall be provided in writing to the Local Planning Authority for approval. The information shall include the acoustic performance of the glazing units (Rw + Ctr) and passive ventilation methods. Ventilation performance must ensure that air turnover meets the requirements of Part f of the Building regulations. These houses shall be implemented in accordance with the approved details prior to occupation of those units and maintained and retained in that form thereafter.

28 Prior to the construction of plots 1, 2, 28, 29 and 86 above ground level, a detailed scheme of chosen glazing units and enhanced ventilation measures for these plots shall be provided in writing to the Local Planning Authority for approval. The information shall include the acoustic performance of the glazing units (Rw + Ctr) and passive ventilation methods and clearly show the resulting internal noise levels in habitable rooms of those plots. Ventilation performance must
ensure that air turnover meets the requirements of Part f of the Building regulations.

With windows closed and mechanical ventilation in operation internal noise levels shall not exceed the noise levels stated in paragraph 7.7.2 Table 4 of BS8233:2014

The development shall be implemented in accordance with the approved details prior to occupation of those units and maintained and retained in that form thereafter.

Prior to the construction of plots 29 and 86 above ground level, details of the boundary fencing and sound attenuation provided to reduce noise levels in rear garden areas of these plots shall be submitted in writing for approval.

Noise levels in external rear garden areas shall not exceed 55dBAeq daytime.

The development shall be implemented in accordance with the approved details prior to occupation of those units and maintained and retained in that form thereafter.

**POSITIVE AND PROACTIVE STATEMENT**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant/Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**86. FUL/MAL/16/00093 - LAND SOUTH OF GREEN LANE AND NORTH OF MALDON ROAD, BURNHAM-ON-CROUCH**

The Council determined the following planning application, having taken into account all representations and consultation replies received, including matters detailed in the Members’ Update.

The Chairman advised the Committee that members of the public had registered their wish to speak and outlined the procedure for public participation.
The LDP Projects Officer opened the presentation with background information to the site in terms of the LDP, following which the Major Applications Officer presented the report to Members and drew particular attention to the reduction in density to 18 dwellings per hectare. She also drew attention to the Members’ Update which set out amendments to the Heads of Terms of any Section 106 Agreement and to the proposed Conditions.

Ian Sisterson, a Supporter, Councillor Mrs Wendy Stamp of Burnham-on-Crouch Town Council and Mark Woodger, representing the Applicant then addressed the Council.

Councillor Mrs H E Elliott, a Ward Member, was of the opinion that the site was spacious and more in keeping with neighbouring properties than when previously submitted.

Members debated this application and were pleased to see the provision of lifetime houses to support the elderly in the District.

Councillor A S Fluker declared in the interests of openness and transparency that he knew some of the objectors and supporters to this application.

In response to a number of questions, the Major Applications Officer advised that:

- this application contained no significant blocks of garages on the site
- Officers were not aware of any formal bridleway networks in the area and do not always have details of permissive bridleways. It was for the Council to decide on whether it wished to see bridleways included. The Director of Planning and Regulatory Services advised that this matter could be raised under Officers’ delegation with the developers.
- the applicant had made reference to allotments but operation and maintenance of allotments was not part of this scheme. There was however land allocated that could be made available for allotments and the applicant would make funding of £8,000 available towards this.
- 60 of the dwellings were lifetime homes and not all the lifetime homes were affordable dwelling units.
RESOLVED that this application be APPROVED subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations:

- 40% Affordable Housing.
- £23,200 towards B1010/B1021 junction improvements which is part of a pooled contribution across the strategic Burnham-on-Crouch sites.
- Healthcare contribution of £59,040 to be used towards the provision of additional capacity at the health centre(s) within the parish of Burnham-on-Crouch.
- Education contributions of up to £144,400 towards the provision of additional capacity at the primary schools within the parish of Burnham-on-Crouch and up to £461,256 towards early years and childcare places.
- £97,500 towards teen shelters, skateboard facilities and access to shared community facilities as part of a pooled contribution across the strategic Burnham-on-Crouch sites.
- Management and maintenance information relating to Green Infrastructure, including public open space, (Sustainable Drainage Systems) SuDS and the LEAP to include a timetable for provision of a management plan for ongoing maintenance.

AND subject to the following conditions:

1. The development hereby permitted shall be begun within three years from the date of this approval. The development shall be carried out as approved.
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 above ground level (for the purposes of this condition development shall exclude site clearance, archaeological investigations) 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.
4. No development shall commence (for the purposes of this condition development shall exclude site clearance, archaeological investigations) 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 boundary treatment as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.
5. Prior to the commencement of development, precise written details of the proposed phasing of development, supported by a phasing plan shall be submitted to and be approved in writing by the Local Planning Authority. The development shall proceed in compliance with the agreed phasing schedule as approved.
6. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall require details of the following:
   - How any groundwater seepage and surface water runoff during excavation/construction works will be adequately dealt with. The
scheme shall minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction.

- Access arrangements to the site in conjunction with demolition / construction operations.
- Provision for the parking of vehicles or site operatives and visitors.
- Loading and unloading of plant and material.
- Storage of plant and materials used in constructing the development.
- Wheel and underbody washing facilities.
- Mitigation measures to protect ecology on site.
- Dust management.
- Pollution control: protection of water courses and ground water and soils, bunding of fuel storage areas, sewage disposal.
- Temporary site illumination.
- Arrangements for keeping the site entrance and adjacent public road clean.
- Construction noise management plan.
- All approved measures shall be put in place prior to development commencing on site and all subsequent construction of the development shall be implemented in accordance with the approved details.

The approved Construction Management Plan shall be implemented in accordance with the details as agreed and shall be adhered to throughout the construction of the development.

7 No development shall commence until details of the proposed Local Area for Play (LAP), together with a timetable for implementation and arrangements for the future management and maintenance have been submitted to and approved in writing by the Local Planning Authority. Such details shall include all items of play equipment, landscaping, ground surfacing treatment, enclosure of the area incorporating self-closing gates, seating, and refuse facilities and safety notices. The Local Area for Play (LAP) shall be implemented and shall be made available for public use in accordance with the approved timetable for implementation. Once implemented the Local Area for Play (LAP) shall be permanently maintained in accordance with the approved details and retained for such purposes thereafter.

8 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall subsequently be implemented prior to occupation and shall include:

- Limit Discharge rates to the greenfield 1 in 1 year rates for all events up to and including the 1 in 100 year event plus a climate change allowance of 30% based on the total contributing area of the site.
- Provide sufficient storage on site to manage 1 in 100 year flows plus a 30% climate change allowance and a 10% allowance for urban creep.
- Provide sufficient treatment for all elements of the site in line with CIRIA C753
9 No development (for the purposes of this condition development shall exclude site, clearance, archaeological investigations) shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. The details of the foul drainage strategy shall be implemented as agreed and no dwelling shall be occupied until the works have been carried out in accordance with the foul water strategy.

10 A) No demolition/development or groundworks shall commence until a Written Scheme of Investigation, in response to an archaeological brief, has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:
   1. The programme and methodology of site investigation and recording;
   2. The programme for post investigation assessment;
   3. Provision to be made for analysis of the site investigation and recording;
   4. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
   5. Provision to be made for archive deposition of the analysis and records of the site investigation.
B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

11 No development or demolition / conversion of any kind shall take place within the site until the applicant, their agents, the owner of the site or successors in title, has secured the implementation of a programme of archaeological recording from an accredited archaeologist or historic building specialist 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 agreed programme of works.

12 The areas of public open space shall be laid out and landscaped in accordance with a detailed scheme and timetable for implementation to include details of future management and maintenance that shall be submitted and approved in writing by the Local Planning Authority within 6 months from the commencement of development. The public open space shall be made available for public use in accordance with the approved timetable for implementation. The public open space shall be permanently maintained in accordance with the approved details and retained for such purposes thereafter.

13 Prior to first occupation of the development the proposed access onto Southminster Road at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4m by 59m to the north and south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided prior to first occupation and retained free of any obstruction in perpetuity.

14 Prior to first occupation of the development the developer shall implement and retain in perpetuity the access arrangements for the proposed development, as shown in principle on Create Consulting Engineers Ltd drawing no.03/002, to include but not limited to:
   - A new bellmouth access onto Southminster Road;
• A right turn lane;
• A pedestrian refuge island.

15 Upon first occupation of each completed dwelling the Developer shall provide the occupiers of each such dwelling with a Residential Travel Information Pack promoting sustainable transport choices and which Pack shall contain, but not be limited to, the provision of public transport information, timetables and six one day travel vouchers for use with the relevant local public transport operator.

16 An individual dwelling hereby permitted shall not be first occupied until such time as the vehicle parking area(s) serving that dwelling indicated on the approved plans has been laid out, hard surfaced, marked out in parking bays (where applicable) and made available for use. The vehicle parking area(s) shall be retained for vehicle parking purposes at all times thereafter.

17 No clearance or destruction of any vegetation or structure which may be used as a breeding site shall take place during the bird breeding season, 1 March to 30 August.

18 The landscaping details and specifications of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. 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, 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 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.

19 No trees within the site shall be felled, cut back, damaged or removed, unless as shown on the approved plans. No development shall commence until information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:
• Tree survey detailing works required;
• Trees to be retained;
• Tree and hedgerow retention protection plan including fencing and ground protection measures;
• Tree constraints plan;
• Arboricultural implication assessment;
• Arboricultural method statement (including drainage service runs and construction of hard surfaces).
The development shall be implemented in accordance with the details and protection measures as approved. 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.

Prior to the commencement of the development hereby permitted, details of the means of refuse and recycling storage including details of any bin stores to be provided shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and provided prior to the first occupation of the development and retained for such purposes at all times thereafter.

No development shall commence until details of the external lighting strategy for the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the Local Planning Authority. All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site unless otherwise agreed in writing by the Local Planning Authority.

No development shall commence until detailed drawings showing the finished ground and finished floor levels of the development in relation to the levels of the surrounding area shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the scheme as approved.

No development shall commence until a strategy to facilitate superfast broadband for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.

No development shall commence (for the purposes of this condition commencement shall exclude site clearance, archaeological investigations) until a detailed scheme showing the location, design and construction of an acoustic barrier designed to reduce noise levels from the use of the adjacent all-weather sports pitch at Plots 13-15 shown on the approved plan, drawing no CC_104-002B. The approved acoustic barrier shall be erected prior to the occupation of Plots 13-15 and shall be maintained and retained in that form thereafter.
POSITIVE AND PROACTIVE STATEMENT
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant/Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

There being no further items of business the Chairman closed the meeting at 9.05 pm

P G L ELLIOTT
CHAIRMAN
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MINUTES of
SPECIAL MEETING OF FINANCE AND CORPORATE SERVICES COMMITTEE
12 MAY 2016

PRESENT
Presiding Chairman Councillor P G L Elliott
Councillors Mrs B E Acevedo, I E Dobson, Mrs H E Elliott, A S Fluker, B E Harker, M R Pearlman, Rev. A E J Shrimpton and D M Sismey
Ex-officio non-voting Councillors B S Beale MBE, M F L Durham and Miss M R Lewis
Members

26. APOLOGY FOR ABSENCE

An apology for absence was received from Councillor J P F Archer.

27. ELECTION OF CHAIRMAN

RESOLVED that Councillor D M Sismey be elected Chairman of Finance and Corporate Services Committee for the ensuing Municipal Year.

IN THE CHAIR : COUNCILLOR D M SISMEY

28. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED that Councillor I E Dobson be appointed Vice-Chairman of Finance and Corporate Services Committee for the ensuing Municipal Year.

There being no other business the Chairman closed the meeting 8:17.

D M SISMEY
CHAIRMAN
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PRESENT

Presiding Chairman  Councillor P G L Elliott
Councillors  Miss A M Beale, A T Cain, I E Dobson, M F L Durham, Mrs B D Harker, M S Heard, Miss M R Lewis and R Pratt

Ex-officio non-voting Members  Councillor B S Beale MBE

29. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors N R Pudney and Miss S White.

30. ELECTION OF CHAIRMAN

RESOLVED that Councillor R Pratt be elected Chairman of Community Services Committee for the ensuing Municipal Year.

IN THE CHAIR : COUNCILLOR R PRATT

31. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED that Councillor Mrs B D Harker be appointed Vice-Chairman of Community Services Committee for the ensuing Municipal Year.

There being no other business the Chairman closed the meeting at 8:19pm.
PRESENT

Presiding Chairman Councillor P G L Elliot
Councillors E L Bamford, H M Bass, B S Beale MBE, R G Boyce MBE CC, Mrs P A Channer CC, P G Elliott, Miss M R Lewis, S J Savage, A K M St. Joseph and Mrs M E Thompson
Ex-officio non-voting Councillor M F L Durham
Members

32. APOLOGIES FOR ABSENCE

There were none.

33. ELECTION OF CHAIRMAN

RESOLVED that Councillor Mrs P A Channer CC be elected Chairman of Planning and Licensing Committee for the ensuing Municipal Year.

IN THE CHAIR : COUNCILLOR MRS P A CHANNER

34. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED that Councillor A K M St. Joseph be appointed Vice-Chairman of Planning and Licensing Committee for the ensuing Municipal Year.

There being no other business the Chairman closed the meeting at 8:21pm.

MRS P A CHANNER
CHAIRMAN
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PRESENT

Presiding Chairman       Councillor P G L Elliott
Councillors            E L Bamford, H M Bass, Mrs P A Channer CC, R P F Dewick,
                       M S Heard, M W Helm, N R Pudney and S J Savage

35. APOLOGIES FOR ABSENCE

There were none.

36. ELECTION OF CHAIRMAN

RESOLVED that Councillor A S Fluker be elected Chairman of Overview and Scrutiny Committee for the ensuing Municipal Year.

IN THE CHAIR : COUNCILLOR M S HEARD

37. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED that Councillor E L Bamford be appointed Vice-Chairman of Overview and Scrutiny Committee for the ensuing Municipal Year.

There being no other business the Chairman closed the meeting at 8:23pm.

M S HEARD
CHAIRMAN
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PRESENT

Presiding Chairman       Councillor P G L Elliott
Councillors              M F L Durham, Mrs H E Elliott, A S Fluker, B E Harker,
                         M S Heard, R Pratt, A K M St. Joseph and Mrs M E Thompson

38. APOLOGIES FOR ABSENCE

There were none.

39. ELECTION OF CHAIRMAN

RESOLVED that Councillor B E Harker be elected Chairman of Audit Committee
for the ensuing Municipal Year.

                           IN THE CHAIR : COUNCILLOR B E HARKER

40. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED that Councillor Mrs H E Elliott be appointed Vice-Chairman of Audit
Committee for the ensuing Municipal Year.

There being no other business the Chairman closed the meeting at 8:25pm.

B E HARKER
CHAIRMAN
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MINUTES of
SPECIAL MEETING OF JOINT STANDARDS COMMITTEE
12 MAY 2016

PRESENT

Presiding Chairman  Councillor P G L Elliott
Councillors  Mrs B F Acevedo, R G Boyce MBE CC, M R Pearlman, Rev. A E J Shrimpton and Mrs M E Thompson

41. APOLOGIES FOR ABSENCE

There were none.

42. ELECTION OF CHAIRMAN

RESOLVED that Councillor Mrs M E Thompson be elected Chairman of Joint Standards Committee for the ensuing Municipal Year.

IN THE CHAIR : COUNCILLOR MRS M E THOMPSON

43. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED that Councillor Rev. A E J Shrimpton be appointed Vice-Chairman of Joint Standards Committee for the ensuing Municipal Year.

There being no other business the Chairman closed the meeting 8:27.

MRS M E THOMPSON
CHAIRMAN
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MINUTES of
SPECIAL MEETING OF INVESTIGATING AND DISCIPLINARY COMMITTEE
12 MAY 2016

PRESENT

Presiding Chairman  Councillor P G L Elliott
Councillors  Mrs B F Acevedo, R G Boyce MBE CC, M R Pearlman,
             Rev. A E J Shrimpton and Mrs M E Thompson

44. APOLOGIES FOR ABSENCE

There were none.

45. ELECTION OF CHAIRMAN

RESOLVED that Councillor Mrs M E Thompson be elected Chairman of the
Investigating and Disciplinary Committee for the ensuing Municipal Year.

IN THE CHAIR : COUNCILLOR MRS M E THOMPSON

46. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED that Councillor Rev. A E J Shrimpton be appointed Vice-Chairman of
South Eastern Area Planning Committee for the ensuing Municipal Year.

There being no other business the Chairman closed the meeting at 8:29pm.

MRS M E THOMPSON
CHAIRMAN
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MINUTES of
SPECIAL MEETING OF CENTRAL AREA PLANNING COMMITTEE
12 MAY 2016

PRESENT

Presiding Chairman  Councillor P G L Elliott
Councillors  Miss A M Beale, I E Dobson, Mrs B D Harker, B E Harker, M S Heard, Miss M R Lewis, M R Pearlman, S J Savage and Rev. A E J Shrimpton
Ex-officio non-voting Member  Chairman of the Planning and Licensing Committee (Councillor Mrs P A Channer CC)

47. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A T Cain and C A R MacKenzie.

48. ELECTION OF CHAIRMAN

RESOLVED that Councillor B E Harker be elected Chairman of Central Area Planning Committee for the ensuing Municipal Year.

IN THE CHAIR : COUNCILLOR B E HARKER

49. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED that Councillor M R Pearlman be appointed Vice-Chairman of Central Area Planning Committee for the ensuing Municipal Year.

There being no other business the Chairman closed the meeting at 8:30.

B E HARKER
CHAIRMAN
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MINUTES of
SPECIAL MEETING OF NORTH WESTERN AREA PLANNING COMMITTEE
12 MAY 2016

PRESENT

Presiding Chairman  Councillor P G L Elliott
Councillors  E L Bamford, H M Bass, M F L Durham, J V Keyes, D M Sismey,
A K M St. Joseph and Mrs M Thompson
Ex-officio non-voting  Chairman of the Planning and Licensing Committee (Councillor
Member  Mrs P A Channer CC)

50. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J P F Archer and Miss S
White.

51. ELECTION OF CHAIRMAN

RESOLVED that Councillor H M Bass be elected Chairman of North Western Area
Planning Committee for the ensuing Municipal Year.

IN THE CHAIR : COUNCILLOR H M BASS

52. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED that Councillor Mrs M E Thompson be appointed Vice-Chairman of
North Western Area Planning Committee for the ensuing Municipal Year.

There being no other business the Chairman closed the meeting at 8:32pm.

H M BASS
CHAIRMAN
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MINUTES of
SPECIAL MEETING OF SOUTH EASTERN AREA PLANNING COMMITTEE
12 MAY 2016

PRESENT

Presiding Chairman Councillor F A Delderfield
Councillors Mrs B F Acevedo, B S Beale MBE, R G Boyce MBE CC,
Mrs P A Channer CC, R P F Dewick, Mrs H E Elliott,
P G L Elliott, A S Fluker, M W Helm and R Pratt

53. APOLOGY FOR ABSENCE

An apology for absence was received from Councillor N R Pudney.

54. ELECTION OF CHAIRMAN

RESOLVED that Councillor R P F Dewick be elected Chairman of South Eastern
Area Planning Committee for the ensuing Municipal Year.

IN THE CHAIR : COUNCILLOR R P F DEWICK

55. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED that Councillor A S Fluker be appointed Vice-Chairman of South
Eastern Area Planning Committee for the ensuing Municipal Year.

There being no other business the Chairman closed the meeting 8:33pm.

R P F DEWICK
CHAIRMAN
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MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
16 MAY 2016

PRESENT
Chairman  Councillor H M Bass,
Vice-Chairman  Councillor Mrs M E Thompson
Councillors  E L Bamford, H M Bass, M F L Durham, J V Keyes,
            D M Sismey, A K M St. Joseph, Mrs M E Thompson and
            Miss S White

56. CHAIRMAN'S NOTICES

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

57. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor J P F Archer and Mrs P A
Channer CC.

58. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the North Western Area Planning
Committee held on 4 April 2016 be approved and confirmed.

59. DISCLOSURE OF INTEREST

Councillor J V Keyes declared a non-pecuniary interest in respect of Agenda Item 6 -
OUT/MAL/16/00229 Land to the north of 11 Colchester Road, Great Totham as he sat
on Great Totham Parish Council and knew the applicants, had done work for them and
bought property from them in the past.

Councillor Mrs M E Thompson declared a non-pecuniary interest in relation to Agenda
Item 20 – FUL/MAL/16/00262 Land Adjacent Meadow Nursery, Park Lane, Tolleshunt
Knights as she was a member of Tolleshunt Knights Parish Council.

Councillor M F L Durham declared a pecuniary interest in one of the cases detailed
within Agenda Item 25 – Enforcement Update, advising he would leave the chamber
during discussion of this case.

Councillor H M Bass advised that in respect of Agenda Item 6 – OUT/MAL/16/00229
Land to the north of 11 Colchester Road, Great Totham he had previously declared an
interest as he knew Mr Gregan, the applicant and therefore would again.
60. MEMBERS' BRIEFING

The Chairman advised that there would not be a briefing tonight.

61. OUT/MAL/16/00229 - LAND TO THE NORTH OF 11 COLCHESTER ROAD, GREAT TOTHAM

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<table>
<thead>
<tr>
<th>Application Number</th>
<th>OUT/MAL/16/00229</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Land to the North of 11 Colchester Road, Great Totham</td>
</tr>
<tr>
<td>Proposal</td>
<td>Outline application for the development of a Village shop/store with a flat over and 49 mixed housing units</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mr Thomas Edward Gregan And James Purdy</td>
</tr>
<tr>
<td>Agent</td>
<td>Mr Anthony Cussen - Cussen Construction Consultants</td>
</tr>
<tr>
<td>Target Decision Date</td>
<td>31.05.2016</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Rebecca Greasley</td>
</tr>
<tr>
<td>Parish</td>
<td>GREAT TOTHAM</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Major Application</td>
</tr>
</tbody>
</table>

It was noted from the Members’ Update that an additional reason for refusal was suggested, a letter of objection had been received from Mrs Ann Francis and consultation responses received from Planning Policy and Essex County Council Sustainable Urban Drainage Systems (SUDs).

Following the Officers presentation an objector, Mr Flook, Councillor R L Bass on behalf of Great Totham Parish Council and the Agent Mr Cussen addressed the Committee.

Councillor D M Sismey, a Ward Member referred to the comments made by Mr Flook and Councillor R L Bass and supported the Officers recommendation of refusal. This was supported by fellow Ward Member, Councillor J V Keyes.

RESOLVED that this application be REFUSED for the following reasons:

1. The proposed development on the site would result in an unwelcome visual intrusion into the open and undeveloped countryside, resulting in an intensified and urbanised form of development on the site to the detriment of the character and appearance of the area. The impact on the character of the area is further exacerbated by the loss of the hedgerow along the eastern boundary. The development would fail to meet the requirements of sustainable development, contrary to policies S2, S8, BE1 and CC6 of the adopted Maldon District Replacement Local Plan, D1 of the emerging Local Plan and core planning principles and guidance contained in the National Planning Policy Framework.

2. The proposed development would not provide adequate traffic visibility splays equal to the reasonable stopping distance of oncoming vehicles at the ambient traffic speed on land within the control of the applicant. The lack of adequate visibility would result in an unacceptable degree of hazard to all road users to
the detriment of highway safety and free flow of traffic. The proposed development would therefore be contrary to policy T2 of the Maldon District Replacement Local Plan, T2 of the submitted Local Plan and of the National Planning Policy Framework.

3 The submitted Flood Risk Assessment is inadequate; failing to a suitable basis for assessment to be made of the flood risks arising from the proposed development. On this basis, the application fails to comply with CON5 of the Maldon District Replacement Local Plan, Policy D5 of the submitted Local Plan and the National Planning Policy Framework.

4 In the absence of a signed legal agreement the development makes no contribution for affordable housing or school transport, which would be required with respect to mitigating the wider impacts of the development on local infrastructure and townscape. As such the proposal is considered to be contrary to policy PU1 of the adopted Maldon District Replacement Local Plan, policies H1 and I1 of the Maldon District Local Development Plan, and the National Planning Policy Framework.

5 The land required for access to the site is not within the ownership of the applicant, and the relevant notice has not been served on the landowner. As such, development cannot be carried out in accordance with the submitted plans, of which access is a consideration, failing to comply with paragraph 22 of the National Planning Practice Guidance.

6 The land required for access to the site is not within the ownership of the applicant, and the relevant notice has not been served on the landowner. As such, development cannot be carried out in accordance with the submitted plans, of which access is a consideration, failing to comply with paragraph 22 of the National Planning Practice Guidance.

POSITIVE AND PROACTIVE STATEMENT
Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing with the Applicant/Agent. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

62. FUL/MAL/15/00146 - LAND NORTH EAST OF WOODHAM MORTIMER LODGE, WOODHAM MORTIMER

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.
Application Number | FUL/MAL/15/00146
--- | ---
Location | Land North East Of Woodham Mortimer Lodge Lodge Road Woodham Mortimer Essex
Proposal | Brick pier and metal entrance gates to barn site. Alterations to internal arrangement including foaling box and alterations to fenestration (Retrospective)
Applicant | Mr Philip Garvin
Agent | Holmes & Hills LLP
Target Decision Date | 20.05.2016
Case Officer | Kara Elliott, TEL: 01621 875860
Parish | WOODHAM MORTIMER
Reason for Referral to the Committee / Council | Parish Trigger

Following the Officers’ presentation the Agent, Mr Harmen addressed the Committee.

A number of Members commented on the proposal and concerns were raised regarding the proposal being retrospective and out of keeping with neighbouring area. In response the Interim Development Management and Enforcement Manager clarified that the application did contain internal alterations, explaining that the application was solely for the physical alterations and did not relate to any breach or change in use.

Councillor M F L Durham, a Ward Member, proposed that the Committee accept the Officers recommendation of approval. This proposal was duly seconded.

Upon a vote being taken there was an equality of votes and the Chairman used his casting vote to keep the status quo, voting for refusal of the application. The proposal in the name of Councillor Durham was therefore declared lost.

Councillor D M Sismey proposed that the application be refused, contrary to Officers recommendation. This proposal was duly seconded and upon a vote being taken was agreed. The Chairman sought reasons for refusal from the Committee. Following earlier discussions by the Committee the Interim Development Management and Enforcement Manager as Members concerns related to the gates and not the barn that reasons relating to residential nature and them being inappropriate in the rural area. This was agreed.

RESOLVED that this application be REFUSED for the following reason:
1 The brick piers and metal entrance gates due to their inappropriate design are considered to represent an incongruous feature within the rural character of the countryside which does not reflect the agricultural use of the site, contrary to policies BE1 and CC6 of the adopted Maldon District Replacement Local Plan, D1 of the Submitted Local Development Plan and the guidance contained in the National Planning Policy Framework.
POSITIVE AND PROACTIVE STATEMENT
Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting these out in the reason for refusal. Furthermore, Members of the planning committee which took the decision to refuse planning permission have been asked to consider whether there are opportunities to amend the development to address this harm. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

63. HOUSE/MAL/16/00002 - OXLEY COTTAGE, 1 OXLEY HILL, TOLLESHEUNT D'ARCY

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<table>
<thead>
<tr>
<th>Application Number</th>
<th>HOUSE/MAL/16/00002</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Oxley Cottage 1 Oxley Hill Tolleshunt D'Arcy Essex</td>
</tr>
<tr>
<td>Proposal</td>
<td>Two storey side extension and double garage</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mr Sam Cook</td>
</tr>
<tr>
<td>Agent</td>
<td>-</td>
</tr>
<tr>
<td>Target Decision Date</td>
<td>20 May 2016</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Hilary Baldwin, TEL: 01621 875730</td>
</tr>
<tr>
<td>Parish</td>
<td>TOLLESHEUNT D'ARCY</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Parish Trigger</td>
</tr>
</tbody>
</table>

Following the Officers presentation, Members discussed the application and a number of comments in support of the proposal were made.

Councillor D M Sismey advised didn’t think the existing building was of architectural merit and felt the proposal was an improvement. He proposed that Members accept the proposal, approving the application contrary to Officers recommendation. This proposal was duly seconded.

In response the Interim Development Management and Enforcement Manager outlined a number of conditions to be applied and these were agreed. Upon a vote being taken the proposal in the name of Councillor Sismey and associated conditions were 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 the approved drawings specifically referenced on this decision notice
3 No development shall take place until written details and samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to an approved in writing by
the local planning authority. The development shall be carried out using the materials and details as approved.

4 The outbuilding hereby approved within the site shall only be used for those purposes incidental to the use of the dwelling house to which it relates and not for any commercial or business purposes or for any overnight sleeping.

**POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. Furthermore, Members of the planning committee which took the decision to grant planning permission as the proposal has been considered acceptable.

64. **OUT/MAL/16/00048 - LAND BETWEEN HEATH HOUSE AND LITTLE BRAXTED HOUSE, BRAXTED ROAD, LITTLE BRAXTED**

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<table>
<thead>
<tr>
<th>Application Number</th>
<th>OUT/MAL/16/00048</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Land Between Heath House And Little Braxted House Braxted Road Little Braxted Essex</td>
</tr>
<tr>
<td>Proposal</td>
<td>Outline application for a single dwelling</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mr M Harvey</td>
</tr>
<tr>
<td>Agent</td>
<td>Mr David Wallis - Smart Planning Ltd</td>
</tr>
<tr>
<td>Target Decision Date</td>
<td>08 April 2016</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Hilary Baldwin, TEL: 01621 875730</td>
</tr>
<tr>
<td>Parish</td>
<td>LITTLE BRAXTED</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Member Call In Parish Trigger</td>
</tr>
</tbody>
</table>

The Members’ Update advised that a letter had been received from the Agent and the Officer response to this was detailed.

Following the Officers presentation Mr Mussett, Clerk to Little Braxted Parish Council and the Agent, Mr Wallis addressed the Committee.

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

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 policy S2 of the adopted Maldon District Replacement Local Plan.

2. The provision of a dwelling on this site, would fail to protect or enhance the natural beauty, tranquility, amenity and traditional quality of the rural landscape.
setting by introducing unacceptable built form into the site that currently forms an integral part of, and contributes to, the rural quality of the area. The proposal would therefore fail to make a positive contribution to the locality and cause an unacceptable degree of harm to the character and appearance of the locality, contrary to policies BE1, CC6 and CC7 of the adopted Maldon District Replacement Local Plan, emerging policy D1 of the Local Development Plan and core planning principles and guidance contained in the National Planning Policy Framework.

3 The part removal of the existing hedgerow and trees on Braxted Road to provide acceptable visibility spays would visually impact on the rural street scene and not be acceptable to the Council, contrary to policies BE1 and T2 of the adopted Maldon District Replacement Local Plan, policies D1 and T2 of the Maldon District Pre-Submission Local Development Plan, and Government guidance contained within the National Planning Policy Framework.

4 Notwithstanding the submission of an Arboricultural Report and Extended Phase 1 Ecological Survey as part of the application, insufficient information has been submitted to demonstrate that the proposed development would not result in a demonstrable harm to a species of animal, tree or habitat, contrary to Policy CC5 of the Maldon Replacement Local Plan, emerging policy N2 of the Local Development Framework or guidance contained within the NPPF.

**POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal. However, the issues are so fundamental to the proposal that it is not considered possible to negotiate a satisfactory way forward, and, due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

65. **LBC/MAL/16/00070 AND FUL/MAL/16/00077 - BARN, FOLLYFAUNTS, LITTLE TOTHAM ROAD, GOLDHANGER**

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.
The Members’ Update detailed a proposed amendment to Condition 3 (relating to Planning Application FUL/MAL/16/00077).

Following the Officers presentation the Agent, Ms Moran addressed the Committee.

RESOLVED that application FUL/MAL/16/00077 be APPROVED subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from 4 March 2015.
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.
3. The development hereby approved shall be carried out in accordance with the materials and details approved under letter dated 21 January 2016.
4. Prior to the commencement of the development details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be constructed prior to the occupation of the building to which it relates and be retained as such thereafter.
5. 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 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, 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.

6 Prior to the commencement of development, details of car parking shall be
submitted to and agreed in writing by the Local Planning Authority. The car
parking shall be carried out in accordance with the approved details and retained
as such thereafter.

7 Prior to the commencement of the development details of the surface water 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.

POSITIVE AND PROACTIVE STATEMENT
Town and Country Planning (Development Management Procedure) (England) Order
2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this
application by assessing the proposal against all material considerations, including
planning policies and any representations that may have been received and subsequently
determining to grant planning permission in accordance with the
presumption in favour of sustainable development, as set out within the National
Planning Policy Framework. Furthermore, Members of the planning committee which
took the decision to grant planning permission as the proposal has been considered
acceptable.

RESOLVED that application LBC/MAL/16/00070 be GRANTED LISTED
BUILDING CONSENT subject to the following conditions:

1 The development hereby permitted shall be begun before the expiration of three
years from 4 March 2015.

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 Prior to the commencement of development samples of the roof tile to be used
shall be submitted to and agreed in writing by the Local Planning Authority.
The development shall be carried out in accordance with the approved details,
and retained as such thereafter.
Prior to the commencement of development the colour finish of the powder-coated aluminium windows to be used shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and retained as such thereafter.

Prior to the commencement of development details of the boundary treatment to be used shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and retained as such thereafter.

Rooflights are to be cast metal finished black, and shall not protrude above the upper surface of the states or tiles, unless otherwise agreed in writing by the Local Planning Authority.

New weatherboarding shall be timber, feather-edged and painted black, unless otherwise agreed in writing by the Local Planning Authority.

Rainwater goods shall be cast metal painted black, unless otherwise agreed in writing by the Local Planning Authority.

**66. HOUSE/MAL/16/00085 - 9 BECKINGHAM STREET, TOLLESHUNT MAJOR**

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<table>
<thead>
<tr>
<th>Application Number</th>
<th>HOUSE/MAL/16/00085</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>9 Beckingham Street Tolleshunt Major Essex CM9 8LQ</td>
</tr>
<tr>
<td>Proposal</td>
<td>Kitchen extension and conversion of garage</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mr Gary Wheeler</td>
</tr>
<tr>
<td>Agent</td>
<td>Mr Ernie Spencer</td>
</tr>
<tr>
<td>Target Decision Date</td>
<td>29 March 2016</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Hilary Baldwin, TEL: 01621 875730</td>
</tr>
<tr>
<td>Parish</td>
<td>TOLLESHUNT MAJOR</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Councillor / Member of Staff</td>
</tr>
</tbody>
</table>

**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.
3. The development hereby approved shall be constructed of materials and of a finish as detailed within the application.
4. The extension hereby permitted shall be occupied only as an annexe for purposes incidental to and in conjunction with the use of the existing property as a single dwellinghouse and not as a separate or independent unit of residential accommodation.
5. An internal pedestrian access shall be retained at all times between the existing dwelling house and the annexe accommodation hereby permitted.
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**FUL/MAL/16/00092 - LAND ADJACENT RIPTIDE, MALDON ROAD, LATCHINGDON**

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<table>
<thead>
<tr>
<th>Application Number</th>
<th>FUL/MAL/16/00092</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Land Adjacent Riptide Maldon Road Latchingdon Essex</td>
</tr>
<tr>
<td>Proposal</td>
<td>Erection of detached dwelling with associated parking, landscaping and ancillary works</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mr R Playle</td>
</tr>
<tr>
<td>Agent</td>
<td>Mrs Natalie Winspear - Robinson &amp; Hall LLP</td>
</tr>
<tr>
<td>Target Decision Date</td>
<td>14 April 2016</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Emily Hall, TEL: 01621 875744</td>
</tr>
<tr>
<td>Parish</td>
<td>PURLEIGH</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Departure from the Local Plan 2005</td>
</tr>
</tbody>
</table>

Following the Officers presentation Mr Le Grys on behalf of Robinson & Hall LLP the Agent addressed the Committee.

**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.
3. No development shall take place until samples of all materials to be used in the construction of the external surfaces of the dwelling 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.
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. No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
   i. the parking of vehicles of site operatives and visitors
   ii. loading and unloading of plant and materials
   iii. storage of plant and materials used in constructing the development
   iv. wheel and under body washing facilities

6. No development shall commence until details of the surface water drainage scheme to serve the development have been 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.

7. 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. The development shall be carried out in accordance with the details/samples as agreed.

8. The boundary treatments shall be constructed as detailed within the application prior to the first occupation of the dwelling.

9. No unbound materials shall be used in the surface treatment of the vehicular access within 6m of the highway boundary.

POSITIVE AND PROACTIVE STATEMENT
Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.
The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members’ Update circulated at the meeting.

<table>
<thead>
<tr>
<th>Application Number</th>
<th>FUL/MAL/16/00095</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Meadowview, Maldon Road, Latchingdon</td>
</tr>
<tr>
<td>Proposal</td>
<td>Extensive extensions and alterations to form new dwelling and outbuilding</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mr &amp; Mrs Ebbesen</td>
</tr>
<tr>
<td>Agent</td>
<td>Mr Brendon Robins - Spatial Design Architects</td>
</tr>
<tr>
<td>Target Decision Date</td>
<td>20.05.2016</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Kara Elliott</td>
</tr>
<tr>
<td>Parish</td>
<td>PURLEIGH</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Parish Trigger</td>
</tr>
</tbody>
</table>

Following the Officers presentation Councillor Arthur from Purleigh Parish Council and Mr Le Grys on behalf of Spatial Design Architects (the Agent), addressed the Committee.

Councillor Miss S White, a Ward Member, disagreed with the Officers’ recommendation and made reference to the application being supported by neighbours and the Parish Council. She felt that the application should be approved.

The Interim Development Management and Enforcement Manager advised the Committee that a point raised by Mr Le Grys (acting on behalf of the Agent) had been taken from a sentence of the Officers report and as such it was out of context. The Officer continued providing further information regarding the proposal and how Officers concerns were not in respect of modern design but ensuring good design.

Councillor Miss White proposed that the application be approved, contrary to the Officers recommendation. This proposal was duly seconded but upon the vote being taken the motion was declared lost.

Councillor M F L Durham proposed that the application be refused as per Officers recommendation. This proposal was duly seconded and upon a vote being taken this was agreed.

RESOLVED that this application be REFUSED for the following reason:
1 The proposed development, due to its design, is considered to result in an unacceptable form of development of demonstrable harm to the detriment of the character and appearance of the dwelling and would result in a visually inharmonious and conspicuous feature within the streetscene due to its contrived design and use of inappropriate materials, contrary to policies BE1 and CC6 of the Maldon District Replacement Local Plan, policies D1 of the submitted Maldon District Local Development Plan and guidance contained within National Planning Practice Framework, notably paragraph 64.
POSITIVE AND PROACTIVE STATEMENT
Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant / Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

69. FUL/MAL/16/00181 - THE CARAVAN, CHURCH ROAD, NORTH FAMBRIDGE

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members’ Update circulated at the meeting.

<table>
<thead>
<tr>
<th>Application Number</th>
<th>FUL/MAL/16/00181</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Location</strong></td>
<td>The Caravan Church Road North Fambridge Essex</td>
</tr>
<tr>
<td><strong>Proposal</strong></td>
<td>Erection of two detached chalet-style houses</td>
</tr>
<tr>
<td><strong>Applicant</strong></td>
<td>Moody Homes Ltd</td>
</tr>
<tr>
<td><strong>Agent</strong></td>
<td>Churchward Design &amp; Surveying Services</td>
</tr>
<tr>
<td><strong>Target Decision Date</strong></td>
<td>22 April 2016</td>
</tr>
<tr>
<td><strong>Case Officer</strong></td>
<td>Emily Hall, TEL: 01621 875744</td>
</tr>
<tr>
<td><strong>Parish</strong></td>
<td>NORTH FAMBRIDGE</td>
</tr>
<tr>
<td><strong>Reason for Referral to the Committee / Council</strong></td>
<td>Departure from the Local Plan</td>
</tr>
</tbody>
</table>

Following the Officers presentation an objector Mr Lodoiska and Councillor Nunn of North Fambridge Parish Council addressed the Committee.

Councillor Miss S White, a Ward Member, raised concern regarding the proposal and in particular going against the recommendation from Essex County Council Highways. She referred to Anglian Water having previously advised that they wouldn’t allow development in North Fambridge until sewage in the area was upgraded and an email she had sent to Officers regarding this.

In response, the Interim Development Management and Enforcement Manager advised that Officers had considered the consultation response from Highways but on balance felt that the continued use of the existing access did not lead to an increase in demonstrable harm to the highway network.

A lengthy debate ensued and in response to questions raised Officers provided clarification regarding the previous history of the site including permission for two houses granted on appeal. Concern was also raised regarding the change in site area from that previously granted permission.
Councillor Miss S White proposed that the application be refused, contrary to Officers recommendation. This proposal was duly seconded.

In response to the proposal from Councillor Miss White the Chairman sought reasons for refusal. Reasons relating to the site not being sufficiently large to accommodate two units and the Council now having a five year land supply were raised. In response the Interim Development Management and Enforcement Manager sought clarification from Members and it was agreed that the reasons should refer to intensification of the use of the site including its use for a permanent and large dwelling with potentially large vehicle movements and the character of the area and level of development.

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

1. The Council can demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council's identified housing requirements, the provision of an additional dwelling which is not aligned with the Council's needs is considered to make a negligible contribution in respect of social sustainability. The proposal would provide two residential dwellings in an urban and cramped arrangement which results in overdevelopment of the site which is considered to have a demonstrable impact on the character of the area. This is exacerbated by its contrived layout and therefore will have a demonstrable impact on the character of the area contrary to policy S1, S2, BE1, CC6, CC11 of the Maldon District Replacement Local Plan S1, S8, D1 and H4 of the emerging Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

2. The proposed development results in the intensification of an existing access. By reason of its unsatisfactory sight lines and inability to provide adequate traffic splay at the access on the southwest boundary of the site the increased use of the access is considered to be detrimental to highway safety contrary to T8 of the Maldon District Replacement Local Plan and D1 and T2 of the emerging Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

**POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

**70. ADJOURNMENT OF THE MEETING**

**RESOLVED** that the meeting be adjourned at 9:00pm for a short break.
RESUMPTION OF BUSINESS

RESOLVED that the meeting resume at 9:02pm in open session.

FUL/MAL/16/00226 - LAND BETWEEN PENNYLOAF HOUSE AND LAWNS FARM, PLAINS ROAD, GREAT TOTHAM

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<table>
<thead>
<tr>
<th>Application Number</th>
<th>FUL/MAL/16/00226</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Land Between Pennyloaf House and Lawns Farm, Plains Road, Great Totham, Essex</td>
</tr>
<tr>
<td>Proposal</td>
<td>Vary condition 2 of approved application FUL/MAL/14/00887 (Revised drawings to include increased ceiling height at ground floor level. Introduction of two rearward facing Juliet balconies. Change of external finishes from render to facing brickwork. Relocate the footprint of the dwelling further back on the site). Vary drawings</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mr Thomas Gregan</td>
</tr>
<tr>
<td>Agent</td>
<td>Mr Anthony Cussen - Cussen Construction Consultants</td>
</tr>
<tr>
<td>Target Decision Date</td>
<td>25 April 2016</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Yee Cheung</td>
</tr>
<tr>
<td>Parish</td>
<td>GREAT TOTHAM</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Previous Committee Decision</td>
</tr>
</tbody>
</table>

Following the Officers’ presentation the Agent Mr Cussen addressed the Committee.

RESOLVED that this application be APPROVED subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following planning obligation:

- Voluntary agreement for the non-implementation of planning applications FUL/MAL/13/00072 and FUL/MAL/14/00887.

and subject to the following conditions:

1. The development hereby permitted shall be begun before the 9 November 2018.
2. The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
3. No development shall take place until written details and 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.
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 No hedges within the site shall be removed, cut back in any way, or damaged, except as shown on the approved plans to accommodate the new access, unless or otherwise first agreed in writing with the Local Planning Authority. No development shall commence until fencing/ground protection to protect the hedges/shrubs to be retained has been erected in accordance with BS5837:2012, details of which shall have been submitted to the Local Planning Authority for written approval. The ground protection shall be laid as per the Arboricultural method statement in accordance with British Standard 5837:2012 (Trees in relation to construction) unless otherwise agreed in writing. The protective fencing 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. The protective fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone nothing shall be stored or placed, no fires lit, no vehicle shall gain access, ground levels shall not be altered, no excavation shall be made and no structure shall be erected, unless otherwise first agreed in writing with the Local Planning Authority. If within five years from the completion of the development a retained shrub or hedge is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement shrub or hedge 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 Prior to the first occupation of the dwelling hereby approved, the existing barn / outbuilding shall be demolished and removed from the site in its entirety.

7 Prior to commencement of the development hereby permitted, details of the parking arrangements for the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details and retained as such thereafter.

8 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 1995 (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.

9 The existing access to the application site shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the reinstatement to full height of the highway verge/footway/cycleway/kerbing, to
the satisfaction of the Highway Authority immediately the proposed new access is brought into use.

10 Prior to the commencement of the development details of the surface water drainage scheme to serve the development, including details of means to prevent discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development and shall be retained at all times thereafter.

11 Prior to the commencement of the development details of the 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 and retained as such thereafter.

12 Prior to commencement of the development, details of 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, shall be submitted to and approved in writing by the Local Planning Authority. The construction works and development shall be carried out in complete accordance with the approved details.

13 Prior to occupation of the development hereby permitted 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, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge. The development shall be retained as such thereafter.

14 Prior to commencement of the development, the access at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 90 metres to the east and west, as measured from and along the nearside edge of the carriageway and shall be retained free of any obstruction above 600mm at all times thereafter.

15 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site at any time.

16 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.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<table>
<thead>
<tr>
<th>Application Number</th>
<th>FUL/MAL/16/00239</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Land Adjacent 3 Poplar Grove Chase Great Totham Essex</td>
</tr>
<tr>
<td>Proposal</td>
<td>Pair of semi-detached 2 bed dwellings</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mr G Barber</td>
</tr>
<tr>
<td>Agent</td>
<td>Mr Peter Le Grys - Robinson &amp; Hall LLP</td>
</tr>
<tr>
<td>Target Decision Date</td>
<td>29 April 2016</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Hilary Baldwin, TEL: 01621 875730</td>
</tr>
<tr>
<td>Parish</td>
<td>GREAT TOTHAM</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Parish Trigger Department from the Local Plan</td>
</tr>
</tbody>
</table>

Following the Officers’ presentation the Agent Mr Le Grys addressed the Committee.

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.
3. 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.
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 extensions shall be erected within the site without planning permission having been obtained from the local planning authority.
5. No works or development shall take place until full details of both hard and soft landscape works have been submitted and approved in writing by the Local Planning Authority. These details shall include the layout and materials of all hard surfaced areas. Details of soft landscape works shall include planting plans, written specification (including cultivation and other operations associated with plant and grass establishment), schedules of plant noting species, plant size and proposed numbers/densities, where appropriate and an implementation programme.
6. No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railing and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be construction prior to the first occupation of the development to which it relates and be retained as such thereafter.
7. Prior to the commencement of the development details of the surface water 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.
8. The parking spaces and means of access thereto as shown on the approved plan 6005_SK09 which is attached to and forms part of this permission shall be
constructed, surfaced, laid out and made available for use in accordance with the approved scheme prior to the occupation of any dwelling and retained for such purposes thereafter.

POSITIVE AND PROACTIVE STATEMENT
Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

74. OUT/MAL/16/00247 - LAND SOUTH OF STRATHMORE ROAD, NORTH FAMBRIDGE

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<table>
<thead>
<tr>
<th>Application Number</th>
<th>OUT/MAL/16/00247</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Land South Of Strathmore Road North Fambridge Essex</td>
</tr>
<tr>
<td>Proposal</td>
<td>Erection of 4 detached houses</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mr R Roe - Roe Partners</td>
</tr>
<tr>
<td>Agent</td>
<td>Mr T Wynn - Evolve Architecture &amp; Planning Limited</td>
</tr>
<tr>
<td>Target Decision Date</td>
<td>11 May 2016</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Yee Cheung, TEL: 01621 876220</td>
</tr>
<tr>
<td>Parish</td>
<td>NORTH FAMBRIDGE</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Member Call In</td>
</tr>
</tbody>
</table>

It was noted from the Members’ Update that a consultation response from the Environment Agency and a letter of objection from Mr and Mrs Humphries had been received.

Following the Officers’ presentation Councillor Nunn from North Fambridge Parish Council and the Agent Mr Fraser (on behalf of Mr Wynn) addressed the Committee.

Councillor Miss S White, a Ward Member, questioned if an update had been received from Anglian Water regarding sewage on the site and commented on the sustainability of the site. In response the Development Control Team Leader advised that no comments had been received from Anglian Water and that the sustainability issue had been removed from the report in relation to a previous appeal decision on this site whereby the Inspector said it was not an unsustainable location. In response to a further question regarding boundary treatment, the Officer outlined the landscaping scheme and confirmed this proposal was the same site as the previous application on this site with a buffer zone to the outside. The Interim Development Management and Enforcement Manager reminded Members of the need to show demonstrable harm, taking into account the previous appeal decision on this site and provided further detail in respect of this.
Councillor D M Sismey proposed that the Committee accept the Officers recommendation of refusal. This was duly seconded and upon a vote being taken was agreed.

RESOLVED that this application be REFUSED for the following reasons:

1. The provision of four houses on this site, would fail to protect or enhance the natural beauty, tranquillity, amenity and traditional quality of the rural landscape by introducing unacceptable built form into an undeveloped site that currently forms an integral part of, and contributes to, the rural quality of the area. The proposal would therefore be contrary to policies H1, BE1, CC6, CC7 and CC11 of the adopted Maldon District Replacement Local Plan; policies S1, S8, D1, H4, N2 of the Maldon District Local Development Plan; and the Government guidance contained within The National Planning Policy Framework which seek to protect and enhance the rural landscape and recognise the intrinsic beauty and character of the countryside.

2. Inadequate information has been submitted with regard to the discharge of surface water and foul water drainage. The proposal seek to install private sewage treatment facilities within publicly sewered areas where it is not normally considered environmentally acceptable because of the greater risk of failures leading to pollution of the water environment compared to public sewerage systems. The proposal would therefore be contrary to policy CON5 of the adopted Maldon District Replacement Local Plan; policies D5 and I1 of the Maldon District Local Development Plan; and the core planning principles and Government guidance contained within The National Planning Policy Framework.

POSITIVE AND PROACTIVE STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing with the Applicant/Agent. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

75. FUL/MAL/16/00249 - SOFTLINK SOLUTIONS LIMITED, FOUNDRY PLACE, WITHAM ROAD, TOLLESHUNT MAJOR

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.
Application Number | FUL/MAL/16/00249
--- | ---
Location | Softlink Solutions Limited Foundry Place Witham Road Tolleshunt Major
Proposal | Conversion of use from commercial to residential into a single detached dwelling with some external alterations.
Applicant | Mr Neil Trivett - Softlink Solutions
Agent | Mr Gerry Dolden - G Dolden & Associates
Target Decision Date | 20 May 2016
Case Officer | Hilary Baldwin, TEL: 01621 875730
Parish | TOLLESHUNT MAJOR
Reason for Referral to the Committee / Council | Parish Trigger

It was noted from the Members’ Update that a consultation response from Essex County Council Highways Authority had been received and Officers had provided a response in respect of this.

Following the Officers presentation the applicant, Mr Trivett addressed the Committee.

In response to a question regarding the evidence of marketing provided, the Interim Development Management and Enforcement Manager advised Members of the process for such change of use applications and the marketing carried out by the applicant which Officers felt was minimal in its detail. It was noted that there was a need to protect employment and Officers from the information provided were not able to recommend losing this employment site.

A debate ensued and a number of comments raised regarding the site, including the improvements a change of use would have on the surrounding area, the need to champion such businesses to expand in the District.

Councillor D M Sismey agreed with comments of other Members and felt that the Council should not protect employment sites when they were not fit for purpose. The Council should be championing fit for purpose sites and be looking to have plenty of them across the District. He then proposed that the application be approved, contrary to Officers recommendation. This proposal was duly seconded.

In response to the proposal, the Interim Development Management and Enforcement Manager outlined a number of conditions to be applied if the application was approved.

Upon a vote being taken the application was approved subject to conditions.

**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.
3. The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application.
4. Prior to the commencement of the development details of the surface water and foul 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.
5 Notwithstanding the details submitted with this application, no development shall commence, other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures and any construction until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority.

The risk assessment shall assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

(i) a survey of extent, scale and nature of contamination;
(ii) an assessment of the potential risks to:
   • Human health,
   • Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
   • Adjoining land,
   • Groundwaters and surface waters,
   • Ecological systems
   • Archaeological sites and ancient monuments;
(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers'. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

6 No development shall commence, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers'. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

7 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry
out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

8 Prior to the occupation of the development hereby approved, the vehicular parking and turning facility as shown on the submitted plans shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose and retained thereafter.

9 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

10 At no time shall gates be provided at the vehicular access. The access shall remain open and free for use in perpetuity.

11 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railing and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be construction prior to the first occupation of the development to which it relates and be retained as such thereafter.

12 No works or development shall take place until full details of both hard and soft landscape works have been submitted and approved in writing by the Local Planning Authority. These details shall include the layout and materials of all hard surfaced areas. Details of soft landscape works shall include planting plans, written specification (including cultivation and other operations associated with plant and grass establishment), schedules of plant noting species, plant size and proposed numbers/densities, where appropriate and an implementation programme.

**POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. Furthermore, Members of the planning committee which took the decision to grant planning permission as the proposal has been considered acceptable.
76. HOUSE/MAL/16/00254 - 7 GRANGE ROAD, WICKHAM BISHOPS

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<table>
<thead>
<tr>
<th>Application Number</th>
<th>HOUSE/MAL/16/00254</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>7 Grange Road, Wickham Bishops, Essex</td>
</tr>
<tr>
<td>Proposal</td>
<td>Demolish existing conservatory. Construct rear extension, part single storey and part two-storey to create bathroom and reinstate second bedroom.</td>
</tr>
<tr>
<td>Applicant</td>
<td>Ms Julie Ekman &amp; Mr Dave Armstrong</td>
</tr>
<tr>
<td>Agent</td>
<td>Mark Crocker</td>
</tr>
<tr>
<td>Target Decision Date</td>
<td>19 May 2016</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Yee Cheung</td>
</tr>
<tr>
<td>Parish</td>
<td>WICKHAM BISHOPS</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Previous Committee Decision</td>
</tr>
</tbody>
</table>

Following the Officers’ presentation an objector Mr McLaughlin and the applicant Ms Ekman addressed the Committee.

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.
3. The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

77. FUL/MAL/16/00262 - LAND ADJACENT MEADOW NURSEY, PARK LANE, TOLLESHUNT KNIGHTS

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.
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.
3. 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.
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 the commencement of the development details of the surface water drainage scheme 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.
POSITIVE AND PROACTIVE STATEMENT
Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

78. FUL/MAL/16/00273 - LAND ADJACENT THE GRANGE, SOUTHEND ROAD, WOODHAM MORTIMER

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<table>
<thead>
<tr>
<th>Application Number</th>
<th>FUL/MAL/16/00273</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Land adjacent The Grange, Southend Road, Woodham Mortimer, Essex</td>
</tr>
<tr>
<td>Proposal</td>
<td>Conversion of barn to residential annexe. Demolition of outbuilding with replacement outbuilding to serve the dwelling and annexe.</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mr Steven Hutchinson</td>
</tr>
<tr>
<td>Target Decision Date</td>
<td>17 May 2016</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Yee Cheung</td>
</tr>
<tr>
<td>Parish</td>
<td>WOODHAM MORTIMER</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Previous Committee Decision</td>
</tr>
</tbody>
</table>

Following the Officers’ presentation the applicant Mr Hutchinson addressed the Committee.

Councillor M F L Durham, a Ward Member, referred to other applications similar to the proposal where permission had been granted with conditions to tie the dwelling to the donor property. He disagreed with Officers recommendation and proposed that the application be approved. This proposal was duly seconded.

In response to the proposal, the Development Control Team Leader outlined Officers concerns regarding the level of accommodation proposed, specifically the outbuilding.

Following further discussion the Chairman put the proposal in the name of Councillor Durham and upon a vote being taken this was agreed. In light of this the Officer outlined a number of conditions to be applied to the approval which were 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 the approved drawings specifically referenced on this decision notice.
3 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.

4 No 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 The detached outbuilding in association with the residential annexe hereby permitted shall only be used for those purposes incidental to the use of the residential annexe to which it relates and not for any commercial or business purpose or as annexe accommodation.

6 The residential annexe hereby permitted shall only be occupied as an annexe for purposes ancillary to the existing dwelling 'The Grange' as a single dwelling house and not as a separate or independent unit of residential accommodation.

INFORMATIVES
1 This planning application: FUL/MAL/00273 should be read in conjunction with Listed Building Consent: LBC/MAL/16/00274

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

3 The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

4 The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.
POSITIVE AND PROACTIVE STATEMENT
Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. Furthermore, Members of the planning committee which took the decision to grant planning permission as the proposal has been considered acceptable.

79. OTHER AREA PLANNING AND RELATED MATTERS

(i) Appeals Lodged:

It was noted from the Agenda and Members’ Update that the following appeals had been lodged with the Planning Inspectorate:

Appeal Start Date: 04/04/2016
Application Number: OUT/MAL/15/00225 (APP/X1545/W/16/3142557)
Site: Land East Of Ruxley Cottage - Rectory Road - North Fambridge
Proposal: Outline permission for 5no. dwellinghouses with garages, parking and amenity areas and alterations to Rectory Road including the formation of new vehicular and pedestrian access.
Appeal by: Mr Jack and Peter Freidlein
Appeal against: Refusal
Appeal procedure requested: Written Representations

Appeal Start Date: 04/04/2016
Application Number: FUL/MAL/15/00091 (APP/X1545/W/16/3143050)
Site: Land Adjacent 16 School Road - Wickham Bishops
Proposal: Detached dwelling and car port
Appeal by: Mr & Mrs M Lyman
Appeal against: Refusal
Appeal procedure requested: Written Representations

Appeal Start Date: 19/04/2016
Application Number: FUL/MAL/15/01218 (APP/X1545/W/16/3146758)
Site: Carters - Station Road - Wickham Bishops
Proposal: Removal of condition 3 of application FUL/MAL/09/00585 (Proposed single storey outbuilding ancillary to residential amenity) Outbuilding to be used for the purposes ancillary and incidental to the use of the dwellinghouse.
Appeal by: Mrs Debbie Baisden
Appeal against: Refusal
Appeal procedure requested: Householder Appeal Service (HAS)
Appeal Start Date: 22/04/2016
**Application Number:** COUPA/MAL/15/01043 (APP/X1545/W/16/3142709)
Site: Flambirds Farm - Hackmans Lane - Purleigh
Proposal: Prior approval of proposed change of use of agricultural building to 2 No dwellinghouses (class C3) and for associated operational development
Appeal by: Mr & Mrs Trevor Crosby
Appeal against: Refusal
Appeal procedure requested: Written Representations

Appeal Start Date: 28/04/2016
**Application Number:** OUT/MAL/15/01061 (APP/X1545/W/16/3147983)
Site: Development At Beckingham Road - Beckingham Road - Tolleshunt D'Arcy
Proposal: Outline planning application with all matters reserved for the construction of 10 dwellings with associated off-street parking
Appeal by: Robinson & Hall LLP
Appeal against: Refusal
Appeal procedure requested: Written Representations

Appeal Start Date: 28/04/2016
**Application Number:** HOUSE/MAL/15/01329 (APP/X1545/D/16/3148930)
Site: The Bungalow At Venn Farm - Tudwick Road - Tiptree
Proposal: Swimming pool to garden area
Appeal by: Mr G Rudling
Appeal against: Refusal
Appeal procedure requested: Householder Appeal Service (HAS)

Appeal Start Date: 06/05/2016
**Application Number:** COUPA/MAL/15/00994 (APP/X1545/W/16/3147960)
Site: Old Orchard Barn, Lea Lane, Great Braxted
Proposal: Prior approval of proposed change of use of agricultural building to dwelling house (C3) and for associated operational development.
Appeal by: Mr Robert King
Appeal against: Refusal
Appeal procedure requested: Written Representations

Appeal Start Date: 11/05/2016
**Application Number:** HOUSE/MAL/15/01252 (APP/X1545/D/16/3149416)
Site: Gate House - Toad Hall - Loamy Hill Road - Tolleshunt Major
Proposal: Garage and store
Appeal by: Mr J Purdy
Appeal against: Refusal
Appeal procedure requested: Householder Appeal Service (HAS)
(ii) Appeal Decisions:

It was noted from the agenda and Members’ Update that the following appeal decisions had been received from the Planning Inspectorate.

FUL/MAL/14/001192 (Appeal Ref: APP/X1545/W/15/3135815)
Proposal: Erection of 5 fully sustainable 'Code 6' zero carbon homes
Address: Land Adjacent To Crabbs Farm - Back Lane - Wickham Bishops
APPEAL DISMISSED – 7 April 2016
DECISION LEVEL: Committee (as per Officer recommendation to refuse)

OUT/MAL/15/00057 (Appeal Ref: APP/X1545/W/15/3138864)
Proposal: Outline application for the erection of one new dwelling
Address: Land Rear Of 61 Broad Street Green Road - Great Totham
APPEAL ALLOWED – 5 May 2016
DECISION LEVEL: Delegated

FUL/MAL/15/00785 (Appeal Ref: APP/X1545/W/15/3141105)
Proposal: Temporary siting of residential caravan
Address: Osborne - Fambridge Road - North Fambridge
APPEAL DISMISSED & COSTS REFUSED – 5 May 2016
DECISION LEVEL: Committee (as per Officer recommendation to refuse)

OUT/MAL/15/00636 (Appeal Ref: APP/X1545/W/15/3140362)
Proposal: Outline application for one dwelling including determination of access.
Address: Little Hill Farm - Mope Lane - Wickham Bishops
APPEAL ALLOWED – 5 May 2016
DECISION LEVEL: Delegated

80. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

81. ENFORCEMENT UPDATE

The Committee received the report of the Director of Planning and Regulatory Services which provided a list of active enforcement cases in the Committee’s area and various cases were discussed. Officers received Member’s recommendations regarding various cases.

In accordance with his earlier declaration Councillor M L F Durham left the meeting during the discussion of the case he had identified.
There being no further items of business the Chairman closed the meeting at 10.25 pm.

H M BASS
CHAIRMAN
MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
23 MAY 2016

PRESENT

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

87. CHAIRMAN'S NOTICES

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

88. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor R G Boyce MBE, CC.

89. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the South Eastern Area Planning Committee held on 11 April 2016 be approved and confirmed.

90. DISCLOSURE OF INTEREST

Councillor R P F Dewick declared a non-pecuniary interest in relation to Agenda Item 7 – FUL/MAL/16/00147 – High House Farm, Old Heath Road, Southminster as he had carried out work on this site in the past. Furthermore, Councillor Dewick would leave the Chamber for this item and hand over to the Vice Chairman.

Councillor Mrs P A Channer CC declared a non-pecuniary interest as she was a Member of Essex County Council who was consulted on highways and other matters. Councillor Mrs Channer also declared a non-pecuniary interest in relation to the following applications:

- Agenda Item 7 – FUL/MAL/16/00147 – High House Farm, Old Heath Road, Southminster as she knew the agent.
- Agenda Item 8 – FUL/MAL/16/00204 – Land between South Green and Fairview, Maldon Road, Steeple as she knew the applicant.
- Agenda Item 10 – OUT/MAL/16/00223 – Land Rear of 106 and 108 Nipsells Chase, Mayland as she knew the agent.
Councillor R Pratt declared a non-pecuniary interest in Agenda Item 7 – FUL/MAL/16/00147 – High House Farm, Old Heath Road, Southminster as he lived on Old Heath Road but a sufficient distance away.

Councillor P G L Elliott declared a non-pecuniary interest in Agenda Item 10 – OUT/MAL/16/00223 – Land Rear of 106 and 108 Nipsells Chase, Mayland as he knew the agent.

Councillor Mrs B F Acevedo declared a non-pecuniary interest in relation to Agenda Item 10 – OUT/MAL/16/00223 – Land Rear of 106 and 108 Nipsells Chase, Mayland as she declared that she knew a relative of the applicant when it came to Committee previously, but no longer thought that this was relevant.

Councillor Mrs H E Elliott declared a non-pecuniary interest in Agenda Item 7 – FUL/MAL/16/00147 – High House Farm, Old Heath Road, Southminster.

Councillor A S Fluker declared a non-pecuniary interest in relation to Agenda Item 7 – FUL/MAL/16/00147 – High House Farm, Old Heath Road, Southminster and in relation to Agenda Item 10 – OUT/MAL/16/00223 – Land Rear of 106 and 108 Nipsells Chase, Mayland as he knew the agent.

Councillor N R Pudney declared a non-pecuniary interest in relation to Agenda Item 10 – OUT/MAL/16/00223 – Land Rear of 106 and 108 Nipsells Chase, Mayland as he knew the agent.

Councillor B S Beale, MBE declared a non-pecuniary interest in relation to Agenda Item 10 – OUT/MAL/16/00223 – Land Rear of 106 and 108 Nipsells Chase, Mayland as he knew the agent.

91. MEMBERS' BRIEFING

The Chairman advised that there would not be a Members’ Briefing tonight.

92. FUL/MAL/16/00066 - THE WHITE BUNGALOW, ELM FARM, MALDON ROAD, BURNHAM-ON-CROUCH

<table>
<thead>
<tr>
<th>Application Number</th>
<th>FUL/MAL/16/00066</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>The White Bungalow, Elm Farm, Maldon Road, Burnham-on-Crouch</td>
</tr>
<tr>
<td>Proposal</td>
<td>Demolish existing dwelling and erect replacement dwelling</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mr Jim Buchan</td>
</tr>
<tr>
<td>Agent</td>
<td>Mr Paul Johnson - Apex Design</td>
</tr>
<tr>
<td>Target Decision Date</td>
<td>22 April2016</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Kara Elliott</td>
</tr>
<tr>
<td>Parish</td>
<td>BURNHAM NORTH</td>
</tr>
<tr>
<td>Reason for Referral to the Committee/Council</td>
<td>Parish Trigger</td>
</tr>
</tbody>
</table>

The Committee was advised by Officers that this Agenda Item had been WITHDRAWN.
The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members’ Update circulated at the meeting.

<table>
<thead>
<tr>
<th>Application Number</th>
<th>FUL/MAL/16/00147</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>High House Farm, Old Heath Road, Southminster</td>
</tr>
<tr>
<td>Proposal</td>
<td>Vary condition 4 of approved application FUL/MAL/15/00034</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mr R Hollingsbee</td>
</tr>
<tr>
<td>Agent</td>
<td>Miss L Hawksworth - Smart Planning Ltd</td>
</tr>
<tr>
<td>Target Decision Date</td>
<td>16 May 2016</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Rebecca Greasley</td>
</tr>
<tr>
<td>Parish</td>
<td>SOUTHMINSTER</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Major Application</td>
</tr>
</tbody>
</table>

In relation to his earlier declaration Councillor R P F Dewick left the Chamber at this point.

IN THE CHAIR : COUNCILLOR A S FLUKER

Following the Officer’s presentation of the report, Mr Russell Ford, the Agent, addressed the Committee.

Councillor B S Beale, a Ward Member, advised the Committee that Southminster Parish Council had looked at the visual impact of this application and were of the opinion that there would not be a significant impact on the visual scene. Southminster Parish Council had recommended approval of this application. Councillor B S Beale, MBE proposed that this scheme be approved contrary to the Officer’s recommendation. This was duly seconded.

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 plans which are attached to and form part of this permission and the submitted detailed specifications.

2. The external surfaces of the development hereby approved shall be constructed of materials and finish as approved under application DET/MAL/14/05132 unless otherwise agreed in writing by the Local Planning Authority.

3. This permission shall authorise the use of the marquee solely for the purposes related to wedding functions on the site, and for no other purpose or use.

4. Pursuant to Condition 4 of this planning permission, the use of the marquee hereby permitted shall only be operational and open to customers/visitors/guests from 1 May to 31 October in the same calendar year and at no other time outside the stated period. The marquee and associated ancillary structures shall be removed from site outside of this period.

5. The premises shall only be open to customers/visitors/guests between 08:00 hours and 00:00 hours. No persons other than staff connected with the use or
guests staying in the overnight accommodation hereby permitted shall be on site
outside of these hours.

6. With the exception of music incidental to wedding ceremonies at the gazebo; no
public entertainment or public address system whatsoever, including but not
limited to amplified sound or the playing or amplified music shall take place on
the site other than within the marquee or the barn.

7. With the exception of music played in the barn or marquee during a wedding
ceremony and the incidental music played for ceremonies at the gazebo, there
shall be no amplified sound on the site prior to 18:00 hours on any day.

8. The means of sound insulating of the marquee shall be provided in complete
accordance with the details approved under application DET/MAL/15/05035 and
shall be retained as such thereafter.

9. No public entertainment or public address system, including but not limited to
amplified sound or the playing of amplified live or other music associated with
the use hereby permitted shall take place on the site other than within the marquee except between
10:00 and 23:30 hours.

10. The level of noise emitted from the site measured over a 15 minute period at the
boundary of the nearest noise sensitive property known as Homestead in Old
Heath Road, shall not exceed 21 dB between 08:00 and 23:30 on any occasion
during the approved hours and times for the use of the site.

11. The sound ceiling speaker array system and associated attenuations shall be
provided in complete accordance with the details approved under application
reference DET/MAL/15/05035. The system shall be retained as such thereafter
for all events in the marquee.

12. The electronic sound limiting/cut out device shall be installed and fitted in
complete accordance with the details approved under application
DET/MAL/15/05035. All regulated entertainment, including live performances,
shall be channelled through the approved device to regulate the maximum sound
level from the amplified sound systems used at the site. The agreed system shall
be retained thereafter for use at all events.

13. The new access and car parking area shall be implemented as shown on drawing
no.12/2011/03A, to include the access width and the visibility splays shown
which shall be retained in perpetuity.

14. Within three months of the date of this decision, details shall be submitted to the
Local Planning Authority, for approval in writing to demonstrate that the ditch
beneath the access has been piped or bridged to the requirements of the lead
local flood authority at Essex County Council.

15. Surface water drainage including means to prevent the discharge of surface
water from the development onto the highway shall be provided in complete
accordance with the details approved under application DET/MAL/14/05132 and
shall be retained as such thereafter.

16. No unbound material shall be used in the surface treatment of the vehicular
access within 6 metres of the highway boundary of the site.

17. 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.

18. The use hereby permitted shall only be undertaken by the occupants of the
dwelling known as High House included within the red line site area on the
approved location plan.

19. The soft landscaping of the site shall be carried out in complete accordance with
the details approved under application DET/MAL/14/05132 within the first
available planting season (October to March inclusive) following the
commencement of the development, unless otherwise 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, 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.

20 The archaeological works at the site shall be carried out in complete accordance with the building recording report submitted and approved by the council under application DET/MAL/14/05132.

21 The surface water and foul drainage serving the development shall be carried out in complete accordance with the details approved by the council under application DET/MAL/15/05035 and shall be implemented prior to the first use of the wedding venue hereby permitted.

22 Prior to the first use of the kitchen area within the extended barn details of an extraction ventilation and odour control system shall be submitted to an agreed in writing with the Local Planning Authority. The agreed ventilation system shall be installed prior to the first use of the kitchen area and maintained for such use thereafter.

23 External illumination of the site shall be carried out in complete accordance with the details approved by the council under application DET/MAL/15/05024 unless otherwise agreed first in writing by the Local Planning Authority.

24 No trees or hedges within the site shall be removed, cut back in any way, or damaged, except where specified with the Arboricultural Implication Assessment submitted as part of the application unless or otherwise first agreed in writing with the Local Planning Authority. No development shall commence until fencing/ground protection to protect the trees and hedges/shrubs to be retained has been laid out in accordance with the Arboricultural Implication Assessment in accordance with British Standard 5837:2012 (Trees in relation to construction). The protective fencing 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.

The protective fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone nothing shall be stored or placed, no fires lit, no vehicle shall gain access, ground levels shall not be altered, no excavation shall be made and no structure shall be erected, unless otherwise first agreed in writing with the Local Planning Authority.

If within five years from the completion of the development a retained shrub or hedge is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement shrub or hedge 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.

25 No fireworks or other pyrotechnics shall be set off at the site in connection with the use hereby permitted.
INFORMATIVES
1. 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.
2. The archaeological work will comprise historic building recording of the barn prior to conversion. All fieldwork should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by Essex County Council contact Maria Medlycott (Tel: 01245 437641, email: maria.medlycott@essex.gov.uk).
3. It is advised that external lighting should be turned off at 00:00 in the interest of residential amenity or nearby occupiers.
4. It is advised that traffic generated by the wedding venue is re-directed down Tinkers Hole to avoid nuisance and disturbance to the neighbouring residential properties located on The Endway and Old Heath Road.

POSITIVE AND PROACTIVE STATEMENT
Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Councillor R P F Dewick returned to the Chamber and resumed as Chairman.

IN THE CHAIR : COUNCILLOR R P F DEWICK

94. FUL/MAL/16/00204 - LAND BETWEEN SOUTH GREEN AND FAIRVIEW, MALDON ROAD, STEEPLE

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<table>
<thead>
<tr>
<th>Application Number</th>
<th>FUL/MAL/16/00204</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Land Between South Green And Fairview, Maldon Road, Steeple</td>
</tr>
<tr>
<td>Proposal</td>
<td>Erection of 3 Terrace Cottages</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mr Robert Browning - R. D. Browning LTD</td>
</tr>
<tr>
<td>Target Decision Date</td>
<td>21.04.2016</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Kara Elliott</td>
</tr>
<tr>
<td>Parish</td>
<td>STEEPLE</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Parish Trigger</td>
</tr>
</tbody>
</table>

The Committee was advised that the Applicant was Mr Browning and not Mr & Mrs Anthony & Joanne Partridge as detailed in the report. Also, the application was for three properties and not two. Furthermore, a letter of representation received that had
been attributed to Agenda Item 6 on the Members’ Update was in relation to this application.

Following the Officer’s presentation of the report, Lesley Willmore of The Haven, Maldon Road, Steeple, a Supporter and Mr Browning, the Applicant addressed the Committee.

Councillor Mrs P A Channer, a Ward Member, was familiar with this site and was at the Parish Council meeting when this application was considered. Councillor Mrs Channer was in agreement with the Supporter of this application that the new parking arrangements were preferable and that the properties were similar in nature to some existing properties. The Parish Council did not object to this application, no residents had come to the Parish Council meeting to object and the Highways Authority had raised no objections. Councillor Mrs Channer then proposed that this application be approved contrary to the Officer’s recommendation. This proposal was duly seconded and upon a vote taken 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 the approved drawings specifically referenced on this decision notice.
3. No development shall take place until written details and samples of all external materials, including windows and doors, to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority.
4. Prior to the commencement of the development details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the occupation of the building to which it relates and be retained as such thereafter.
5. No works or development shall take place until full details of both hard and soft landscape works have been submitted and approved in writing by the Local Planning Authority. These details shall include the layout and materials of all hard surfaced areas. Details of soft landscape works shall include planting plans, written specification (including cultivation and other operations associated with plant and grass establishment), schedules of plant noting species, plant size d and proposed numbers/densities, where appropriate and an implementation programme.
6. Prior to the first occupation of the proposed development, the proposed vehicular access shall be constructed at right angles to the highway boundary and shall be provided with an appropriate vehicular crossing of the footway/highway verge and an appropriate connection to the existing carriageway, to the specifications of the Highway Authority.
7. No unbound material shall be used in the surface finish of the car parking area within a distance of 6.0m from the highway boundary of the site.
8. Details of existing and proposed site levels and the finished floor levels of the dwelling shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. Construction shall be in strict accordance with the approved details.
9 The parking area and means of access thereto as shown on the approved plan which is attached to and forms part of this permission shall be constructed, surfaced, laid out and made available for use in accordance with the approved scheme prior to the occupation of the dwellings and retained for such purposes thereafter.

10 Notwithstanding the provisions of Part 1 of Schedule 2 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.

11 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.

12 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 provided clear of the highway and retained at all times during construction.

INFORMATIVE

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.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. Furthermore, Members of the planning committee took the decision to grant planning permission as the proposal has been considered acceptable.

95. HOUSE/MAL/16/00214 - 5 COBBINS GROVE, BURNHAM-ON-CROUCH

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members’ Update circulated at the meeting.
Following the Officer’s presentation of the report, Mr Rozee, the Applicant, addressed the Committee.

Councillor Mrs H E Elliott, a Ward Member, spoke in favour of this application being approved as no objections had been received and there were no reasons to refuse it. Burnham-on-Crouch Town Council had objected on the grounds of it being an obtrusive feature, but this was not felt to be a sustainable reason for refusal.

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.
3 The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application.

POSITIVE AND PROACTIVE STATEMENT
Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

96. OUT/MAL/16/00223 - LAND REAR OF 106 AND 108 NIPSELLS CHASE, MAYLAND

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.
Following the Officer’s presentation of the report, Mr Mason, speaking on behalf of the Applicant, addressed the Committee.

Councillor M W Helm, a Ward Member, disagreed with the Officer’s recommendation as he felt it was possible to place conditions on any approval given. The family making the application had lived in the area for many years and should not be forced out of the area due to refusal of planning permission. Councillor Helm proposed that this application be approved contrary to the Officer’s recommendation. This proposal was duly seconded.

Members debated this application and considered that the size of the site was much clearer than it had been in the original application and was more acceptable. There was an existing road in the location with several houses which meant that the issue of access could be addressed.

In response to a question, the Interim Development Management and Enforcement Manager confirmed that this was not a brownfield site.

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

1. The development shall be carried out in accordance with plans and particulars relating to the layout and the means of access to the site and the landscaping, appearance, scale and 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 three years from the date of this permission.

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. 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.

5. 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.

6 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.

8 Notwithstanding the details submitted with this application, no development shall commence, other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

(i) a survey of extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:
a. Human health,
b. Properly (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
c. Adjoining land;
d. Groundwater and surface waters;
e. Ecological systems;
f. Archaeological sites and ancient monuments

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.
No development shall commence, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted in accordance with DEFRA and the Environment Agency’s ‘Model Procedures for the Management of Land Contamination, CLR 11’ and the Essex Contaminated Land Consortium’s ‘Technical Guidance for Applicants and Developers’ and is subject to the approval in writing of the Local Planning Authority.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 14, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 15.

This must be conducted in accordance with DEFRA and the Environment Agency’s ‘Model Procedures for the Management of Land Contamination, CLR 11’ and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 15.

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.

POSITIVE AND PROACTIVE STATEMENT
Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. Furthermore, Members of the planning committee took the decision to grant planning permission as the proposal has been considered acceptable.

97. LDP/MAL/16/00263 - LERMOOS, 32 WEMBLEY AVENUE, MAYLAND

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members’ Update circulated at the Meeting.

<table>
<thead>
<tr>
<th>Application Number</th>
<th>LDP/MAL/16/00263</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Lermoos, 32 Wembley Avenue, Mayland</td>
</tr>
<tr>
<td>Proposal</td>
<td>Proposed mobile home to be used as additional accommodation to the existing dwelling</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mr C Parker</td>
</tr>
<tr>
<td>Agent</td>
<td>Mrs Rebecca Lord - Rebecca Lord Planning</td>
</tr>
<tr>
<td>Target Decision Date</td>
<td>25.05.2016</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Nicola Ward</td>
</tr>
<tr>
<td>Parish</td>
<td>MAYLAND</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Member Call In</td>
</tr>
</tbody>
</table>

Following the Officer’s presentation of the report, the Interim Development Management and Enforcement Manager advised Members that due to time constraints the additional information had not been properly assessed.

Councillor Mrs P A Channer advised that although this item was before the Committee due to Member Call In, she had not received any communication about this. However, she was in support of this Officer’s recommendation.

In response to a question, the Interim Development Management and Enforcement Manager clarified that the mobile home subject to this application was not currently there and that the applicant was applying for a lawful development certificate rather than being required to apply for a grant of planning permission.

**RESOLVED** that the application for a Lawful Development Certificate be **REFUSED** for the following reason:
On the balance of probability, there is insufficient evidence before the council to prove the proposal would meet the definition of a caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968. The information provided does not conclude whether the works required to move the structure has the structural integrity to withstand a lifting operation or further dynamic loads which could occur during transportation. Furthermore, there is a lack of clarity about the relationship between the occupiers of the proposed development and the main dwelling and the level of permanency. The council is unable to confirm that the proposal would not require formal planning permission.

98. FUL/MAL/16/00284 - LAND BETWEEN TIDEWAY FARM AND TIDEWAY LODGE, STEEPLE ROAD, LATCHINGDON

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members’ Update circulated at the meeting.

<table>
<thead>
<tr>
<th>Application Number</th>
<th>FUL/MAL/16/00284</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Land Between Tideway Farm And Tideway Lodge, Steeple Road, Latchingdon</td>
</tr>
<tr>
<td>Proposal</td>
<td>Non-compliance of Condition 6 on approved planning permission FUL/MAL/16/00043</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mrs Lisa Winfield</td>
</tr>
<tr>
<td>Target Decision Date</td>
<td>27.05.2016</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Emily Hall</td>
</tr>
<tr>
<td>Parish</td>
<td>LATCHINGDON</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Departure from the Local Plan 2005</td>
</tr>
</tbody>
</table>

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 11 March 2016.
2. The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
3. Prior to the commencement of the development 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.
4. 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.
5. Prior to the commencement of the development details of the 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.
6. Notwithstanding the details submitted with this application, no development shall commence, other than that required to carry out additional necessary
investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

i. a survey of extent, scale and nature of contamination;

ii. an assessment of the potential risks to:
   a. Human health,
   b. Properly (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
   c. Adjoining land,
   d. Groundwaters and surface waters,
   e. Ecological systems
   f. Archaeological sites and ancient monuments;

iii. an appraisal of remedial options, and proposal of the preferred option(s).

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the Department for Environment, Food and Rural Affairs (DEFRA) and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

7 No development shall commence, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model
Procedures for the Management of Land Contamination, CLR 11'. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition [O2].

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. Furthermore, Members of the planning committee took the decision to grant planning permission as the proposal has been considered acceptable.

99. OTHER AREA PLANNING AND RELATED MATTERS

The Committee considered the report of the Director of Planning and Regulatory Services and Members’ Update on the following matters:
(i) **Appeals Lodged:**

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

**Appeal Start Date:** 22.04.2016  
**Application Number:** FUL/MAL/15/00573 (APP/X1545/W/16/3146670)  
**Site:** C C Leisure Parks, Eastland Meadows Country Park, East End Road, Bradwell-On-Sea  
**Proposal:** Variation of conditions 3 & 4 of planning application FUL/MAL/09/01061 relating to register of owners/occupiers of holiday accommodation and duration of occupancy.  
**Appeal by:** CC Leisure Parks Ltd  
**Appeal against:** Refusal  
**Appeal procedure requested:** Written Representations

**Appeal Start Date:** 22/04/2016  
**Application Number:** OUT/MAL/15/00972 (APP/X1545/W/16/3146480)  
**Site:** Land West Of High House - Green Lane - Burnham On Crouch  
**Proposal:** Two storey four bedroom dwelling  
**Appeal by:** Mr Colin Baker  
**Appeal against:** Refusal  
**Appeal procedure requested:** Written Representations

**Appeal Start Date:** 25/04/2016  
**Application Number:** OUT/MAL/15/00722 (APP/X1545/W/16/3143606)  
**Site:** Land At Brook Lane - Brook Lane - Asheldham  
**Proposal:** Outline application for construction of two 3 bedroom and two 2 bedroom bungalows.  
**Appeal by:** Mr David Hall  
**Appeal against:** Refusal  
**Appeal procedure requested:** Written Representations

**Appeal Start Date:** 25/04/2016  
**Application Number:** OUT/MAL/15/01048 (APP/X1545/W/16/3143492)  
**Site:** Land North East Of, Cobbins Chase, Burnham-On-Crouch  
**Proposal:** 4. No new dwellings  
**Appeal by:** Mr & Mrs K Hawksworth  
**Appeal against:** Refusal  
**Appeal procedure requested:** Written Representations

**Appeal Start Date:** 28/04/2016  
**Application Number:** FUL/MAL/15/00755 (APP/X1545/W/16/3148231)  
**Site:** Land Adjacent 1 Pitt Cottages, Hall Road, Asheldham  
**Proposal:** Proposed construction of two, three bedroom bungalows.  
**Appeal by:** Mr & Mrs Peter Bebbington  
**Appeal against:** Refusal  
**Appeal procedure requested:** Written Representations
Appeal Start Date: 19/05/2016
Application Number: OUT/MAL/15/00824 (APP/X1545/W/16/3146920)
Site: Land Adjacent to The Old School House Southminster Road Mayland
Proposal: Proposed construction of three 2 bedroom cottages
Appeal by: Mr Mark Goodey
Appeal against: Refusal
Appeal procedure requested: Written Representations

Appeal Start Date: 19/05/2016
Application Number: FUL/MAL/15/01190 (APP/X1545/W/16/3148794)
Site: Land At Firth View, Steeple Road, Mayland
Proposal: Demolition of the existing barn and the erection of a new two bedroom bungalow with parking provisions and amenity space.
Appeal by: Mr & Mrs Watson
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:

HOUSE/MAL/15/00933 (Appeal Ref: APP/X1545/D/15/3139783)
Proposal: All windows and doors to be replaced with like for like to three storey dwelling.
Address: 17 Kings Farm Meadow - Tillingham
APPEAL DISMISSED – 12 April 2016
DECISION LEVEL: Delegated

HOUSE/MAL/15/00670 (Appeal Ref: APP/X1545/D/16/3142453)
Proposal: Retrospective planning permission for an outbuilding, used as annexe accommodation with associated decking and balustrading.
Address: 28 Steeple Road - Mayland
APPEAL ALLOWED – 18 April 2016
DECISION LEVEL: Committee (as per Officer recommendation to refuse)

FUL/MAL/15/00141 (Appeal Ref: APP/X1545/W/15/3138852)
Proposal: Removal of Conditions 7 (permanent closure of the existing access) and 12 (the existing dwelling and garage shall be demolished) of approved application FUL/MAL/13/00331 (Replacement detached house and detached garage)
Address: Hazelville Foxhall Road Steeple
APPEAL DISMISSED – 3 May 2016
Decision Level: Committee as per Officer recommendation to refuse

OUT/MAL/15/00831 (Appeal Ref: APP/X1545/A/16/3142043)
Proposal: Outline planning permission for the erection of five detached dwellings including improvements to the existing access road. Including details of means of access and layout with all other matters reserved.
Address: Land Adjacent Romans Farm Chase And Mill Road
APPEAL DISMISSED & COSTS REFUSED – 06 May 2016
Decision Level: Delegated
100. **DELEGATED PLANNING APPLICATIONS**

The Committee raised various questions regarding delegated planning applications and, in particular, on some occasions where a request for an application to come to this Committee either by Members or due to the Parish Trigger had not been forthcoming.

The Interim Development Management and Enforcement Manager advised Members they should be mindful that not all applications activated the Parish Trigger.

It was requested that if there is a conflict between the Planning Department and the Town / Parish Council, then this should be flagged up to Members in any event, even if the Parish Trigger did not apply in bringing the matter to Committee.

The Interim Development Management and Enforcement Manager was asked to report back more fully on this to the Chairman.

101. **EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED** that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

102. **ENFORCEMENT UPDATE**

The Committee received the report of the Director of Planning and Regulatory Services which provided a list of active enforcement cases in the Committee’s area and various cases were discussed. Officers received Member’s recommendations regarding various cases.

There being no further items of business the Chairman closed the meeting at 9.25 pm

R P F DEWICK
CHAIRMAN
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MINUTES of
COMMUNITY SERVICES COMMITTEE
24 MAY 2016

PRESENT

Chairman Councillor R Pratt
Vice-Chairman Councillor Mrs B D Harker
Councillors Miss A M Beale, I E Dobson, M F L Durham, M S Heard, Miss M R Lewis, N R Pudney and Miss S White

103. CHAIRMAN'S NOTICES

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

104. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors B S Beale MBE and A T Cain.

105. MINUTES OF THE LAST MEETING

RESOLVED

(i) that the Minutes of the meeting of the Community Services Committee held on 12 April 2016, be received.

Minute No. 1126 – Apology for Absence
Councillor Miss A M Beale clarified that she had given her apologies for this meeting as recorded, however at the top of the page she had been marked as being present.

Minute No. 1131 – All Saints Primary School Task and Finish Group
Councillor M S Heard commented that Appendix 1 as referred to was not attached to the Minutes. The Chairman confirmed that these were sent out separately. It was agreed that these would be re-circulated for ease of reference.

RESOLVED

(ii) that, subject to the above amendment, the Minutes of the meeting of the Community Services Committee held on 12 April 2016, be approved and confirmed.
106. **DISCLOSURE OF INTEREST**

Councillor M S Heard declared a non-pecuniary interest in Agenda Item 10 – Memorials in Council Owned Spaces, as he had a relative who was memorialised on a bench at the Promenade Park, Maldon.

Councillor Mrs B D Harker also declared a non-pecuniary interest in Agenda Item 10 – Memorials in Council Owned Spaces as she had a relative buried in Maldon Cemetery.

107. **PUBLIC PARTICIPATION**

There was none.

108. **CHAIRMAN'S GOOD NEWS ANNOUNCEMENTS**

The Chairman referred to the following items:

- **Promenade Park, Maldon:**
  - Carter Steam Fair has arrived at Promenade Park for the Half Term Week. A free fireworks display will be happening this Saturday evening (28 May) and the following week Lion TV is filming them at the Promenade for a future Channel 4 documentary.

  The Open Air Cinema at Promenade Park returns on 3 and 4 June, both events are sold out. This event along with the Steam fair was organised by our Tourist Information Office (led by Alexis Brown).

- **Heritage Lottery Fund:**
  - The Council will be attending a funding meeting with the Heritage Lottery Fund on 1 July to discuss a possible ‘Parks for People’ bid to continue the development of the Promenade Park. This follows on from the recent Coastal Communities award of £50,000 to fund investigations around the Hythe in Maldon. These projects are part of our Corporate Plan and are being taken forward in partnership between the Customers & Communities and Planning & Regulatory Services Directorates.

  Councillor Miss M R Lewis requested that a list of all events taking place in the District be circulated to Members. The Leisure, Tourism and Countryside Manager confirmed this would be done.

109. **CUSTOMERS AND COMMUNITIES DIRECTORATE PRESENTATION**

The Director of Customers and Community gave an overview of the Directorate of Customers and Community and detailed the work of the team led by the Group Manager for Customers, Housing and Benefits. The Group Manager for Community and Living and the Leisure, Tourism and Countryside Manager were both present and in turn gave an overview of their areas of work and teams:
In response to a question raised the Leisure, Tourism and Countryside Manager confirmed that a number of factors are considered with regard to whether the Splash Park and the Promenade Park, Maldon was opened. These included regular weather forecast checks, in particular the forecasted temperature and wind speed.

The Leisure, Tourism and Countryside Manager, in response to a question, commented that street signage and flags for the District were currently being considered and that the project would be moved forward as soon as possible.

The Director of Customers and Community provided clarification on the difference between a Highway Ranger, who were funded by Essex County Council but dealt with highway maintenance in the District, and Rangers who were now Community Protection Officers dealing with matters on Council-owned land and open spaces.

Members requested that Essex County Council Highways be approached, via the Economic Prosperity and Tourism Board, in respect of branded bunting being used in the District and in particular within the High Streets in Maldon and Burnham-on-Crouch.

110. APPOINTMENT OF REPRESENTATIVES ON LIAISON COMMITTEES / PANELS

The Committee considered the report of the Chief Executive reminding Members of the existing representatives on Liaison Committees / Panels and for new appointments to be made for 2016 / 17.

It was noted that an additional representative was required for the Maldon Citizens Advice Bureau Liaison Committee and it was agreed subject to confirmation that this be offered to Councillor A S Fluker.

RESOLVED that the following appointments be made for the 2016 / 17 municipal year.

<table>
<thead>
<tr>
<th>Body</th>
<th>2016 / 17 Representative(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Affordable Housing Delivery Board and Housing Services Board (Moat)</td>
<td>Councillors B S Beale MBE, Mrs B D Harker, R Pratt and N R Pudney</td>
</tr>
<tr>
<td></td>
<td>Substitute: Not appointed</td>
</tr>
<tr>
<td>Brickhouse Farm Management Committee</td>
<td>Councillors A T Cain and Mrs B D Harker</td>
</tr>
<tr>
<td>Car Parking Task and Finish Working Group</td>
<td>Councillors A T Cain, I E Dobson, M F L Durham, Mrs B D Harker, R Pratt and N R Pudney</td>
</tr>
<tr>
<td>(Minute 588 – 17/11/15)</td>
<td></td>
</tr>
<tr>
<td>Body</td>
<td>2016 / 17 Representative(s)</td>
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<tr>
<td>-----------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Cemeteries Working Group</td>
<td>Councillors M F L Durham, R Pratt and N R Pudney</td>
</tr>
<tr>
<td>Economic Prosperity and Tourism Working Group</td>
<td>Councillors M F L Durham, Mrs B D Harker, R Pratt and Miss S White</td>
</tr>
<tr>
<td>(Minute 974 -08/04/14)</td>
<td>(plus representatives from the Finance &amp; Corporate Services and Planning &amp; Licensing Committees)</td>
</tr>
<tr>
<td>Health and Wellbeing Partnership Group</td>
<td>Chairman or Vice-Chairman of the Community Services Committee</td>
</tr>
<tr>
<td>(01/09/15)</td>
<td>Substitute: Leader of the Council</td>
</tr>
<tr>
<td>Leisure Contract Task and Finish Group</td>
<td>Councillors M F L Durham, Miss M R Lewis and R Pratt</td>
</tr>
<tr>
<td>(22/11/11 – Minute 481 refers)</td>
<td>(plus representatives from the Finance &amp; Corporate Services Committee)</td>
</tr>
<tr>
<td>Maldon Citizens Advice Bureau Liaison Committee</td>
<td>Councillors I E Dobson, A S Fluker (to be confirmed) and R Pratt</td>
</tr>
<tr>
<td>Maldon District Museum Liaison Committee</td>
<td>Councillors M S Heard and Miss M R Lewis</td>
</tr>
<tr>
<td>Parish Clerk’s Forum</td>
<td>Chairman of the Community Services Committee</td>
</tr>
<tr>
<td></td>
<td>Substitute: Vice-Chairman of the Community Services Committee</td>
</tr>
<tr>
<td>Places for People Liaison Committee</td>
<td>Councillors M F L Durham and R Pratt</td>
</tr>
<tr>
<td></td>
<td>Substitute: Councillor Mrs B D Harker</td>
</tr>
<tr>
<td>Strengthening Community Member Task and Finish Working Group</td>
<td>Councillors M F L Durham and R Pratt</td>
</tr>
<tr>
<td>(Minute 710 -17/12/15)</td>
<td>(plus representatives from the Finance &amp; Corporate Services and Planning &amp; Licensing Committees)</td>
</tr>
</tbody>
</table>
111. PROMENADE PARK, MALDON - ARRANGEMENTS FOR MALDON MUD RACE 2016

The Committee considered the report of the Director of Customers and Community outlining the options for the control of parking and the income share for parking charges for the Promenade Park, Maldon during the Maldon Mud Race 2016.

The report detailed that the Maldon Mud Race 2016 in Promenade Park on 1 May 2016. In 2014 and 2015 Members had agreed to limit the donation from the car parking income to coincide with the times of the event and that income be shared on a 50:50 split of the car park fees taken.

Members agreed that the parking income for 2016 and 2017 be shared on a 50:50 basis with the Maldon Mud Race Ltd, however would like it reviewed annually and therefore the reference to 2018 be removed from the recommendation to the Finance and Corporate Services Committee.

RESOLVED

(i) that Members note that control of the vehicular access to Promenade Park, Maldon was given to the Maldon Mud Race Ltd for the duration of the Maldon Mud Race 2016.

(ii) that control of the vehicular access to Promenade Park, Maldon is given to the Maldon Mud Race Ltd for the duration of the Maldon Mud Race 2017.

(iii) that the Finance and Corporate Services Committee be recommended to agree that the car parking income received on the day of the Maldon Mud Race 2016 between the times of 10:00am and 2:00pm be shared on a 50:50 basis with the Maldon Mud Race Ltd;

(iv) that the Finance and Corporate Services Committee be recommended to agree that the car parking income received two hours before and after the start of the Maldon Mud Race in 2017 and 2018, is shared on a 50:50 basis with the Maldon Mud Race Ltd.
112. MEMORIALS IN COUNCIL OWNED OPEN SPACES

The Committee considered the report of the Director of Customers and Community highlighting the need to consider options for the control and installation of memorials and commemorations in all Council owned Open Space including Cemeteries.

The report provided details on the services currently offered in the Council-owned cemeteries and open spaces. Options for additional services were provided for Members consideration.

Members were in support of a policy document as they felt it would provide clearer guidance and control.

In response to a point raised the Leisure, Tourism and Countryside Manager confirmed that under the current scheme memorial benches were guaranteed for ten years and the maintenance was carried out by Maldon District Council.

RESOLVED

(i) that the sale of memorial benches in all of the Council’s open spaces is suspended until November 2016;

(ii) that Officers investigate additional options for memorial / legacy Schemes for the Council’s Open Spaces and report back to Committee;

(iii) that Officers prepare a policy document for memorials and commemorations for the Council’s Open Spaces and Cemeteries and present this to the Community Services Committee.

113. PROGRESS IN MEETING THE NATIONAL GOLD STANDARD FOR THE PREVENTION OF HOMELESSNESS

The Committee considered the report of the Director of Planning and Regulatory Services introducing improvements that demonstrated the Council’s corporate commitment to prevent homelessness with best practice recognised by the Government’s National Practitioner Support Service.

The report provided a background on the Government’s Gold Standard which was introduced to develop the most effective, value for money services, in recognition of the fact that prevention for homelessness was better than cure, especially at a time when the demand for affordable housing was increasing to a level where it was difficult for many local housing authorities to meet their statutory duties.

RESOLVED

(i) that regular reports are provided to the Community Services Committee (no less than once every six months) on the progress of the Homelessness Strategy’s action plan, local trends, examples of joint work with other services and partners to ensure best use of resources; and
(ii) that a draft replacement strategy is presented to this Committee for approval before the end of the year to be endorsed by the Chairman of this Committee.

114. REPLACEMENT VAN FOR THE WASTE AND STREET SCENE TEAM

The Committee considered the report of the Director of Customers and Community requesting that the capital programme scheduled for 2017 / 18 be brought forward to purchase a replacement van for the Waste and Street Scene Team.

The report detailed that on 1 April 2016 the Waste Away panel van was being driven by a council officer when smoke started to come from the engine. The van was eventually examined by a local commercial garage and it was confirmed that the van had a mechanical fault (the engine is damaged beyond repair). The van was 14 years old and was before the mechanical failure coming to the end of its useful economic life. Since the fault the waste team have had to hire a van at a cost of £535 a month.

The replacement van was due to be considered by Members as part of the 2017 / 18 capital programme (£12,000). However, given the current circumstances, it would be more cost effective to bring forward the capital programme now rather than spending any more money to hire a van.

RESOLVED

(i) that Members agree to bring forward the capital programme to 2016 / 17 to replace the panel van currently used by the Waste and Street Scene team.

(ii) that the Council (via recommendation from the Finance and Corporate Services Committee) agree that a capital programme of £12,000 is established for 2016 / 17, which will be funded by the underspend in the capital programme established for the waste contract.

There being no further items of business the Chairman closed the meeting at 8.59 pm

R PRATT
CHAIRMAN
PRESENT

Chairman  Councillor B E Harker
Councillors  A T Cain, Mrs B D Harker, M S Heard, Miss M R Lewis, S J Savage and Rev. A E J Shrimpton
Ex-Officio Non-Voting Member  Councillor Mrs P A Channer CC
In Attendance  Councillors H M Bass and Mrs M E Thompson

115. CHAIRMAN'S NOTICES

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

116. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors I E Dobson, M R Pearlman and C A R MacKenzie.

117. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 20 April 2016 be approved and confirmed.

118. DISCLOSURE OF INTERESTS

Councillor M S Heard declared a non-pecuniary interest in the following items:
- Agenda Item 8 - FUL/MAL/16/00211 – Greyruffle 63a High Street, Maldon as he knew the applicant.
- Agenda Item 13 - HOUSE/MAL/16/00355 – 2 Fambridge Close, Maldon as he knew the agent.

Councillor Rev. A E J Shrimpton declared a non-pecuniary interest in the following items:
- Agenda Item 10 - FUL/MAL/16/00315 - McDonalds Fullbridge Maldon.
- Agenda Item 11 - ADV/MAL/16/00316 - McDonalds Fullbridge Maldon.
Councillor Mrs P A Channer CC declared a non-pecuniary interest in any items pertinent to Essex County Council as she was a Member of the County Council who were consulted on matters such as highways and education.

119. MEMBERS' BRIEFING

The Chairman advised that there would not be a briefing tonight.

120. FUL/MAL/16/00125 - SADDS WHARF, STATION ROAD, MALDON

<table>
<thead>
<tr>
<th>Application Number</th>
<th>FUL/MAL/16/00125</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Sadds Wharf Station Road Maldon Essex</td>
</tr>
<tr>
<td>Proposal</td>
<td>Variation of condition 3 on approved planning permission RES/MAL/11/00517 (Mixed use development comprising housing (mix of 1, 2 and 3 bedroomed apartments and houses), office accommodation (Class B1 of the Town and Country Planning Use Classes Order) and leisure accommodation (Classes A3, A4, A5 and D1 of the Town and Country Planning Use Classes Order). Reason: To improve the functionality and appearance of the approved development.</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mr J Ciffer - Baltic Consortium</td>
</tr>
<tr>
<td>Agent</td>
<td>Mr Richard Moffat - Lambert Smith Hampton</td>
</tr>
<tr>
<td>Date Valid</td>
<td>24 February 2016</td>
</tr>
<tr>
<td>Target Date</td>
<td>25 May 2016</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Rebecca Greasley, TEL: 01621 875805</td>
</tr>
<tr>
<td>Parish</td>
<td>MALDON NORTH</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Major Application</td>
</tr>
</tbody>
</table>

The Committee considered the report of the Director of Planning and Regulatory Services and determined the above application taking into account all representations and consultation replies received.

Following the Officer's presentation Mr Moffat, the agent, addressed the Committee.

In response to a question the Interim Development Management and Enforcement Manager confirmed that there were no additional residential units being proposed in the development.

RESOLVED that the application be APPROVED subject to a deed of variation applying the provisions of the Section 106 Agreement and to the following conditions:

1. The development shall be carried out in accordance with the details and samples of external materials approved in the letter from the Council dated 17 July 2014, the development must be carried out in accordance with the approved details.

2. The treatment of the internal roads and footways shall be carried out in accordance with the details submitted and approved in the letter from the Council dated 30 May 2014, and shall be implanted prior to the first occupation of the development.
Subject to the requirements of any of the aforementioned conditions the reserved matters hereby approved shall be carried out in accordance with the following approved plans:

- 0207222/FP00/RevB
- 0207222/FP01/RevA
- 0207222/FP02/RevA
- 0207222/FP03/RevA
- 0207222/FP04/RevA
- 0207222/FP05/RevA
- 0207222/FP06/RevA
- 0207222/FP07/RevA
- 0207222/FP08/RevA
- 0207222/FP09/RevA
- 0207222/FP10/RevA
- 0207222/FP11/RevA
- CKA15-040- A16
- 0207222/FP13/RevA
- 0207222/FP14/RevA
- 0207222/FP15/RevA
- 0207222/FP16/RevA
- 0207222/FP17/RevA
- 0207222/FP18/RevA
- 0207222/FP19/RevA
- 0207222/FP20/RevA
- 0207222/FP21/RevA
- 0207222/FP22/RevB
- 0207222/FP23/RevB
- 0207222/FP24/RevB
- 0207222/FP25/RevA
- 0207222/FP26/RevA
- 0207222/FP27/RevA
- 0207222/FP28/RevA
- 0207222/FP29/RevA
- 0207222/FP30
- CKA15-040 –A04
- CKA15-040 -A16
- 0207222/FP32/RevA
- 0207222/FP33/RevA
- 0207222/FP34/RevA

POSITIVE AND PROACTIVE STATEMENT
Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

121. RES/MAL/16/00285 - SADDS WHARF, STATION ROAD, MALDON

<table>
<thead>
<tr>
<th>Application Number</th>
<th>RES/MAL/16/00285</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Sadds Wharf Station Road Maldon Essex</td>
</tr>
<tr>
<td>Proposal</td>
<td>Variation of condition 3 on approved planning permission RES/MAL/11/00517 amending the position and detail of the fenestration, design of railings, colour of brickwork and details of the panels.</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mr J Ciffer - Baltic Consortium</td>
</tr>
<tr>
<td>Agent</td>
<td>Mr Richard Moffat - Lambert Smith Hampton</td>
</tr>
<tr>
<td>Date Valid</td>
<td>16 March 2016</td>
</tr>
<tr>
<td>Target Date</td>
<td>15 June 2016</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Rebecca Greasley, TEL: 01621 875805</td>
</tr>
<tr>
<td>Parish</td>
<td>MALDON NORTH</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Major Application Parish Trigger</td>
</tr>
</tbody>
</table>

The Committee considered the report of the Director of Planning and Regulatory Services and determined the above application taking into account all representations and consultation replies received.
Following the Officer’s presentation Mr Moffat, the agent, addressed the Committee.

A debate ensued in respect of the proposed design of the railings. Councillor M S Heard proposed that the application be refused contrary to officer recommendation. This was duly seconded and on a vote taken declared lost.

**RESOLVED** that the application be **APPROVED** subject to a deed of variation applying the provisions of the Section 106 Agreement and to the following conditions:

1. The development shall be carried out in accordance with the details and samples of external materials approved in the letter from the Council dated 17 July 2014, the development must be carried out in accordance with the approved details.

2. The treatment of the internal roads and footways shall be carried out in accordance with the details submitted and approved in the letter from the Council dated 30 May 2014, and shall be implanted prior to the first occupation of the development.

3. Subject to the requirements of any of the aforementioned conditions the reserved matters hereby approved shall be carried out in accordance with the following approved plans:

<table>
<thead>
<tr>
<th>Plan Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>0207222/FP00/RevB</td>
</tr>
<tr>
<td>0207222/FP01/RevA</td>
</tr>
<tr>
<td>0207222/FP02/RevA</td>
</tr>
<tr>
<td>0207222/FP03/RevA</td>
</tr>
<tr>
<td>0207222/FP04/RevA</td>
</tr>
<tr>
<td>0207222/FP05/RevA</td>
</tr>
<tr>
<td>0207222/FP06/RevA</td>
</tr>
<tr>
<td>0207222/FP07/RevA</td>
</tr>
<tr>
<td>0207222/FP08/RevA</td>
</tr>
<tr>
<td>0207222/FP09/RevA</td>
</tr>
<tr>
<td>0207222/FP10/RevA</td>
</tr>
<tr>
<td>0207222/FP11/RevA</td>
</tr>
<tr>
<td>CKA15-040 A04</td>
</tr>
<tr>
<td>0207222/FP13/RevA</td>
</tr>
<tr>
<td>0207222/FP14/RevA</td>
</tr>
<tr>
<td>0207222/FP15/RevA</td>
</tr>
</tbody>
</table>

**POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 – Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
The Committee considered the report of the Director of Planning and Regulatory Services and determined the above application taking into account all representations and consultation replies received.

**FUL/MAL/16/00211**:

**RESOLVED** that the 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 plans which are attached to and form part of this permission and the submitted detailed specifications.
3. The occupiers of the first and second floor of 60 High Street shall only be the owners / proprietors of the ground floor A3 unit hereby permitted and by no other persons.
4 The A3 use hereby permitted shall only be undertaken between 1000 hours and 0000 hours on weekdays and Saturdays and between 1100 hours and 2330 hours on Sundays and Bank Holidays.

5 No development shall commence until large scale drawings [1:10] have been submitted to show the new window frame, including sections [1:2] through the head, jamb, cill and glazing bars, of the window on the west elevation at ground floor as shown on drawing no. 7A. The details shall be submitted to and approved in writing by Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

6 All external joinery shall be in timber with a painted finish and shall be retained as such thereafter.

7 The roof lights shown on drawing number 7A shall be of a conservation style, black painted, cast metal type, shall not protrude above the tile line or the roof plane and shall be retained as such thereafter.

**POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing with the Applicant/Agent. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

**LBC/MAL/16/00212:**

RESOLVED that Listed Building Consent be **GRANTED** 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 plans which are attached to and form part of this listed building consent and the submitted detailed specifications.

3 No development shall commence until large scale drawings [1:10] have been submitted to show the new window frame, including sections [1:2] through the head, jamb, cill and glazing bars, of the window on the west elevation at ground floor as shown on drawing no. 7A. The details shall be submitted to and approved in writing by Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

4 All external joinery shall be in timber with a painted finish and shall be retained as such thereafter.

5 The roof lights shown on drawing number 7A shall be of a conservation style, black painted, cast metal type, shall not protrude above the tile line or the roof plane and shall be retained as such thereafter.
The Committee considered the report of the Director of Planning and Regulatory Services and determined the above application taking into account all representations and consultation replies received.

Following the Officer’s presentation Mrs Bickerstaff, the agent, addressed the Committee.

Concern was raised in respect of the small levels of amenity space and that this fell below the Council’s policy H8 stating that the provision of a minimum of 25sqm of amenity space should be provided.

In response to a question raised the Interim Development Management and Enforcement Manager confirmed that the table referred to in paragraph 3.1.1 of the report contained the correct details regarding residential units, and those in paragraph 5.7.1 was incorrect.

Councillor S J Savage proposed that the application be approved as per the officer recommendation. This was duly seconded and upon a vote take declared lost. The Chairman then requested a vote in respect of refusing the application contrary to officer recommendation. This was carried.

The Interim Development Management and Enforcement Manager asked for clarification whether the Committee were minded to approve the application for Listed Building Consent as this purely related to works being carried out on a listed building and not specific details of the work, which would have to be part of a separate planning application. This was duly agreed.

FUL/MAL/16/00279:

RESOLVED that the application be REFUSED for the following reason:

1 The development, due to the quantum of development proposed, would have a contrived and restricted amenity space that would fail to provide an appropriate level of private amenity space for the individual units, to the detriment of the
living conditions of the future occupiers, contrary to policy BE1 of the Maldon District Replacement Local Plan and D1 of the submitted Local Development Plan and Government guidance contained within the National Planning Policy Framework.

**POSITIVE AND PROACTIVE STATEMENT**


The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal. Furthermore, Members of the planning committee which took the decision to refuse planning permission have been asked to consider whether there are opportunities to amend the development to address this harm. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

**LBC/MAL/16/00280:**

**RESOLVED** that Listed Building Consent be **GRANTED** 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. Prior to the commencement of development, detailed drawings of all new windows and doors, illustrating sections at 1:2 and elevations at 1:10, shall be submitted to and agreed in writing by the Local Planning Authority. Development should be carried out in accordance with the approved details and retained as such thereafter.
4. Prior to the commencement of development, details of the boundary treatments shall be submitted to and agreed in writing by the Local Planning Authority. Development should be carried out in accordance with the approved details and retained as such thereafter.
5. Prior to the commencement of development, samples of the bricks to be used for infilling openings, and slate shall be submitted to and agreed in writing by the local planning authority. Development should be carried out in accordance with the approved details and retained as such thereafter.

Councillor A T Cain left the meeting at this point and did not return.
The Committee considered the report of the Director of Planning and Regulatory Services and determined the above application taking into account all representations and consultation replies received.

Following the Officer’s presentation Mrs Cherry Lewis-Taylor, the applicant, addressed the Committee.

RESOLVED that the 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.
3. The external surfaces and fenestration of the development hereby approved shall be constructed of materials and finish as detailed within the application form and retained as such thereafter.
4. The measures for securing the resilience of the development against the effects of a flood event contained within the Flood Resilience and Resistance Statement which was submitted as part of the planning application and forms part of this permission, shall be fully implemented and put in place prior to the first use of the development and retained as such thereafter.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
### ADV/MAL/16/00316 - MCDONALDS, FULLBRIDGE, MALDON

<table>
<thead>
<tr>
<th>Application Number</th>
<th>ADV/MAL/16/00316</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>McDonalds Fullbridge Maldon Essex</td>
</tr>
<tr>
<td>Proposal</td>
<td>Reconfiguration of existing signage suite including the relocation of 3. No existing signs and the installation of 5 new signs.</td>
</tr>
<tr>
<td>Applicant</td>
<td>McDonald's Restaurant Ltd</td>
</tr>
<tr>
<td>Agent</td>
<td>Mrs Sarah Carpenter - Planware Ltd</td>
</tr>
<tr>
<td>Target Decision Date</td>
<td>24 May 2016</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Spyros Mouratidis, TEL: 01621 875841</td>
</tr>
<tr>
<td>Parish</td>
<td>MALDON NORTH</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Parish Trigger</td>
</tr>
</tbody>
</table>

The Committee considered the report of the Director of Planning and Regulatory Services and determined the above application taking into account all representations and consultation replies received.

It was noted from the Members’ Update that there was an alteration to the description of the proposal from “3. No existing signs” to 4. No existing signs”.

Following the Officer’s presentation Mrs Cherry Lewis-Taylor, the applicant, addressed the Committee.

**RESOLVED** that **ADVERTISEMENT CONSENT** application be **GRANTED** subject to the following conditions:

1. The express consent hereby granted shall be for a period of 5 years beginning from the date hereof.
2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
3. No advertisement shall be sited or displayed so as to:
   (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military)
   (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
   (c) hinder the operation of any device used for the purposes of security or surveillance or for the measuring the speed of any vehicle.
4. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
7. The proposed light source shall be so positioned and shielded, in perpetuity, to direct light towards the proposed advertisement sign and away from the Highway.
8. The maximum luminance of the sign shall not at any time exceed the standards contained within the Institution of Lighting Professionals Technical Report.
126. HOUSE/MAL/16/00333 AND LBC/MAL/16/00334 - 44 WANTZ ROAD, MALDON

<table>
<thead>
<tr>
<th>Application Number</th>
<th>HOUSE/MAL/16/00333 and LBC/MAL/16/00334</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>44 Wantz Road Maldon Essex CM9 5DE</td>
</tr>
<tr>
<td>Proposal</td>
<td>Single storey rear extension and internal alterations</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mr S Bottrill</td>
</tr>
<tr>
<td>Agent</td>
<td>Mr M Bajic - Iconico Ltd</td>
</tr>
<tr>
<td>Date Valid</td>
<td>30 March 2016</td>
</tr>
<tr>
<td>Target Date</td>
<td>25 May 2016</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Emily Hall, TEL: 01621 875744</td>
</tr>
<tr>
<td>Parish</td>
<td>MALDON NORTH</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Parish Trigger</td>
</tr>
</tbody>
</table>

The Committee considered the report of the Director of Planning and Regulatory Services and determined the above application taking into account all representations and consultation replies received.

The Officer advised the Committee that revised plans had been submitted by the applicant / agent the day prior to the Committee. As there had not been sufficient time to consider the plans in detail it was agreed that the application be deferred and be brought back to the next meeting of the Central Area Planning Committee.

RESOLVED that the application be DEFERRED to allow officers to consider the revised plans submitted by the applicant / agent.

127. HOUSE/MAL/16/00355 - 2 FAMBRIDGE CLOSE, MALDON

<table>
<thead>
<tr>
<th>Application Number</th>
<th>HOUSE/MAL/16/00355</th>
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<tbody>
<tr>
<td>Location</td>
<td>2 Fambridge Close Maldon Essex CM9 6DJ</td>
</tr>
<tr>
<td>Proposal</td>
<td>Single storey side extension</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mr &amp; Mrs J Anderson</td>
</tr>
<tr>
<td>Agent</td>
<td>Terence Wynn</td>
</tr>
<tr>
<td>Date Valid</td>
<td>21 March 2016</td>
</tr>
<tr>
<td>Target Date</td>
<td>16 May 2016</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Nicola Ward, TEL: 01621 875864</td>
</tr>
<tr>
<td>Parish</td>
<td>MALDON SOUTH</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Previous Committee Decision Parish Trigger</td>
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</table>

The Committee considered the report of the Director of Planning and Regulatory Services and determined the above application taking into account all representations and consultation replies received.
Following the Officer’s presentation Mr Wynn, the agent, addressed the Committee.

In response to comments made the Interim Development Management and Enforcement Manager clarified that the proposed development would appear dominant and out of character with the area.

Some Members felt that the proposed development was an improvement on the design of the existing dwelling.

The Chairman put the officer recommendation of refusal to the Committee. Upon a vote taken this was not agreed. A vote was then taken on approving the application contrary to officer recommendation. This was agreed.

**RESOLVED** that the 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.
3. The external surfaces of the extension hereby approved shall be constructed of materials and of a finish which match those of the existing building.

**POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. Furthermore, Members of the planning committee took the decision to grant planning permission as the proposal has been considered acceptable.

**128. HOUSE/MAL/16/00356 - 67 SPITAL ROAD, MALDON**

<table>
<thead>
<tr>
<th>Application Number</th>
<th>HOUSE/MAL/16/00356</th>
</tr>
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<tbody>
<tr>
<td>Location</td>
<td>67 Spital Road Maldon Essex CM9 6EA</td>
</tr>
<tr>
<td>Proposal</td>
<td>First floor extension to bungalow and single storey rear extension</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mr &amp; Mrs McCafferty</td>
</tr>
<tr>
<td>Agent</td>
<td>Mr Brian White</td>
</tr>
<tr>
<td>Date Valid</td>
<td>21 March 2016</td>
</tr>
<tr>
<td>Target Date</td>
<td>16 May 2016</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Nicola Ward, TEL: 01621 875864</td>
</tr>
<tr>
<td>Parish</td>
<td>MALDON NORTH</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Parish Trigger</td>
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The Committee considered the report of the Director of Planning and Regulatory Services and determined the above application taking into account all representations and consultation replies received.
Comments were made in respect of the character of Spital Road being extremely varied and therefore refusal on the basis of the proposed development being out of character with the area would be inappropriate.

The Interim Development Management and Enforcement Manager drew Members attention to the proposed development being overbearing to the neighbouring property and in response to a point raised reminded Members the lack of objections from neighbouring properties should not be used as a material consideration.

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

1. The proposed development by reason of its style and design, including a number of unresolved design features, would result in a contrived and incongruous top heavy form of development, that is out of character with the existing dwelling and the character and appearance of the area, contrary to adopted Maldon District Replacement Local Plan policies BE1 and BE6 and policy D1 of the submitted Local Development Plan and Government guidance contained within the National Planning Policy Framework.

2. The proposed development due to its, siting, depth, design and dormer windows would result in an unneighbourly form of development. Due to its oppressive and dominate relationship with the adjoin dwelling and the perceived and actual overlooking the development would be to the determent of the amenity of the neighbouring residents contrary to adopted Maldon District Replacement Local Plan policies BE1 and BE6 and policy D1 of the submitted Local Development Plan and Government guidance contained within the National Planning Policy Framework.

**POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

**129. OTHER AREA PLANNING MATTERS**

(i) **Appeals Lodged** – None.
(ii) **Appeal Decisions:**

RES/MAL/15/00071 (Appeal Ref: APP/X1545/W/15/3129842)
Proposal: Approval of reserved matters relating to the appearance, landscaping, layout and scale as required by Condition 1 and 3 of Outline Planning Permission OUT/MAL/13/00763 which approved demolition of existing buildings and erection of up to 120 residential dwellings with associated vehicular access. This reserved matters application is for 117 dwellings
Address: Land East Of Wycke Hill - Maldon
**APPEAL DISMISSED – 6 May 2016**

130. **EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

131. **ENFORCEMENT UPDATE**

The Committee received the report of the Director of Planning and Regulatory Services which provided a list of active enforcement cases in the Committee’s area and various cases were discussed. Officers received Member’s recommendations regarding various cases.

There being no further items of business the Chairman closed the meeting at 9.50 pm.

B E HARKER
CHAIRMAN
MINUTES of
PLANNING AND LICENSING COMMITTEE
2 JUNE 2016

PRESENT

Chairman
Councillor Mrs P A Channer, CC

Vice-Chairman
Councillor A K M St. Joseph

Councillors
E L Bamford, H M Bass, B S Beale MBE,
R G Boyce MBE, CC, P G L Elliott, Miss M R Lewis,
S J Savage and Mrs M E Thompson

In attendance
Councillors R Pratt and D M Sismey

132. CHAIRMAN'S NOTICES

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

133. APOLOGIES FOR ABSENCE

An apology for absence had been received from Councillor M F L Durham.

134. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 18 April 2016 be approved and confirmed.

135. DISCLOSURE OF INTEREST

Councillor Mrs P A Channer declared a non-pecuniary interest in the following items of business as a Member of Essex County Council.

- Agenda Item 7 – Economic Development Update
- Agenda Item 12 – London Southend Airport – Airspace Change Proposal

She also declared in respect of Agenda Item 13 she was a member of the Kent and Essex Inshore Fisheries and Conservation Authority.
136. PUBLIC PARTICIPATION

There was none.

The Chairman advised that she would be adding a regular item to the agenda to report Good News. She informed the Committee that the Planning Resources Magazine had shortlisted the Planning Development (including major applications) and Enforcement Teams for awards. The Interim Development Management and Enforcement Manager referred to the work put in by the teams and recent changes to structures, processes etc. and thanked Members for their continued support.

137. PLANNING AND REGULATORY SERVICES DIRECTORATE

The Chairman advised that this item of business was on the agenda in error.

138. ECONOMIC DEVELOPMENT UPDATE

The Committee received the report of the Director of Planning and Regulatory Services on Economic Development. It was noted that Economic Development worked towards strengthening and encouraging development of the local economy. It had previously been agreed that a regular report would be submitted to this Committee to update Members and provide an opportunity for feedback and input.

In response to a number of questions, the following information was provided to the Committee:

- **Competing for Growth – Further Growth Deals:**
  - Details of the two proposals submitted to the Department for Communities and Local Government for the next round of Growth Deals would be circulated to all Members.
  - Reference to the Heybridge Causeway regeneration should refer to the Causeway regeneration area. It was requested that Officers confirm that the correct phraseology was being used in relation to the Causeway area.
  - Essex County Council had appointed external consultants to review all projects and access which would be put forward for the next growth fund. Some initial review and feedback was expected in the next week.

- **Coastal Community Fund – Round 4:**
  - It was noted that any planning permission relating to a hub at Heybridge or Tollesbury was not for a physical building, just the signage.
  - In response to a request from the Chairman, the Economic Development, Partnerships and Projects Manager advised that all Coastal Community Fund related documents were already being sent to the Chairman, Vice-Chairman of this Committee along with any substitutes.
Radical Essex – Potential Funding Opportunity:

Radical Essex were proposed the installation of a large scale artistic commission on the Dengie Peninsular. The project would be entirely funding by Radical Essex who would ensure that the artist selection would be through an open and transparent process. Officers were looking to arrange for Radical Essex to give a short presentation to Members to provide further details.

Members requested that the procurement process in respect of the artistic commission be checked by Officers.

Members congratulated Officers on the recent Maldon District Showcase that had taken place, reporting that delegates thoroughly enjoyed the event.

RESOLVED that the contents of the report be noted.

139. APPOINTMENT OF REPRESENTATIVES ON LIAISON COMMITTEES/PANELS

The Committee considered the report of the Legal and Democratic Services Manager reminding Members of the existing representatives on Liaison Committees / Panels and for new appointments to be made.

The following information was provided to the Committee in response to questions raised:

- the Bradwell Power Station Working Party was in existence although did not meet that regularly. The Chairman provided some background regarding this Working Party and suggested that the Terms of Reference for the Bradwell Power Station Working Party be reviewed;
- the Membership of the Planning Policy Panel would be clarified as to whether there should be six or seven Members;
- clarification would be provided in writing regarding substitutes on Working Parties, the Planning Policy Panel etc.

RESOLVED that the following appointments be made subject to the above further clarification:

<table>
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<td>2016 / 17</td>
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<tr>
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</tr>
</tbody>
</table>
| Bradwell Power Station Working Party (politically balanced)           | Conservative Group: Councillors H M Bass, R G Boyce MBE, CC, P G L Elliott and Mrs M R Lewis  
|                                                                      | Independent Group: Councillor B S Beale MBE Chairmen and Vice-Chairman of the Planning and Licensing Committee and Ward Member for Bradwell-on-Sea |
| Building Control Member Task and Finish Working Group                | Chairman and Vice-Chairman of the Planning and Licensing Committee  
|                                                                      | Councillors E L Bamford, H M Bass and B S Beale MBE                       |
| Economic Prosperity and Tourism Working Group (Minute1008 – 16/04/14)| Councillors B S Beale MBE and Mrs P A Channer CC  
|                                                                      | (plus representatives from the Finance & Corporate Services and Community Services Committees) |
| Member representative for Heritage and Design                         | Chairman of the Planning and Licensing Committee                         |
| Planning Policy Panel (Six Members of the Committee – politically balanced) | Conservative Group: Councillors E L Bamford, Mrs P A Channer, CC, P G L Elliott, Miss M R Lewis, S J Savage and Mrs M E Thompson  
|                                                                      | Independent Group: Councillor B S Beale MBE                                      |
| Strengthening Community Member Task and Finish Working Group (Minute 710 -17/12/15) | Councillors H M Bass and E L Bamford  
|                                                                      | (plus representatives from the Finance & Corporate Services and Planning & Licensing Committees) |

140. TERMS OF REFERENCE AND SCHEME OF DELEGATION UPDATE - TEMPORARY ROAD CLOSURES

The Committee received the report of the Director of Planning and Regulatory Services seeking Members’ consideration to a change to the Scheme of Delegation in respect of the making of orders for the temporary road closures for community and local events.
The report set out a number of revisions to various Schemes of Delegation alongside Committee Terms of Reference following implementation of the recent senior management restructure.

**RECOMMENDED** that the power to approve temporary road closures and the making of orders under section 21 of the Town Police Clauses Act 1847 is transferred from the Planning and Licensing Committee (to Environment Services Manager) to the Community Services Committee and exercisable by the Director of Customers and Community.

### 141. PERFORMANCE MONITORING - VALIDATION OF PLANNING APPLICATIONS

The Committee considered the report of the Director of Planning and Regulatory Services seeking Members’ consideration of the recommendation by Overview and Scrutiny Committee on 10 February 2016 in respect of setting targets for the validation of ‘planning’ applications.

It was noted that monitoring validations of planning applications was a useful mechanism to assess pressure points to measure resource issues, identify the level of customer service provided and the number of applications validated at the first attempt thereby giving an indication as to the quality of applications submitted.

Councillor Mrs P A Channer declared an interest in this item of business as she was a member of the Overview and Scrutiny Committee.

A number of concerns and questions were raised regarding the recommendations as set out in the report and particular concerns related to:

- whether a target or percentage was being sought.
- using the validation process as a Key Performance Indicator.
- whether acknowledgement dates should be used for targets rather than validation dates.

The Interim Development Management and Enforcement Manager provided Members with details of the validation process, limitations in respect of providing validation figures and the work done by Officers to reduce backlog as reflected in performance statistics for 2015 / 16 as this impacted application determination deadlines.

The Chairman referred to the ‘good news’ that the Development Management team had over performed / achieved the target set for determination of Planning applications.

In response to a question the Chairman referred Members to the recommendation from the Overview and Scrutiny Committee that:

“the Planning and Licensing Committee consider a report regarding the suggested validation target dates of five days for minor / other applications and ten days for major applications.”

Councillor R G Boyce proposed that the Committee note the report pending further clarity. This was agreed.
RESOLVED that the report be noted and further clarification provided in respect of
the points noted above relating to performance monitoring – validation of planning
applications.

142. SETTING FEES FOR THE MALDON DISTRICT DESIGN REVIEW PANEL

The Committee considered the report of the Director of Planning and Regulatory
Services seeking agreement for an appropriate fee to be charged to developers /
applicants for a design review of development proposals to be undertaken by the
Maldon District Design Review Panel. Members were also requested to consider
granting delegated powers to the Director of Planning and Regulatory Services and
Director of Resources to authorise an appropriate fee for additional specific requests
for advice from the Maldon District Design Review Panel on development proposals.

The report provided background information regarding the setting up of the Maldon
District Design Review Panel. Following a recent tender process Design South East
had been appointed to manage the Maldon District Design Review Panel (the Panel).
The Design Review Panel would provide a design review service to assess proposals
for development across the District. Details of the purpose of the Panel were set out in
the report.

An addendum to the report was circulated and this proposed a number of changes to
the recommendations as set out in the report. Officers advised that these changes were
to allow additional flexibility to the fees set depending on the scheme.

A lengthy debate ensued during which a number of concerns and questions were
raised and various information provided, including:

- the figure of £4,450 was the fee required for the design panel to sit for a days
  meeting.
- details relating to the setting up to the Design Review Panel (DRP) had
  previously considered by both this Committee and the Planning Policy Panel.
  Establishment of a DRP was recommended good practice from national
  guidance.
- the potential use of the DRP by applicants, was questioned, especially those
  for major applications when specialist architects etc. were likely to have been
  employed directly by the developer. It was confirmed that use of the panel
  would be entirely voluntary.
- the proposed amendment to the recommendation set out in the addendum
  sought to give more flexibility in terms of charging fees and therefore the size
  of an applicant would be reflected in the fees.
- it was felt that the Council could provide a better service by signposting
  applicants to the DRP, advocating its use but without the Council having to
  spend monies in managing it, setting fees etc.
- reference was made to a Maldon District Design Guide and how if one had
  been developed this would help applicants in respect of acceptable designs.
  Concerns were raised to how those persons on the DRP would come to an
  agreement on design. The Strategic Housing Manager advised that the
  Council was working on a supplementary planning document for design as a
design guide and the DRP would help implement the design guide once in place.

- Members were advised that findings of the DRP would be a matter to be taken into account and support refusal of a planning application if several design problems were highlighted.
- Concerns regarding the charges that the Council may apply and that the DRP should be at no cost to the Authority. The Strategic Planning Manager advised that Officer involvement would be minimal and highlighted the minimal work that would be involved. Members were reminded that the DRP had been set up and a launch event taken place.

Following further debate and in light of the concerns raised, the Chairman suggested that the recommendation be amended to read that the Chairman of the Planning & Licensing Committee and Finance & Corporate Services Committee in consultation with the Director of Planning and Regulatory Services and Director of Resources discuss a way forward. This was not supported.

A number of further questions were raised and the Strategic Planning Manager provided the following information in response:

- Deliberations of the DRP could be a material consideration in a planning application.
- As part of the setting up process for the DRP contracts with the panel members would have been put in place.

It was agreed that the Strategic Planning Manager would seek further clarification in relation to the contracts in place between the Council and the DRP and feedback accordingly to Members.

Councillor E L Bamford proposed that the Chairman of the Planning & Licensing Committee and Finance & Corporate Services Committee look in detail at the setting up of the panel, setting up of the design review process and ongoing management of the panel. This proposal was not supported.

Councillor Miss M R Lewis then proposed that the recommendation for an approach to charging not be accepted but that the Council creates a suite of documents to be made available to applicants, and that applicants be signposted to the Design Review Panel should the Council wish to recommend advice to a developer, with it clearly stated that the Panels advice was not binding. This proposal was duly seconded. Following further discussion the Chairman put the proposal in the name of Councillor Miss Lewis to the Committee and upon a vote being taken this was agreed.

RESOLVED that Finance and Corporate Services Committee consider recommending to the Council that it creates a suite of documents to be made available to applicants, and that applicants be signposted to the Design Review Panel should the Council wish to recommend advice to a developer, with it clearly stated that the Panels advice was not binding.

Councillor D M Sismey joined the meeting during this item of business.
The Committee received the report of the Director of Planning and Regulatory Services notifying Members of the consultation undertaken by London Southend Airport (LSA) which proposed changes to routes for aircraft departing from the airport. It was noted that the Chairman and Vice-Chairman of the Committee had agreed a response to the consultation (attached at Appendix 1 to the report) due to the deadline for response.

Councillor Mrs P A Channer declared an interest in this item of business as she lived in Althorne.

The report set out the proposed changes set out in the consultation document and provided detailed information on the following three areas which overflew the Maldon District.

- Runway 23 Departures via CLN (Annex B to Part B)
- Runway 05 Departures via EVNAS – LAM (Annex D to Part B)
- Runway 05 Departures via CLN (Annex E to Part B)

Appendices 2 – 4 provided further graphical information in respect of the above three areas.

Councillor P G L Elliott as the Council’s representative on the Southend Airport Consultative Committee provided Members with additional information.

Following a lengthy debate during which a number of concerns were raised it was agreed that the summary be noted with an additional comment to state that the Council did not wish low flying aircraft over the District which was a tranquil area.

RESOLVED that the summary of the London Southend Airport ‘Airspace Change Proposal’ and the Council’s response (Appendix 1 to the report) be noted with an additional comment to state that the Council did not wish low flying aircraft over the District which was a tranquil area.

Councillors B S Beale and R Pratt left the meeting at this point and did not return.

The Committee received the report of the Director of Planning and Regulatory Services informing Members of the recent consultation by Marine Management Organisation on the South East Inshore Marine Plan Statement of Public Participation and Sustainability Appraisal Scoping Report. It was noted that the Chairman and Vice-Chairman of the Committee had agreed a response to the consultation (attached at Appendix 1 to the report) due to the deadline for response.

Councillor Mrs P A Channer reiterated that she was a Member of the Kent and Essex Inshore Fisheries and Conservation Authority.
It was noted that the Marine Management Organisation was starting to prepare new Marine Plans for the waters around England including Marine Plan Area 4, South East Inshore which stretched from Felixstowe to near Dover. The Marine Plans would set out priorities and directions for future development within the plan area over a 20 year period.

Councillor A K M St. Joseph raised concern regarding the local accountability of the Marine Management Organisation and the impact their fees had on local businesses. It was agreed that additional comment regarding this would be included in the response.

**RESOLVED** that the summary of the Marine Management Organisation’s consultation documents and the District Council’s response (Appendix 1 to the report), be noted and further comments made regarding the local accountability of the Marine Management Organisation and the impact their fees had on local businesses.

145. **STARTER HOMES REGULATIONS - TECHNICAL CONSULTATION**

The Committee received the report of the Director of Planning and Regulatory Services informing Members of the recent consultation by the Department for Communities and Local Government (DCLG) on Start Homes Regulations. It was noted that the Chairman and Vice-Chairman of the Committee had agreed a response to the consultation (attached at Appendix 1 to the report) due to the deadline for response.

Members were advised that the consultation documents had been produced to inform the drafting of regulations to support the start homes clauses of the Planning and Housing Bill.

Councillor R G Boyce raised some concern relating to persons residing in tied accommodation, such as those linked to agriculture, forestry etc. It was agreed that specific reference to these types of accommodation should be included in the response.

**RESOLVED** the summary of the ‘Technical consultation on Starter Homes Regulations’ and the District Council’s response (Appendix 1 to the report) with additional reference to tied accommodation, such as those linked to agriculture, forestry etc.

146. **EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED** that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.
147. SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT - SUMMARY OF CONSIDERATIONS OF PLANNING POLICY PANEL REGARDING TRAVELLER ALLOCATIONS

The Committee received the report of the Director of Planning and Regulatory Services updating Members on the work of the Planning Policy Panel including progress with the Site Allocations Development Plan Document particularly in relation to potential site allocations for travellers (detailed in Appendix 1 to the report).

In response to questions regarding consultation on potential allocations for traveller sites, the Strategic Planning Manager advised that the consultation would be sent to Parish / Town Councils prior to it becoming publicly available. Members raised further questions regarding the consultation including the timeline for the consultation and in response the Strategic Planning Manager outlined the suggested timetable. There was some discussion and concerns raised about whether the consultation timetable relating to site allocations for travellers could be brought forward.

Following a lengthy discussion, Councillor R G Boyce proposed that Officers be requested to produce consultation documents and information relating to the potential site allocations for travellers by the end of June 2016 (if possible) to go out to consultation in early July. This was duly seconded and agreed.

RESOLVED that the Director of Planning and Regulatory Services be requested to produce consultation documents and information relating to the Site Allocations Development Plan Document in relation to travellers by the end of June 2016 to go out to consultation in early July 2016.

148. OPTIONS FOR THE FUTURE OF BUILDING CONTROL SERVICE

The Committee considered the report of the Director of Planning and Regulatory Services updating Members on progress of the work to consider Maldon District Council being part of the Essex wide Building Control shared service partnership.

A Member seminar had recently taken place, focussing on the financial position, HR and ICT matters and future governance arrangements. Notes of the questions raised by Members were attached as Appendix 1 to the report.

RESOLVED

(i) that the update on options for the future of building control service as set out in the report, be noted;

(ii) that a further meeting of the Building Control Working Group be arranged to take place prior to the Council meeting on 14 July 2016 and Councillors Mrs M E Thompson and Mrs H E Elliott be invited to attend this as previous Members and attendees of the Working Group.
There being no further items of business the Chairman closed the meeting at 10.20 pm.

MRS P A CHANNER, CC
CHAIRMAN
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PRESENT

Chairman Councillor M S Heard
Vice-Chairman Councillor E L Bamford
Councillors H M Bass, Mrs P A Channer, CC, R P F Dewick, M W Helm, N R Pudney and S J Savage

149. CHAIRMAN'S NOTICES

The Chairman welcomed Members to the inaugural meeting of this Committee for the municipal year and made special mention to Councillor N R Pudney. He thanked Councillor A S Fluker (past Chairman of the Committee) and Officers for their work and hoped that the Committee could build on their accomplishments over the last year.

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

150. APOLOGIES FOR ABSENCE

There were none.

151. MINUTES OF THE LAST MEETING

RESOLVED

(i) that the Minutes of the meeting of the Overview and Scrutiny Committee held on 13 April 2016 be received

Minute 1150 – Use of Microphone and Sound Recording Equipment

In response to a question, the Director of Resources clarified that in respect of skeleton minutes prepared only the title was put into the document in advance of the meeting.

It was agreed that the amendment to item 10 of Appendix 1 as set out in this Minute should read “…the Chairman of the Committee will be informed.”. It was noted that Appendix 1 had not been attached to the Minutes in error.
RESOLVED

(ii) that subject to the above amendments, the Minutes of the meeting of the Overview and Scrutiny Committee held on 13 April 2016 be confirmed

152. PUBLIC PARTICIPATION

There was none.

153. DISCLOSURE OF INTEREST

Councillor Mrs P A Channer disclosed a non-pecuniary interest as a Member of Essex County Council particularly in relation to Agenda Items 6 – Presentation on Review of Performance and 9 – 2016 / 17 Work Programme.

154. PRESENTATION ON REVIEW OF PERFORMANCE

The Committee received a presentation from the Performance and Risk Officer providing Members with an overview of performance management. Members noted that without effective performance management the Council would be unable to know whether it was achieving its priorities and react accordingly if items were not on track.

The presentation included:

- the importance of performance management;
- the responsibility of this Committee;
- the difference between performance measures and tracking measures;
- an overview of the Council’s TEN Risk Management system.

The Performance Management Officer advised that she was happy to provide Members with further information or training on a one to one basis, if required.

The Chairman thanked the Performance Management Officer for her informative presentation. He highlighted the Council’s Corporate Goals which had been detailed on the agenda papers and the cross working between this and other Committees of the Council.

155. REVIEW OF PERFORMANCE - QUARTER 4 2015 / 16

The Committee considered the report of the Chief Executive supplying Members with details of performance against targets set for 2015 / 16 and to ensure that progress is being achieved towards the overall corporate goals and the outcomes detailed in the Corporate Plan 2015 - 19. The report also reminded Members that they should challenge the performance / allocation of resources where the Committee felt that the Council’s corporate goals were not being achieved.
Appendix 1 to the report highlighted those activities and indicators / measures, which were behind schedule, at risk, or not on target.

Councillor Mrs P A Channer declared an interest in this item of business particularly in relation to older persons housing as she was a Trustee of an Almshouse Charity.

In response to a number of questions, the following information was provided:

- The Director of Planning and Regulatory Services advised that in respect of progression with the Local Development Plan (LDP) the Council had provided the Planning Inspector with the information he had requested and were awaiting confirmation as to whether he would require any hearings. It was noted that the LDP timescales were published on the Council’s website and the Director of Planning and Regulatory Services agreed to resend these to all Members. It was not clear at this stage if further work was required to update evidence previously submitted.

- Sickness absences detailed were not specific to one Services Directorate. The Chief Executive provided Members with details of the training that the HR team had arranged as part of awareness programmes.

- The Director of Planning and Regulatory Services gave an update regarding providing homes to meet the needs of the aging population and discussions Officers had been undertaking with developers. He agreed to discuss this matter further with Councillor H M Bass outside of the meeting as Councillor Bass had raised a number of queries in relation to provision of life-time homes.

- It was clarified that the Department for Communities and Local Government Housing Needs Assessment Model was reviewed on a half yearly basis to ascertain if the number of affordable housing being delivered was actually meeting the current need. It was suggested that this matter be raised at a future meeting of the Planning and Licensing Committee / Planning Policy Panel.

- The Director of Planning and Regulatory Services agreed to seek a further update on progress of the Older Persons Strategy.

RESOLVED

(i) the performance information for Quarter Four be noted;

(ii) that the Director of Planning and Regulatory Services provide Members with a copy of the Local Development Plan Timetable and an update on progress of the Older Persons Strategy.

(iii) that the Director of Planning and Regulatory Services organise for a report to go before a future meeting of the Planning and Licensing Committee to review the targeted level of affordable housing provision as set out in the draft Local Development Plan.
156. CRITERIA FOR SETTING SCRUTINY WORK PROGRAMME

The Committee received the report of the Director of Resources asking Members to agree a set of criteria to help determine the scrutiny programme for the forthcoming year.

The current terms of reference for the Overview and Scrutiny Committee were attached as Appendix 1 to the report. Although Members could nominate scrutiny topics to review provided that they meet the Terms of Reference of this Committee, it was important for Members to agree a set of criteria for selecting which topics were suitable for scrutiny. Guidance from the Local Government Association (LGA) was attached as Appendix 2 to the report and this provided useful criteria for local authorities to use for prioritising and selecting which topics were suitable for scrutiny.

The Chairman suggested that recommendation (ii) be amended to read “…proposed must not conflict with the criteria listed…”. This was not supported.

Members discussed the report and some concerns were raised regarding the need to change current arrangements with reference being made to the Committee’s Terms of Reference.

Following further discussion, Councillor H M Bass proposed that recommendation (ii) be amended to read “…that any scrutiny topics proposed must should meet most all of the criteria listed in paragraph 3.2…”. This proposal was duly seconded.

There was some discussion about the content of the criteria set out in the report and particular comment raised in relation to the relevance of some. Members were reminded that the criteria had been drawn up following guidance from the Local Government Authority. Following further discussion the Director of Resources suggested that recommendation (i) be amended to read “…set of criteria be used to determine the work programme as highlighted in paragraph 3.2 of the report”. This was duly agreed by the Committee.

The Chairman then put the proposal in the name of Councillor Bass to amend recommendation (ii), duly seconded and upon a vote being taken was agreed.

RESOLVED

(i) that a set of criteria be used to determine the work programme as highlighted in paragraph 3.2 of the report (and set out below);

(ii) that any scrutiny topics proposed should meet most of the criteria listed below before being added to the work programme.

- scrutiny should have an impact and add value;
- there is a positive return on investment from the impact of the work of the scrutiny, with clear measurable outputs and outcomes;
- the topic is of high local importance and reflects the concerns of local people;
- the resources are available that would be required to conduct the review, in terms of manpower and budget;
• it avoids work duplication elsewhere;
• the issue is one that the committee can realistically influence;
• the issue is related to an area where the council, or one of its partners, is not performing well;
• the issue is relevant to all or large parts of the local area;
• the review would benefit the council’s interests.

157. **2016 / 17 WORK PROGRAMME**

The Committee considered the report of the Director of Resources requesting Members agree a work programme for the Municipal Year 2016 / 17.

Attached as Appendix 1 was the Terms of Reference for the Overview and Scrutiny Committee, which detailed that the Committee was responsible for producing an annual work plan to identify topics for review during the year.

The report detailed the scrutiny topics discussed at the Overview and Scrutiny Committee meetings last municipal year and where there was outstanding work to be completed. Members were requested to consider whether these items should be included in the 2016 / 17 work programme taking into account the criteria for scrutiny agreed by the Committee.

Councillor H M Bass advised that he was not happy with the proposed item of scrutiny identified in 2015 / 16 regarding Local Development Plan (LDP) Call in decision and did not feel it met the criteria discussed and agreed by this Committee at the last agenda item. He proposed that this item be omitted from the 2016 / 17 programme of work. This was duly seconded.

Councillor Mrs P A Channer raised an additional item of scrutiny in relation to staff sickness which she felt the Committee should consider in light of the performance report considered earlier on in this meeting. In particular, the success of training, sickness prevention, successful working with managers, productivity and efficiency, what was in place to mitigate any issues in respect of the impact on other members of staff when a staff member goes off on long term sickness.

A lengthy debate ensued regarding the proposal to not include the LDP Call in scrutiny item in the 2016 / 17 work programme. During the discussion, Councillor S J Savage provided clarification as to why he had originally requested inclusion of this item in the Committees programme of work. Councillor Bass raised a point of order to clarify that during the debate he had referred to a Planning Policy Update and not the Planning Policy Panel. The Chairman then put the proposal in the name of Councillor Bass to not include this item in the 2016 / 17 work programme to the Committee and upon a vote being taken this was agreed.

The Committee discussed each of the 2015 / 16 scrutiny topics as set out in the report and whether they should be included in the 2016 / 17 work programme as follows:

- **Community Hospital** – The scope of this scrutiny was discussed and the Chief Executive reported that she had a meeting scheduled with the Clinical Commissioning Group. Following this meeting a report would be taken to a
meeting of the Community Services Committee. Councillor S J Savage
proposed that this item of scrutiny be included in the 2016 / 17 work
programme. This was duly seconded and agreed. A timescale for the scrutiny
was set for October 2016. The scope of the scrutiny was agreed as to ensure
that the health service was properly leading the delivery of the replacement
community hospital project.

- **Provision of Healthcare Services** – Members noted that this item related to
developer contributions for the provision of healthcare services in the District,
but concern was raised as there were areas of the District were GP surgeries
had advised they were unable to take on more patients despite such
contributions being made. The Chief Executive reported that the Clinical
Commissioning Group were carrying out a primary care states survey which
would highlight such issues. It was agreed that this item of scrutiny be
included in the 2016 / 17 work programme with Councillor N R Pudney as the
Member sponsor.

- **Elections** – Councillor H M Bass referred to the very successful outcome
following consideration of a recent report on elections. He suggested it would
be beneficial to consider a further report following the European Union
Referendum. This was agreed.

- **Planning Enforcement** – The Director of Planning and Regulatory Services
reported provided a progress update and it was noted that a report on this
matter would not be available for consideration by the Committee until either
July or August. It was agreed that this item of scrutiny be included in the 2016
/ 17 work programme.

- **Primary school education in the District** – Councillor H M Bass advised that
this item of scrutiny was ongoing. The Director of Customers and Community
reported that a recent meeting of the Locality Board had recognised the issue
and committed to a review of primary school education. He advised that a
report would be brought back to this Committee towards the end of the year.
This was noted and it was agreed that this item of scrutiny be included in the
2016 / 17 work programme.

- **Stow Maries Aerodrome** – Following a discussion the Director of Resources
suggested that a report on this matter be brought to the August meeting of the
Committee with a presentation by the Aerodromes on its business plan. It was
agreed that this item of scrutiny be included in the 2016 / 17 work programme.

- **Members and Officers Communication Protocol** – Councillor Mrs P A
Channer reported that she had worked with the Director of Resources on this
matter. She highlighted the further work was outstanding although the matter
could be brought to a close fairly quickly. This was noted and it was agreed that this item of scrutiny be included in the 2016 / 17 work programme.

The Committee considered the proposal of Councillor Mrs Channer to include staff
sickness as an item of scrutiny and this related to the scrutiny criteria previously
approved. This was duly voted on and agreed. Councillor Mrs Channer advised that
she was happy to be involved in this matter and it was also agreed that Councillor N R
Pudney would be the Member sponsor.

It was further agreed that recommendation (ii) be amended to read “…informed *at
least* ten working days…”.

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RESOLVED

(i) that the 2016 / 17 Work Programme as detailed below, be agreed.

<table>
<thead>
<tr>
<th>Proposed topic</th>
<th>Member Sponsor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Hospital</td>
<td>Councillor S J Savage</td>
</tr>
<tr>
<td>Provision of Healthcare Services</td>
<td>Councillor N R Pudney</td>
</tr>
<tr>
<td>Elections</td>
<td>Councillor H M Bass</td>
</tr>
<tr>
<td>Planning Enforcement</td>
<td>Councillor E L Bamford</td>
</tr>
<tr>
<td>Primary School education in the District</td>
<td>Councillor H M Bass</td>
</tr>
<tr>
<td>Stow Maries Aerodrome</td>
<td>Councillor M S Heard</td>
</tr>
<tr>
<td>Members and Officers communication protocol</td>
<td>Councillor Mrs P A Channer</td>
</tr>
<tr>
<td>Staff sickness</td>
<td>Councillor N R Pudney</td>
</tr>
</tbody>
</table>

(ii) that the Committee agrees an agenda item to be included in the future to allow Members to suggest new topics for inclusion in the Scrutiny Programme, however the Chairman and Vice Chairman of this Committee as well as Director of Resources must be informed at least ten working days in advance of the meeting as set out in paragraph 3.5 of the report.

There being no further items of business the Chairman closed the meeting at 9.41 pm.

M S HEARD
CHAIRMAN
PRESENT
Chairman: Councillor H M Bass
Vice-Chairman: Councillor Mrs M E Thompson
Ex-Officio Non-Voting Member: Councillor Mrs P A Channer CC

158. CHAIRMAN'S NOTICES
The Chairman drew attention to the list of notices published on the back of the agenda.

159. APOLOGIES FOR ABSENCE
An apology for absence was received from Councillor D M Sismey.

160. MINUTES OF THE LAST MEETING
RESOLVED that the Minutes of the meeting of the North Western Area Planning Committee held on 16 May be approved and confirmed.

161. DISCLOSURE OF INTEREST
Councillor Mrs P A Channer CC declared a non-pecuniary interest as she was a Member of Essex County Council who was consulted on highways, education and other matters pertaining to planning applications.

Councillor E L Bamford declared a non-pecuniary interest in relation to Agenda Item 13 – HOUSE/MAL/16/00430 – 8 North Road, Tollesbury, Essex CM9 8RQ as the Agent designed the plans for her own house.

Councillor J V Keyes declared a non-pecuniary interest in relation to the following applications:
- Agenda Item 11 – HOUSE/MAL/16/00344 – Avon Cottage, 14 School Road, Wickham Bishops, as he was a Member of Great Braxted Parish Council;
- Agenda Item 14 – FUL/MAL/16/00440 – Land Rear of Krallis Tan, Sheepcoates Lane, Great Totham, as he knew the Applicant.
162. MEMBERS' BRIEFING

There was no Members’ Briefing at this meeting.

163. HOUSE/MAL/15/00771 - MILL LODGE, MILL LANE, TOLLESHUNT MAJOR, ESSEX

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members’ Update circulated at the meeting.

<table>
<thead>
<tr>
<th>Application Number</th>
<th>HOUSE/MAL/15/00771</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Mill Lodge Mill Lane Tolleshunt Major Essex</td>
</tr>
<tr>
<td>Proposal</td>
<td>Re-submission following refusal of application 15/0004/HOUSE, revision of parking to front of property.</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mr G Blacklawes</td>
</tr>
<tr>
<td>Agent</td>
<td>Mr Peter Le Grys - Robinson &amp; Hall LLP</td>
</tr>
<tr>
<td>Date Valid</td>
<td>13 May 2016</td>
</tr>
<tr>
<td>Target Decision Date</td>
<td>8 July 2016</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Spyros Mouratidis, TEL: 01621 875841</td>
</tr>
<tr>
<td>Parish</td>
<td>TOLLESHUNT MAJOR</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Previous Committee Decision</td>
</tr>
</tbody>
</table>

Following the Officer’s presentation of the report, Peter Le Grys, the Agent, addressed the Committee.

Members debated the application and whilst they were in agreement with the Officers’ recommendation, they had concerns regarding the impact of the development on neighbours and also removal of the existing hedging.

In response to a question the Interim Development Management and Enforcement Manager advised Members that it was standard practice for some applications to have a recommendation to be delegated to the Director of Planning and Regulatory Services for Approval.

Members expressed concern with regard to the hedging and car parking and agreed that additional conditions be imposed in respect of these.

RESOLVED that this application be delegated to the Director of Planning and Regulatory Services for APPROVAL subject to the following conditions:

1. The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
2. The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application.
3. The parking area hereby approved shall be constructed in accordance with the approved plans and retained as such in perpetuity.
4. A hedgerow on the southern boundary shall be retained in perpetuity.
POSITIVE AND PROACTIVE STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

164.  FUL/MAL/16/00218 - WICKHAM BARN, STATION ROAD, WICKHAM BISHOPS

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members’ Update circulated at the meeting.

<table>
<thead>
<tr>
<th>Application Number</th>
<th>FUL/MAL/16/00218</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Wickham Barn Station Road Wickham Bishops Essex</td>
</tr>
<tr>
<td>Proposal</td>
<td>Erection of part single, part two storey outbuilding in the grounds of Wickham Barn for use as artists studio / workshop and short-term living accommodation for visiting artists</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mr Jo Madden</td>
</tr>
<tr>
<td>Agent</td>
<td>Mr Martin Harradine - AZ Urban Studio</td>
</tr>
<tr>
<td>Date Valid</td>
<td>14 March 2016</td>
</tr>
<tr>
<td>Target Decision Date</td>
<td>9 May 2016</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Yee Cheung, TEL: 01621 876220</td>
</tr>
<tr>
<td>Parish</td>
<td>WICKHAM BISHOPS</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Departure from the Local Plan 2005</td>
</tr>
</tbody>
</table>

Following the Officer’s presentation of the report, Jolyon Madden, the Applicant, addressed the Committee.

RESOLVED that this application be APPROVED subject to the Applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed below:

- The development hereby permitted shall not be occupied other than as ancillary accommodation in connection with the occupation of the main house ‘Wickham Barn’.

AND 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.
3 No development shall take place until written details and 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.

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 the commencement of the development details of the 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.

6 The development hereby permitted shall only provide short-term living accommodation and occupied by visiting artists for purposes ancillary to the existing dwelling 'Wickham Barn' as a single dwelling house and not as a separate or independent unit of residential accommodation.

**POSITIVE AND PROACTIVE STATEMENT**


The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

165. **FUL/MAL/16/00251 - GREYSTONES, SCRALEY ROAD, GREAT TOTHAM**

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members' Update circulated at the meeting.
Following the Officer’s presentation of the report, Mr Cumbers, the Agent, addressed the Committee.

**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 specifically referenced on this decision notice.
2. The land edged in red as shown on Drawing No: 463/01/A shall be used as a builder’s yard to store building materials and tools only. No repairs to vehicles or machinery or fabrication or manufacturing of any kind shall take place on the land.
3. No goods, materials, plant, machinery, skips, containers, packaging or other similar items shall be stacked, stored or deposited on the site to a height exceeding 2.5 metres.
4. The use of the site hereby permitted shall only be undertaken between 07:00 hours and 19:00 hours on weekdays and between 07:00 hours and 16:00 hours on Saturdays and not at any time on Sundays and Public Holidays.

**POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

166. **FUL/MAL/16/00270 - HONEYWOOD FARM, HONEYPOT LANE, PURLEIGH**

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.
Following the Officer’s presentation of the report, Adam Brown, the Applicant, addressed the Committee.

Members debated this application and expressed some sympathy with the Applicant. The Committee considered that whilst the need for agricultural dwellings had diminished over the years, an agricultural tie should not be removed for commercial reasons alone. It was noted that the Council must apply consistency when determining such applications.

In response to a question, the Interim Development Management and Enforcement Manager confirmed that if the agricultural tie was lifted, there would be no requirement to demolish the outbuildings that were in a poor state of repair. He further advised that although there was less of a requirement for agricultural properties than there had been historically, there remained a requirement to meet certain criteria. Furthermore, regardless of when a condition was imposed, if the reason for it was still relevant, then that condition remained relevant.

Councillor Miss S White, a Ward Member, proposed that this application be approved contrary to the Officers’ recommendation and this was duly seconded. Upon a vote being taken, the motion failed. The Chairman then put the Officers’ recommendation of refusal to the Committee which upon a vote being taken was agreed.

RESOLVED that this application be REFUSED for the following reason:
1 Policy CC16 of the adopted Maldon District Replacement Local Plan requires stringent criteria are met before planning permission is granted for the occupation of a dwelling without the compliance of a restrictive agricultural occupancy condition. In this instance, it is considered that the evidence provided is insufficient to demonstrate that there is no longer an agricultural need for the property and on this basis the application does not satisfy the policy requirement contained within policy CC16 as well as policy E4 of the Maldon District Local Development Plan, and Government advice as contained within the National Planning Policy Framework.
POSITIVE AND PROACTIVE STATEMENT
Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal clearly setting out the reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action.

167. FUL/MAL/16/00306 AND LBC/MAL/16/00307 - STOW MARIES AERODROME, HACKMANS LANE, COLD NORTON

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<table>
<thead>
<tr>
<th>Application Number</th>
<th>FUL/MAL/16/00306</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Stow Maries Aerodrome Hackmans Lane Cold Norton Essex</td>
</tr>
<tr>
<td>Proposal</td>
<td>Change of use of buildings 3 &amp; 4, vehicle workshop (for high performance engines) to museum &amp; museum shop.</td>
</tr>
<tr>
<td>Applicant</td>
<td>The Trustees Stow Maries Great War Aerodrome Ltd</td>
</tr>
<tr>
<td>Agent</td>
<td>Sarah Threlfall - TMA Chartered Surveyors</td>
</tr>
<tr>
<td>Date Valid</td>
<td>21 March 2016</td>
</tr>
<tr>
<td>Target Decision Date</td>
<td>20 June 2016</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Yee Cheung, TEL: 01621 876220</td>
</tr>
<tr>
<td>Parish</td>
<td>COLD NORTON</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Major Application</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Application Number</th>
<th>LBC/MAL/16/00307</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Stow Maries Aerodrome Hackmans Lane Cold Norton Essex</td>
</tr>
<tr>
<td>Proposal</td>
<td>Change of use of buildings 3 &amp; 4, vehicle workshop (for high performance engines) to museum &amp; museum shop</td>
</tr>
<tr>
<td>Applicant</td>
<td>The Trustees Stow Maries Great War Aerodrome Ltd</td>
</tr>
<tr>
<td>Agent</td>
<td>Sarah Threlfall - TMA Chartered Surveyors</td>
</tr>
<tr>
<td>Date Valid</td>
<td>21 March 2016</td>
</tr>
<tr>
<td>Target Decision Date</td>
<td>16 May 2016</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Yee Cheung, TEL: 01621 876220</td>
</tr>
<tr>
<td>Parish</td>
<td>COLD NORTON</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Major Application</td>
</tr>
</tbody>
</table>

The Chairman expressed concern that the report made no mention of the fact that the application was to regularise work that had already been completed and occupied. This was confirmed by other Members of the Committee who were also present at the official opening of the museum on 6 May 2016.
Although Members were in agreement with the Officers’ recommendation, as this was a retrospective application.

**FUL/MAL/16/00306:**

**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 specifically referenced on this decision notice.
2. Notwithstanding the details submitted with this application, within three months of the date of this decision, an investigation and risk assessment shall be submitted to and approved in writing by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

   (i) a survey of extent, scale and nature of contamination;

   (ii) an assessment of the potential risks to:
         Human health,
         Properly (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
         Adjoining land,
         Groundwaters and surface waters,
         Ecological systems
         Archaeological sites and ancient monuments;

   (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

3. In pursuant of Condition 3, within three months of the date of this decision, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
The approved remediation scheme must be carried out in accordance with its terms within three months of the date of this decision by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition [2], and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition [3]. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition [3].

Within three months of the date of this decision, full details of the proposed sewage treatment plant shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be retained as such thereafter.

INFORMATIVES

1. The planning application FUL/MAL/16/00306 should be read in conjunction with Listed Building Consent LBC/MAL/16/00307.

2. The Applicant is reminded that additional water supplies for fire fighting may be necessary for this development. The architect or applicant is urged to contact the Water Technical Officer at Service Headquarters, telephone 01376-576342.

3. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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:

Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

4. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.
POSITIVE AND PROACTIVE STATEMENT
Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

LBC/MAL/16/00307:
RESOLVED that LISTED BUILDING CONSENT be GRANTED subject to the following condition:
1 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice

168. HOUSE/MAL/16/00344 - 1 VILLAGE FARM COTTAGES, TIPTREE ROAD, GREAT BRAXTED

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<table>
<thead>
<tr>
<th>Application Number</th>
<th>HOUSE/MAL/16/00344</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>1 Village Farm Cottages Tiptree Road Great Braxted Essex</td>
</tr>
<tr>
<td>Proposal</td>
<td>Proposed replacement conservatory and sunroom</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mr John Stanton</td>
</tr>
<tr>
<td>Agent</td>
<td>Penny Little - A &amp; P Designs Ltd</td>
</tr>
<tr>
<td>Date Valid</td>
<td>31 March 2016</td>
</tr>
<tr>
<td>Target Decision Date</td>
<td>26 May 2016 ETA 17.06.2016</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Spyros Mouratidis, TEL: 01621 875841</td>
</tr>
<tr>
<td>Parish</td>
<td>GREAT BRAXTED</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Previous Committee Decision Parish Trigger</td>
</tr>
</tbody>
</table>

Following the Officer’s presentation of the report, John Stanton, the Applicant, addressed the Committee.

Members’ debated this application. Ward Member, Councillor J V Keyes noted that Great Braxted Parish Council were in favour of the application, that neighbours had not raised any objections and supported approval. In response to some discussion, the Chairman reminded the Committee that caution should be exercised regarding neighbours as they may move away in future. The Interim Development Management and Enforcement Manager advised that all applications must be looked at from a planning perspective.

In response to a question, the Interim Development Management and Enforcement Manager advised Members that a pre-application service was offered to applicants.
whose application had been refused. The purpose of this was to discuss ways in which the application could be amended so that it could be recommended for approval.

Councillor J V Keyes proposed that this application be approved contrary to the Officers’ recommendation and this was duly seconded. Upon a vote, the motion failed. The Committee subsequently agreed the Officers recommendation of refusal.

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

1. The proposed development, by reason of its scale, design and siting would be detrimental to the general character and appearance of the area and the dwelling contrary to policies BE1 and BE6 of the adopted Maldon District Replacement Local Plan, policy D1 of the emerging Local Development Plan and guidance contained within the National Planning Policy Framework.

2. The proposed development by reason of its scale, height, bulk and proximity to the adjoining dwelling would result in an unneighbourly form of development that would have an overbearing and detrimental impact on the amenity of the neighbouring occupiers contrary to policies BE1 and BE6 of the adopted Maldon District Replacement Local Plan, policy D1 of the emerging Local Development Plan and guidance contained within the National Planning Policy Framework.

**POSITIVE AND PROACTIVE STATEMENT**


The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

169. **12 FULMAL1600410 - BOURCHIERS FARM, BACK ROAD, TOLLESHUNT D'ARCY**

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members’ Update circulated at the meeting.
The Officer presented the report to the Committee and drew particular attention to the Members’ Update which advised that Officers’ had amended their recommendation to one of approval, subject to various conditions in light of evidence provided in relation to the bats the proposal was now considered to be acceptable and accord with policies.

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 16 September 2013.

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. All rainwater goods shall be of cast metal with a black painted finish and retained as such thereafter.

4. Prior to the commencement of the development hereby approved, a sample of the proposed new weatherboarding with its proposed finish 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 and retained as such thereafter.

5. Prior to commencement of the development hereby approved, details of the new corrugated metal roofing, including section profile and colour finish 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 and retained as such thereafter.

6. Prior to commencement of the development hereby approved samples of the new clay tiles to be used, including details of the tiles, 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 and retained as such thereafter.

7. Prior to commencement of the development hereby approved, and notwithstanding the details submitted, all new mortar used shall be lime-based, off-white in colour, the specification of which 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 and retained as such thereafter.

8. Notwithstanding the details submitted, all new external joinery shall match exactly the colour (grey) and finish of the existing external joinery and be retained as such thereafter.
9 Notwithstanding the details submitted, all joinery on the glazed screen on unit A2 as identified on the submitted plans, shall be painted grey to match exactly the existing external joinery and shall be retained as such thereafter.

10 Prior to the commencement of the development details shall be submitted to and approved in writing by the local planning authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.

11 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.

12 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.

13 The development hereby permitted shall not be first occupied/provided with connection to utility services until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area(s) shall be retained in this form at all times. The vehicle parking area(s) shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development unless otherwise agreed with the Local Planning Authority.

14 Prior to the commencement of the development details of the 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.

15 The development hereby approved shall be undertaken in accordance with the scheme of mitigation for protected species at the site ref: Bat & Owl Survey of Bourchiers Barn, prepared by Mr John Dobson and dated September 2013. The development shall commence and proceed only in complete accordance with the approved mitigation scheme.

16 Works, including any clearance or demolition, shall only take place between 1 April and 1 October in any year for barns A1 and A2 and at all times of the year for barns E and F unless otherwise agreed in writing by the local planning authority.

17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order) no wall, fence, gate or other means of enclosure shall be erected within or around the site without the prior grant of planning permission by the local planning authority.

18 No development shall commence until details of the materials to be used for the hard surfacing of the site have been submitted to and approved in writing by the local planning authority. The scheme as approved shall be implemented and completed in accordance with the approved scheme within 3 months following the first use/occupation of the development hereby permitted and retained as such thereafter.

19 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (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.
20 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (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.

21 The work unit identified on the approved plans as unit "A2" shall be occupied only as a single unit for employment purposes of the occupier of the "live" unit identified on the approved plans as "Building E". The residential floor space identified as "Building E" shall be limited to a person solely or mainly employed, or last employed in the business occupying unit "A2" as identified on the approved plans, or a widow or widower of such a person, or any resident dependant.

22 The work unit identified on the approved plans as unit "A2" shall only be used as a workshop and storage building purpose and for no other purpose including any purpose as defined within Class B of the Schedule to the Town & Country Planning Use Classes (Amendment) Order 2005 (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.

23 No goods, materials, plant, machinery, skips, containers, packaging or other similar items associated with the work unit identified as unit "A2" on the approved plans shall be stored or kept outside of any building at the site.

24 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order) no extensions or separate buildings shall be erected within the site without planning permission having been obtained from the local planning authority.

25 The business space of the live work unit identified in condition 21 shall be finished ready for occupation before the residential floor space identified in condition 21 is occupied and the residential use shall not precede commencement of the business use.

26 No machinery shall be operated nor shall any process be carried out and no deliveries or collections undertaken at the site relating to the use of the workshop/ storage use to take place in the part of the site identified as unit "A2" on the approved plans, other than between 0730 hours and 1800 hours Mondays to Fridays and between 0730 hours and 1400 hours on Saturdays and not at any time on Sundays and Public Holidays.

27 The holiday accommodation identified as "Building F" on the approved plans shall be used for holiday purposes only. The holiday accommodation shall not be occupied by the same person or persons for more than 6 weeks (42 days) in any two month period.

The owners / operators shall maintain an up to date register of the names of all occupiers of individual holiday accommodation on the site, and of their main home addresses, including dates of arrival and departure from the holiday let, and shall make this information available at all reasonable times to the local planning authority.
Notwithstanding the details submitted with this application, no development shall commence until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

(i) a survey of extent, scale and nature of contamination;
(ii) an assessment of the potential risks to:
   - Human health,
   - Properly (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
   - Adjoining land,
   - Groundwaters and surface waters,
   - Ecological systems
   - Archaeological sites and ancient monuments;
(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

No development shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 29, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 30 which is subject to the approval in writing of the Local Planning Authority.
Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 30.

**POSITIVE AND PROACTIVE STATEMENT**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**170. HOUSE/MAL/16/00430 - 8 NORTH ROAD, TOLLESBURY**

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<table>
<thead>
<tr>
<th>Application Number</th>
<th>HOUSE/MAL/16/00430</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>8 North Road Tollesbury Essex CM9 8RQ</td>
</tr>
<tr>
<td>Proposal</td>
<td>Two storey side extension</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mr M Lewis</td>
</tr>
<tr>
<td>Agent</td>
<td>Marble Design</td>
</tr>
<tr>
<td>Date Valid</td>
<td>11 April 2016</td>
</tr>
<tr>
<td>Target Decision Date</td>
<td>6 June 2016</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Spyros Mouratidis, TEL: 01621 875841</td>
</tr>
<tr>
<td>Parish</td>
<td>TOLLESBURY WEST</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Parish Trigger</td>
</tr>
</tbody>
</table>

Following the Officer’s presentation of the report, Members debated this application and, in particular, the design thereof. In response to comments by Members, the Interim Development Management and Enforcement Manager advised that design formed part of the scheme to be assessed by the Committee.

Councillor E L Bamford, a Ward Member, considered that there was a mixture of housing designs in the locality and proposed that this application be approved contrary to the Officers’ recommendation. This was duly seconded and upon a vote being taken agreed. In light of the approval the Officer outlined a number of suggested conditions which were also 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 the approved drawings specifically referenced on this decision notice.
3. The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application form.
Prior to the first occupation of the extension hereby permitted, the upper floor window on the south elevation serving the en-suite shall be glazed with opaque glass and be 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.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. Furthermore, Members of the planning committee which took the decision to grant planning permission as the proposal has been considered acceptable.

171. FUL/MAL/16/00440 - LAND REAR OF KRALLIS TAN, SHEEPCOATES LANE, GREAT TOTHAM

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<table>
<thead>
<tr>
<th>Application Number</th>
<th>FUL/MAL/16/00440</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Land Rear Of Krallis Tan Sheepcoates Lane Great Totham Essex</td>
</tr>
<tr>
<td>Proposal</td>
<td>Construction of an agricultural storage building to serve farm holding utilising existing farm access to Sheepcoates Lane</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mr J Purdy</td>
</tr>
<tr>
<td>Agent</td>
<td>Mr T Wynn - Evolve Architecture &amp; Planning Limited</td>
</tr>
<tr>
<td>Date Valid</td>
<td>20 April 2016</td>
</tr>
<tr>
<td>Target Decision Date</td>
<td>15 June 2016</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Yee Cheung, TEL: 01621 876220</td>
</tr>
<tr>
<td>Parish</td>
<td>GREAT TOTHAM</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Previous Committee Decision</td>
</tr>
</tbody>
</table>

Following the Officer’s presentation of the report, Ron Fraser, on behalf of the Agent, addressed the Committee.

In response to a question, the Interim Development Management and Enforcement Manager advised Members that the supporting agricultural statement explained the nature of the business and justified the application in relation to storage of equipment, hay and straw. Although this dealt with one of the reasons for refusal, the other reasons for refusal remained.
Councillor J V Keyes, a Ward Member, proposed that this application be approved contrary to the Officers’ recommendation as he felt it would secure equipment, fitted in well with the surroundings and was an attractive design. This was duly seconded and, upon a vote, the motion failed. The Chairman then put the Officers’ recommendation of refusal to the Committee which upon a vote being taken was agreed.

RESOLVED that this application be REFUSED for the following reasons:
1. The proposed barn as a result of its scale, bulk and siting within this open rural and visually prominent location would materially harm the character of the rural area contrary to with Policies S2, BE1 and CC6 of the adopted Maldon District Replacement Local Plan, Policies S1, S8, D1 and H4 of the Maldon District Local Development Plan and Government advice as contained within the National Planning Policy Framework.
2. Insufficient information has been submitted regarding to noise and the hours of operation which to take place within site. Therefore, the Council is unable to ensure that the development would result in a material loss of residential amenity to the neighbouring residential properties to the north and south of the site, contrary to Policies BE1 and CON5 of the adopted Maldon District Replacement Local Plan, Policies S1, D1, D2 and H4 of the Local Development Plan, and Government advice as contained within the National Planning Policy Framework.

POSITIVE AND PROACTIVE STATEMENT
Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal clearly setting out the reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action.

172. HOUSE/MAL/16/00476 - NORTH HALL COTTAGES, CUT A THWART LANE, WOODHAM WALTER

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members’ Update circulated at the meeting.
Following the Officer’s presentation of the report, Benedict Lane, the Applicant, addressed the Committee.

Councillor A K M St. Joseph declared a non-pecuniary interest in this application as he knew the applicant.

Councillor M F L Durham, a Ward Member, proposed that this application be approved, contrary to the Officers’ recommendation as the site had architectural merit, was in a remote location not impacting on neighbours, was sympathetic to the existing building and the Parish Council did not object to it. This proposal was duly seconded and upon a vote being taken agreed subject to suitable conditions.

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.
3. The external surfaces of the development hereby approved shall be constructed of materials and finish to match those of the existing building.
4. The building hereby permitted shall only be used for those purposes incidental to the use of the dwelling house to which it relates and not for any other purposes.

POSITIVE AND PROACTIVE STATEMENT
Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. Furthermore, Members of the planning committee which took the decision to grant planning permission as the proposal has been considered acceptable.
The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members’ Update circulated at the meeting.

<table>
<thead>
<tr>
<th>Application Number</th>
<th>16/00415/HOUSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>The Elms Lodge Road Woodham Mortimer Essex CM9 6SL</td>
</tr>
<tr>
<td>Proposal</td>
<td>Conversion of existing double garage and rear extension to provide ancillary accommodation for family members of The Elms. Ground floor consisting a shower room and utility/boot room, in addition to living and combined kitchen/dining areas. First floor providing bedroom accommodation and a bathroom, with 4 No. dormers to increase head height on upper floor.</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mr Andrew Macmorland</td>
</tr>
<tr>
<td>Agent</td>
<td>Mrs Carolyn Filmer</td>
</tr>
<tr>
<td>Date Valid</td>
<td>18 April 2016</td>
</tr>
<tr>
<td>Target Decision Date</td>
<td>13 June 2016</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Spyros Mouratidis</td>
</tr>
<tr>
<td>Parish</td>
<td>WOODHAM MORTIMER</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Parish Trigger</td>
</tr>
</tbody>
</table>

Following the Officers’ recommendation of the report, Members debated this application and whilst they had sympathy with the applicant, there were concerns that the criteria for such an application had not been met. Furthermore, insufficient information had been submitted by the applicant. Members required more justification for this proposal in order to approve it and agreed with the Officers’ recommendation to refuse. However, the Committee invited the applicant to make a re-submission which provided more information.

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

1. Given the degree of physical separation between the annexe and the host dwelling, the size of the building, the provision of full residential accommodation and insufficient justification, the development is considered to represent a separate dwelling unit lacking in a functional relationship with the host dwelling, contrary to adopted policies BE1 and H11 of the adopted Maldon District Replacement Local Plan, policies S1, D1 and H4 of the Maldon District Submission Local Development Plan and Government guidance contained within the National Planning Policy Framework.

2. The creation of new residential unit, remote from community services and essential support facilities, on a site that is not considered to be in a sustainable location and therefore resulting any future occupiers to be highly dependent on private motor vehicles, would be contrary to policies S2 of the adopted Maldon District Replacement Local Plan, policies S1 and S8 of the Maldon District
Submission Local Development Plan and contrary to the ‘presumption in favour of sustainable development’ as contained within the National Planning Policy Framework.

3. The proposed development would appear as an additional dwelling within the rural locality and by reason of its scale, siting and relationship with the existing development on site, would appear as a further intrusion to the open countryside. Overall the proposed development would cause harm to the character and appearance of the area, contrary to the stipulations of saved policies S2, CC6, CC7 and BE1 of the adopted Maldon District Replacement Local Plan, emerging policies S1, S8 and D1 of the submitted Local Development Plan and guidance contained within the National Planning Policy Framework.

**POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

**174. OTHER AREA PLANNING AND RELATED MATTERS**

(i) **Appeals Lodged:**

It was noted from the Agenda and Members’ Update that the following appeals had been lodged with the Planning Inspectorate:

Appeal Start Date: 16/05/2016  
**Application Number:** FUL/MAL/15/01271 (APP/X1545/W/16/3149384)  
Site: Glebe Farm House - Mope Lane - Wickham Bishops  
Proposal: Conversion of outbuildings to dwelling.  
Appeal by: Mrs Lyndsay Lloyd  
Appeal against: Refusal  
Appeal procedure requested: Written Representations

Appeal Start Date: 17/05/2016  
**Application Number:** APP/X1545/W/16/3148924  
Site: The Griffins Tudwick Road Tolleshunt Major  
Proposal: Removal of Condition 3 on approved planning permission MAL/143/78 relating to an agricultural/kennels occupancy condition.  
Appeal by: Mr & Mrs Vallis  
Appeal against: Refusal  
Appeal procedure requested: Written Representations
Appeal Start Date: 19/05/2016
Application Number: OUT/MAL/15/01086 (APP/X1545/W/16/3148929)
Site: Land North Of 29 Green Trees Avenue - Cold Norton
Proposal: Outline planning application with all matters reserved for the construction of 7 dwellings with associated off-street parking
Appeal by: Mr & Mrs J Archer
Appeal against: Refusal
Appeal procedure requested: Written Representations

Appeal Start Date: 07.06.2016
Application Number: OUT/MAL/15/01210(APP/X1545/W/16/3147984)
Site: Land East Of Brights Villa Chelmsford Road Purleigh
Proposal: Outline planning permission for the demolition of all buildings and structures (except stable block) with the cessation of all commercial uses with all matters reserved for the construction of 1 dwelling with parking and other associated works.
Appeal by: Mr & Mrs Weston
Appeal against: Refusal
Appeal procedure requested: Written Representations

(ii) Appeal Decisions:

It was noted from the agenda and Members’ Update that the following appeal decisions had been received from the Planning Inspectorate.

HOUSE/MAL/15/00862 (Appeal Ref: APP/X1545/D/16/3144029)
Proposal: Respective application for wall and gates to front of property.
Address: Hillsborough - 42 Latchingdon Road - Cold Norton
APPEAL ALLOWED – 17 May 2016
DECISION LEVEL: Delegated

COUPA/MAL/15/00348 (Appeal Ref: APP/X1545/W/15/3140474)
Proposal: Prior approval of proposed change of use of agricultural building to dwelling house (C3) and for associated operational development.
Address: Old Orchard Barn Lea Lane Great Braxted
APPEAL DISMISSED – 19 May 2016
DECISION LEVEL: Delegated

HOUSE/MAL/15/00878 (Appeal Ref: APP/X1545/D/16/3145653)
Proposal: Front dormers and first floor rear extension
Address: 26 Walden House Road - Great Totham
APPEAL DISMISSED – 25 May 2016
DECISION LEVEL: Delegated

14/00195/OPDEV (Appeal Ref: APP/X1545/C/15/3135577)
The Loft, Brick House Road, Tolleshunt Major, MALDON, CM9 8JZ
Appeal against Enforcement Notice: Without planning permission, the construction of a two bedroom detached bungalow
APPEAL DISMISSED AND THE ENFORCEMENT NOTICE IS UPHELD - 25 May 2016
FUL/MAL/15/00716 (Appeal Ref: APP/X1545/W/15/3137350)
Proposal - Proposed 3No. Dwellings and associated car parking. Revised window configuration.
Address - The Compasses 12 Colchester Road Great Totham
APPEAL DISMISSED – 26 May 2016
DECISION LEVEL: Delegated

FUL/MAL/15/00738 (Appeal Ref: APP/X1545/W/16/3142975)
Proposal: Proposed outbuilding for storage of historic motor vehicles including change of use to class B8
Address: Land Adjacent Orchard Cottage - Hatfield Road - Langford
APPEAL DISMISSED – 2 June 2016
DECISION LEVEL: Committee (overturned Officer recommendation to approve)

There being no further items of business the Chairman closed the meeting at 9.30 pm.

H M BASS
CHAIRMAN
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PRESENT

Chairman Councillor D M Sismey
Vice-Chairman Councillor I E Dobson
Councillors Mrs B F Acevedo, J P F Archer, Mrs H E Elliott, A S Fluker and B E Harker
Substitute Members Councillors M F L Durham
Ex-Officio Non-Voting Member Councillor Miss M R Lewis

175. CHAIRMAN'S NOTICES

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

176. APOLOGIES FOR ABSENCE AND SUBSTITUTION NOTICES

Apologies for absence were received from Councillors B S Beale MBE, M R Pearlman and Rev. A E J Shrimpton. In accordance with notice duly given Councillor M F L Durham was attending as a substitute for Councillor Pearlman.

177. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 19 April 2016 be approved and confirmed.

178. DISCLOSURE OF INTEREST

Councillor D M Sismey declared a pecuniary interest in relation to Agenda Item 18 – Annual Treasury Outturn Report 2015 / 16 as he was an employee of Goldman Sachs with whom the Council had previously had investments.

Councillor A S Fluker disclosed an interest in Agenda Item 23 – Options for the Future of Building Control Service as he was currently engaged with Maldon District Council Building Control Services.
179. PUBLIC PARTICIPATION

There was none.

180. COMMITTEE CHAIRMAN'S GOOD NEWS ANNOUNCEMENTS

The Chairman highlighted a number of good news items which included:

- **Two factor authentication** – The Council’s IT Manager had recently presented a case study on this innovative initiative at an event in Stockholm, Sweden.
- **Housing Benefit and Council Tax Support** – The Council was on track to meet performance dealing with Housing Benefit and Council Tax support claims.
- **Collection of Council Tax and Business Rates** - The Council was on track to meet annual performance targets for collection of both Council Tax and Business Rates.

181. SAFEGUARDING

The Committee received a presentation from Catch 22 and the Director of Customers and Community on Safeguarding.

The Director of Customers and Community introduced Marina Bailey from Catch 22 who proceeded to provide the Committee with an informative presentation regarding safeguarding highlighting the following areas:

- Definition in Care Act 2014.
- Safeguarding Adults.
- Safeguarding Children – including the definition of a child.
- Key legislation and guidance documents (available from the Safeguarding website).
- Categories of abuse.
- Community resources than could be accessed directly by Members of the Public.
- Whistleblowing – it was noted that everyone had a responsibility to raise concerns about poor and / or inappropriate practice and behaviour.

The Director of Customers and Community highlighted the safeguarding operation at the Council and Members’ responsibility in terms of safeguarding. Members were advised that the Director of Customers and Community was the designated Lead Officer and it was noted that there were a number of staff fully trained who acted as nominated deputies. Members were provided with examples of safeguarding that took place within the District and advised how the safeguarding work also fed down to contractors, ensuring that safeguarding policies were in place when carrying out work for the Council.
In response to a number of questions, Members were provided with the following information:

- The Council’s waste contractor had its own safeguarding policy and Officers were working with them in respect of safeguarding.
- Ms Bailey explained that the risk to an individual was assessed when determining safeguarding and considering basic human rights. The difficulties regarding identifying some categories, such as self-neglect.

The Chairman thanked Ms Bailey and the Director of Customers and Community for their presentation.

182. RESOURCES DIRECTORATE

The Committee received a presentation from the Director of Resources which highlighted the role of the Finance and Corporate Services Committee including:

- the scope, function and duties of the Committee;
- 2016 / 17 work programme.

The Chairman thanked the Director of Resources for her presentation.

183. PROMENADE PARK, MALDON - ARRANGEMENTS FOR MALDON MUD RACE 2016

The Committee considered the report of the Director of Customers and Community outlining the options for the control of parking and the income share for parking charges for the Promenade Park, Maldon during the Maldon Mud Race 2016.

The report detailed that the Maldon Mud Race 2016 in Promenade Park on 1 May 2016. In 2014 and 2015 Members had agreed to limit the donation from the car parking income to coincide with the times of the event and that income be shared on a 50:50 split of the car park fees taken.

It was reported that the Community Services Committee had considered this report at its meeting on 24 May 2016, amended the proposed recommendations and recommended to this Committee that:

(i) the Finance and Corporate Services Committee be recommended to agree that that car parking income received on the day of the Maldon Mud Race 2016 between the times of 10:00am and 2:00pm be shared on a 50:50 basis with the Maldon Mud Race Ltd ;

(ii) the Finance and Corporate Services Committee be recommended to agree that the car parking income received two hours before and after the start of the Maldon Mud Race in 2017, is shared on a 50:50 basis with the Maldon Mud Race Ltd.

In response to a question, the Director of Customers and Community confirmed that the monies detailed related to all monies collected through the car parking machines.
The Committee considered and agreed the recommendations from the Community Services Committee and further requested that it be emphasised that a review would take place on an annual basis.

RESOLVED

(i) that that car parking income received on the day of the Maldon Mud Race 2016 between the times of 10:00am and 2:00pm be shared on a 50:50 basis with the Maldon Mud Race Ltd;

(ii) that the car parking income received two hours before and after the start of the Maldon Mud Race in 2017, is shared on a 50:50 basis with the Maldon Mud Race Ltd and reviewed on an annual basis.

184. PROJECT 180 - ST. CEDDS HOUSE UPDATE

At the request of the Chairman, the Committee agreed to consider this item of business next on its agenda.

The Committee received the report of the Director of Resources providing Members with an update on the progress of Project 180 – St Cedds House.

Members were reminded of the scope of this project and the report set out the work completed to date, noting that the final phase was due to finish early Autumn.

RESOLVED that the progress of Project 180 - St. Cedds House Project, be noted.

185. REPLACEMENT VAN FOR THE WASTE AND STREET SCENE TEAM

The Committee considered the report of the Director of Customers and Community requesting that the capital programme scheduled for 2017 / 18 be brought forward to purchase a replacement van for the Waste and Street Scene Team.

The report detailed that on 1 April 2016 the Waste Away panel van had broken down and following examination by a commercial garage it was confirmed that the van had a mechanical fault and the engine being damaged beyond repair.

The van was 14 years old and a replacement van was due to be considered by Members as part of the 2017 / 18 capital programme (£12,000). However, given the current circumstances, Officers reported it would be more cost effective to bring forward the capital programme rather than incurring further costs from hiring a van.

It was noted that the Community Services Committee had considered this recommendation at its meeting on 24 May 2016 and agreed the recommendations as set out in the report.
RESOLVED

(i) that Members agree to bring forward the capital programme to 2016 / 17 to replace the panel van currently used by the Waste and Street Scene team.

RECOMMENDED

(ii) that a capital programme of £12,000 be established for 2016 / 17 funded by the underspend in the capital programme established for the waste contract.

186. APPOINTMENT OF REPRESENTATIVES ON LIAISON COMMITTEES / PANELS

The Committee considered the report of the Director of Resources reminding Members of the existing representatives on Liaison Committees / Panels and seeking nominations for new appointments for the current municipal year.

RESOLVED that the following appointments be made:

<table>
<thead>
<tr>
<th>Body</th>
<th>2016 / 17 Representative(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Control Task and Finish Working Group</td>
<td>Chairman and Vice Chairman of the Finance and Corporate Services Committee</td>
</tr>
<tr>
<td></td>
<td><em>(plus representatives from the Planning &amp; Licensing Committee)</em></td>
</tr>
<tr>
<td>Council Chamber Member Task and Finish Working Group</td>
<td>Leader and Deputy Leader of the Council,</td>
</tr>
<tr>
<td></td>
<td>Chairman of the Council (Vice-Chairman as Substitute),</td>
</tr>
<tr>
<td></td>
<td>Chairmen of the Community Services and Planning and Licensing Committees (Vice-Chairmen as substitutes)</td>
</tr>
<tr>
<td></td>
<td><em>From the Finance and Corporate Services Committee:</em></td>
</tr>
<tr>
<td></td>
<td>Councillors Mrs B F Acevedo, B S Beale MBE and A S Fluker</td>
</tr>
<tr>
<td></td>
<td><em>(Councillor Mrs H E Elliott as Substitute)</em></td>
</tr>
<tr>
<td>Economic Prosperity and Tourism Working Group</td>
<td>Councillors Mrs H E Elliott and Rev. A E J Shrimpton</td>
</tr>
<tr>
<td>(Minute 1002 – 15/04/14)</td>
<td><em>(plus representatives from the Finance &amp; Corporate Services and Planning &amp; Licensing Committees)</em></td>
</tr>
</tbody>
</table>
187. **SETTING FEES FOR THE MALDON DISTRICT DESIGN REVIEW PANEL**

The Committee considered the report of the Director of Planning and Regulatory Services seeking agreement for an appropriate fee to be charged to developers / applicants for a design review of development proposals to be undertaken by the Maldon District Design Review Panel. Members were also requested to consider granting delegated powers to the Director of Planning and Regulatory Services and Director of Resources to authorise an appropriate fee for additional specific requests for advice from the Maldon District Design Review Panel on development proposals.

The report provided background information regarding the setting up of the Maldon District Design Review Panel. Following a recent tender process Design South East had been appointed to manage the Maldon District Design Review Panel (the Panel). The Design Review Panel would provide a design review service to assess proposals for development across the District. Details of the purpose of the Panel were set out in the report.

Members’ attention was drawn to the addendum attached and this proposed a number of changes to the recommendations as set out in the report. Officers advised that these changes were to allow additional flexibility to the fees set depending on the scheme.

It was noted that the Planning and Licensing Committee had considered this report at its meeting on 2 June 2016. That Committee had resolved that the Council creates a suite of documents to be made available to applicants, and that applicants be signposted to the Design Review Panel should the Council wish to recommend advice to a developer, with it clearly stated that the Panels advice was not binding.

The Committee considered and subsequently agreed the recommendation from the Planning and Licensing Committee.
**RECOMMENDED** that the Council creates a suite of documents to be made available to applicants, and that applicants be signposted to the Design Review Panel should the Council wish to recommend advice to a developer, without the Panels advice being binding.

188. **2015 / 16 REVIEW OF PERFORMANCE**

The Committee received the report of the Chief Executive giving details of performance for 2015 / 16 and the progress being made towards the corporate goals and outcomes detailed in the Corporate Plan. Appendix 1 to the report set out the end of year position on the Service Pledges (agreed actions to contribute to the achievement of desired high level outcomes) and performance on the key indicators and measures relevant to the corporate goals.

Details of complaints and compliments received during 2015 / 16 were set out in the report.

**RESOLVED** that the 2015 / 16 performance information be noted.

189. **HUMAN RESOURCES STATISTICS (1 JANUARY - 31 MARCH 2016)**

The Director of Resources introduced Ms Helena Beattie, HR Business Partner to the Committee.

The Committee received and noted the report of the Director of Resources presenting Human Resources statistics for the period 1 January to 31 March 2016.

Statistics and updates relating to the following areas were detailed in the report:
- Staff Turnover;
- Job Vacancies;
- Staff Sickness Levels
- Staff Numbers – attached as Appendix 1 to the report.

Members noted that staff sickness levels in relation to long term absences continued to show a steady decline from each quarter and work was in progress to improve sickness absence rates.

In response to comments raised, the Committee requested that the following information be provided:
- a summary of exit interviews undertaken;
- benchmarking data in respect of staff sickness across other Local Authorities and the private sector;
- a report on the use of market supplements and agency staff.

The Director of Resources reported that there was a national shortage of planning Officers and outlined the work being done by the Council to mitigate this. Members
were informed of current delegation arrangements in place for applying market
supplements.

RESOLVED that the contents of the report be noted, and the requested information
(as detailed above) provided to the Committee.

190. USE OF SOUND RECORDING EQUIPMENT AT MEETINGS PROTOCOL

The Committee considered the report of the Director of Resources seeking Members’
agreement of a protocol for the use of sound recording equipment at Council and
Committee meetings. The revised draft sound recording protocol was attached as
Appendix 1 to the report.

It was noted that that protocol had been updated in light of comments received and
following consideration of the matter by the Overview and Scrutiny Committee at its
meeting on 13 April 2016. The Overview and Scrutiny Committee had requested a
report from the Monitoring Officer on the recording of private and confidential
sessions of meetings and any outcome from consideration of this report would be
reported to this Committee.

RECOMMENDED that the revised Draft Protocol for the Use of Sound Recording
Equipment at Council Meetings (APPENDIX 1 to these Minutes), be agreed.

191. STAFF PAY AWARDS 2016 / 17 AND 2017 / 18

The Committee considered the report of the Director of Resources informing
Members of the final outcome of the national pay award.

The report set out the National Joint Council pay agreement for 2016 and 2017
announced on 16 May 2016. The details of this were attached as Appendix 1 to the
report. The Council’s pay line was attached as Appendix 2 to the report.

RESOLVED that the increase to pay in line with the National Joint Council pay
agreement, be noted.

192. ANNUAL REPORT ON THE WHISTLEBLOWING POLICY

The Committee considered the report of the Director of Resources reporting on any
complaints made under the Whistleblowing Policy for 2015 / 16.

The Director of Resources advised that no reports had been made under the
Whistleblowing for the year 2015 / 16.

RESOLVED that the content of the report be noted;
193.  **ANNUAL TREASURY OUTFURN REPORT 2015 / 16**

Following his earlier declaration Councillor D M Sismey left the meeting at this point.

**IN THE CHAIR : COUNCILLOR I E DOBSON**

The Committee considered the report of the Director of Resources seeking Members’ approval of the annual report (attached as Appendix A to the report), in accordance with the code of practice on Treasury Management.

**RECOMMENDED** that annual Treasury Management Report for 2015 / 16 attached at **APPENDIX 2** to these Minutes is approved.

Councillor Sismey returned to the chamber.

**IN THE CHAIR : COUNCILLOR D M SISMEY**

194. **FINANCIAL REGULATIONS**

The Committee considered the report of the Director of Resources seeking Members’ approval of revisions to the Financial Regulations in order to allow Officers to act in a swift manner to ensure good value for money could be achieved for the Council.

The report advised of a proposed change to the Financial Regulations to allow for occasions when Officers were required to act swiftly in non-emergency scenarios in order to balance the need of a service. The changes also proposed to bring the limit for supplementary estimates in line with those set for the approval of virements.

**RECOMMENDED** that section 1.3 (The financial limits for approval of revenue virements and revenue supplementary estimates) of the Financial Regulations be amended as set out below:

(c) **Supplementary Estimates (including expenditure on new projects and initiatives)**

(i) Up to **£50,000** – Director of Resources in consultation with the Chairman of the Finance and Corporate Services Committee and reported to the next Finance and Corporate Services Committee;

(ii) Over **£50,000** – the Finance and Corporate Services Committee.

NB One of the Council’s budget policies is to only agree supplementary estimates in exceptional circumstances.

195. **EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in
Paragraph 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

196. OPTIONS FOR THE FUTURE OF BUILDING CONTROL SERVICE

The Committee considered the report of the Director of Planning and Regulatory Services updating Members on progress of the work to consider Maldon District Council being part of the Essex wide Building Control shared service partnership.

A Member seminar had recently taken place, focussing on the financial position, HR and ICT matters and future governance arrangements. Notes of the questions raised by Members were attached as Appendix 1 to the report.

It was noted that the Planning and Licensing Committee had considered this report at its meeting on 2 June 2016 and had agreed the recommendations as set out in the report.

RESOLVED

(i) that the update on options for the future of building control service as set out in the report, be noted;

(ii) that a further meeting of the Building Control Working Group be arranged to take place prior to the Council meeting on 14 July 2016 and Councillors Mrs M E Thompson and Mrs H E Elliott be invited to attend this as previous Members and attendees of the Working Group.

197. INSURANCE TENDER UPDATE

The Committee considered the report of the Director of Resources updating Members on progress on the re-tendering process for the Council’s insurance contract due to be in place from 1 October 2016.

The report set out the current tender process, lots for tender and key tasks put in place to ensure the most advantageous premium rates could be obtained and cover in place by 1 October. Appendix 1 to the report set out the award criteria against which tenders would be evaluated.

Members agreed that they did not feel the need for a special meeting of the Finance and Corporate Services Committee in August 2016 and that this matter could be reported directly to the Council.

RESOLVED

(i) that the approach and the progress to date for the tendering of the insurance contract, be noted;

(ii) that the reporting process of the contract award stage as highlighted in paragraph 3.6 of the report be noted.
Councillor J P F Archer left the meeting during this item of business and did not return.

There being no further items of business the Chairman closed the meeting at 8.50 pm

D M SISMEY
CHAIRMAN
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Draft Protocol for the use of sound recording equipment at Council meetings

The Council will decide which of its meeting and those of its Committees will be recorded by sound only.

This protocol has been produced to assist the conduct of the recording of meetings and to ensure that the Council is compliant with its legal obligations.

1. The agenda will indicate that the meeting will be recorded (from the time it is opened to when it is closed) and the recording will be published with the Minutes on the Council's website.
2. Notices will be displayed advising that proceedings may be recorded, and the Chairman will include an announcement on the recording of the meeting as part of the opening of the meeting announcements.
3. Letters / emails to applicants, supporters or objectors on planning and licensing applications on when an application will be heard will state that the meeting will be recorded and the recording will be published on the Council’s website.
4. A press representative, member of the public, Officer or elected Councillor (not part of the meeting) wishing to make their own audio recording of the meeting may do so.
5. Any such persons making their own full or partial recordings must respect the law including Human Rights and Data Protection legislation and intellectual property rights. They will be responsible for any allegations of breaches of the law which may result from their use of recorded material and are admitted to the meeting room on the basis that they accept this responsibility.
6. The Council takes no responsibility for any recording made by a third party of its subsequent use. Any third party making a recording of a meeting shall in doing so be taken to have indemnified the Council against all actions, proceedings, costs, demands, liabilities, losses and expenses whatsoever relating to the making of that recording.
7. The Chairman has the discretion to request that recording is paused if continuing to record would prejudice the proceedings of the meeting. An example of circumstances when this might be done is public disturbance or any other suspension of the meeting.
8. Recording will stop once a motion to exclude the press and public to deal with exempt or confidential items has been passed.
9. The Council will not provide transcripts of the recordings or any extracts from them. The minutes of the meeting are the official record of proceedings.
10. Recordings or parts thereof can be removed from the Council’s website at any time by the Monitoring Officer if he/she considers that because all or part of the content is or is likely to be in breach of any statutory provision or common law doctrine, and if this did occur the Chairman of the Committee should be informed. Examples are data protection and human rights legislation or provisions relating to confidential or exempt information.
11. Recordings will be available on the website for one year but will continue to be available on request.
1. **Background**

The Chartered Institute of Public Finance and Accountancy’s Treasury Management Code (CIPFA’s TM Code) requires that authorities report on the performance of the treasury management function at least twice a year (mid-year and at year end).

The Council’s Treasury Management Strategy for 2015/16 was approved by full Council on 26 March 2015 (Minute 824 refers).

The Council has invested substantial sums of money and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. This report covers treasury activity and the associated monitoring and control of risk.

2. **Economic Background provided by Arlingclose**

**Growth, Inflation, Employment:** The UK economy slowed in 2015 with GDP growth falling to 2.3% from a robust 3.0% the year before. CPI inflation hovered around 0.0% through 2015 with deflationary spells in April, September and October. The prolonged spell of low inflation was attributed to the continued collapse in the price of oil from $67 a barrel in May 2015 to just under $28 a barrel in January 2016, the appreciation of sterling since 2013 pushing down import prices and weaker than anticipated wage growth resulting in subdued unit labour costs. CPI picked up to 0.3% year/year in February, but this was still well below the Bank of England’s 2% inflation target. The labour market continued to improve through 2015 and in Q1 2016, the latest figures (Jan 2016) showing the employment rate at 74.1% (the highest rate since comparable records began in 1971) and the unemployment rate at a 12 year low of 5.1%. Wage growth has however remained modest at around 2.2% excluding bonuses, but after a long period of negative real wage growth (i.e. after inflation) real earnings were positive and growing at their fastest rate in eight years, boosting consumers’ spending power.

**Global influences:** The slowdown in the Chinese economy became the largest threat to the South East Asian region, particularly on economies with a large trade dependency on China and also to prospects for global growth as a whole. The effect of the Chinese authorities’ intervention in their currency and equity markets was temporary and led to high market volatility as a consequence. There were falls in prices of equities and risky assets and a widening in corporate credit spreads. As the global economy entered 2016 there was high uncertainty about growth, the outcome of the US presidential election and the consequences of June’s referendum on whether the UK is to remain in the EU. Between February and March 2016 sterling had depreciated by around 3%, a significant proportion of the decline reflecting the uncertainty surrounding the referendum result.

**UK Monetary Policy:** The Bank of England’s MPC (Monetary Policy Committee) made no change to policy, maintaining the Bank Rate at 0.5% (in March it entered its eighth year at 0.5%) and asset purchases (Quantitative Easing) at £375bn. In its Inflation Reports and monthly monetary policy meeting minutes, the Bank was at pains to stress and reiterate that when interest rates do begin to rise they were expected to do so more gradually and to a lower level than in recent cycles.

Improvement in household spending, business fixed investment, a strong housing sector and solid employment gains in the US allowed the Federal Reserve to raise rates in December 2015 for the first time in nine years to take the new Federal funds range to 0.25%-0.50%. Despite signalling
four further rate hikes in 2016, the Fed chose not to increase rates further in Q1 and markets pared back expectations to no more than two further hikes this year.

However central bankers in the Eurozone, Switzerland, Sweden and Japan were forced to take policy rates into negative territory. The European Central Bank also announced a range of measures to inject sustained economic recovery and boost domestic inflation which included an increase in asset purchases (Quantitative Easing).

**Market reaction:** From June 2015 gilt yields were driven lower by the weakening in Chinese growth, the knock-on effects of the fall in its stock market, the continuing fall in the price of oil and commodities and acceptance of diminishing effectiveness of central bankers’ unconventional policy actions. Added to this was the heightened uncertainty surrounding the outcome of the UK referendum on its continued membership of the EU as well as the US presidential elections which culminated in significant volatility in equities and corporate bond yields.

10-year gilt yields moved from 1.58% on 31/03/2015 to a high of 2.19% in June before falling back and ending the financial year at 1.42%. The pattern for 20-year gilts was similar, the yield rose from 2.15% in March 2015 to a high of 2.71% in June before falling back to 2.14% in March 2016. The FTSE All Share Index fell 7.3% from 3664 to 3395 and the MSCI World Index fell 5.3% from 1741 to 1648 over the 12 months to 31 March 2016.

**Local Context**

At 31/03/2016 the Council’s underlying need to borrow for capital purposes as measured by the Capital Financing Requirement (CFR) was zero, while usable reserves and working capital which are the underlying resources available for investment were £11m.

At 31/03/2016, the Council had no borrowing and £11m of investments. The Council may however have to borrow to pre fund future years requirements or unexpected capital expenditure that occurs in the year providing this does not exceed the authorised limit for borrowing of £10m.

The Council is currently debt free and its capital expenditure plans do not currently imply any need to borrow over the forecast period. Investments are forecast to fall to £7.5m as capital receipts are used to finance capital expenditure and reserves are used to finance the revenue budget over the next three years.

**Investment Activity**

The Council has held significant invested funds, representing income received in advance of expenditure plus balances and reserves held. During 2015/16 the Council’s investment balances have ranged between £12.5 and £21.5 million.

The Guidance on Local Government Investments in England gives priority to security and liquidity and the Council’s aim is to achieve a yield commensurate with these principles.
Investment Activity in 2015/16

<table>
<thead>
<tr>
<th>Investments</th>
<th>Balance on 01/04/2015 £’000</th>
<th>Investments Made £’000</th>
<th>Maturities/Investments Sold £’000</th>
<th>Balance on 31/03/2016 £’000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Short term fixed Investments **</td>
<td>4,500</td>
<td>4,000</td>
<td>5,500</td>
<td>3,000</td>
</tr>
<tr>
<td>Cash Accounts</td>
<td>5,005</td>
<td>2,000</td>
<td>6,000</td>
<td>1,005</td>
</tr>
<tr>
<td>Money Market Funds</td>
<td>0</td>
<td>54,950</td>
<td>54,950</td>
<td>0</td>
</tr>
<tr>
<td>Certificates of Deposit</td>
<td>3,000</td>
<td>9,000</td>
<td>8,000</td>
<td>4,000</td>
</tr>
<tr>
<td>LAMIT Property Fund</td>
<td>0</td>
<td>3,000</td>
<td></td>
<td>3,000</td>
</tr>
<tr>
<td>TOTAL INVESTMENTS</td>
<td>12,505</td>
<td>72,950</td>
<td>74,450</td>
<td>11,005</td>
</tr>
</tbody>
</table>

Increase/ (Decrease) in Investments £m

** The Short Term fixed Investments outstanding at 31 March 2016 were as follows

<table>
<thead>
<tr>
<th>Borrower</th>
<th>Amount £’000</th>
<th>Maturity Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barclays</td>
<td>1,000</td>
<td>7 April 2016</td>
</tr>
<tr>
<td>Lloyds</td>
<td>2,000</td>
<td>10 August 2016</td>
</tr>
<tr>
<td>Total</td>
<td>3,000</td>
<td></td>
</tr>
</tbody>
</table>

Security of capital has remained the Council’s main investment objective. This has been maintained by following the Council’s counterparty policy as set out in its Treasury Management Strategy Statement for 2015/16.

Counterparty Update

The transposition of two European Union directives into UK legislation placed the burden of rescuing failing EU banks disproportionately onto unsecured institutional investors which include local authorities and pension funds. During the year, all three credit ratings agencies reviewed their ratings to reflect the loss of government support for most financial institutions and the potential for loss given default as a result of new bail-in regimes in many countries. Despite reductions in government support many institutions saw upgrades due to an improvement in their underlying strength and an assessment that that the level of loss given default is low.
Fitch reviewed the credit ratings of multiple institutions in May. Most UK banks had their support rating revised from 1 (denoting an extremely high probability of support) to 5 (denoting external support cannot be relied upon). This resulted in the downgrade of the long-term ratings of Royal Bank of Scotland (RBS), Deutsche Bank, Bank Nederlandse Gemeeten and ING. JP Morgan Chase and the Lloyds Banking Group however both received one notch upgrades.


S&P reviewed UK and German banks in June, downgrading the long-term ratings of Barclays, RBS and Deutsche Bank. As a result of this the Council made the decision to suspend Deutsche Bank as a counterparty for new unsecured investments. S&P also revised the outlook of the UK as a whole to negative from stable, citing concerns around the referendum on EU membership and its effect on the economy.

At the end of July 2015, Arlingclose advised an extension of recommended durations for unsecured investments in certain UK and European institutions following improvements in the global economic situation and the receding threat of another Eurozone crisis. A similar extension was advised for some non-European banks in September, with the Danish Danske Bank being added as a new recommended counterparty and certain non-rated UK building societies also being extended.

In December the Bank of England released the results of its latest stress tests on the seven largest UK banks and building societies which showed that the Royal Bank of Scotland and Standard Chartered Bank were the weakest performers. However, the regulator did not require either bank to submit revised capital plans, since both firms had already improved their ratios over the year.

In January 2016, Arlingclose supplemented its existing investment advice with a counterparty list of high quality bond issuers, including recommended cash and duration limits. As part of this, Bank Nederlandse Gemeeten was moved to the list of bond issuers from the unsecured bank lending list and assigned an increased recommended duration limit of 5 years. Interest rates are likely to stay low for longer, making long-term bonds an increasingly attractive option. The Council did not make use of these long-term investment options during 2015/16.

The first quarter of 2016 was characterised by financial market volatility and a weakening outlook for global economic growth. In March 2016, following the publication of many banks’ 2015 full-year results, Arlingclose advised the suspension of Deutsche Bank and Standard Chartered Bank from the counterparty list for unsecured investments. Both banks recorded large losses and despite improving capital adequacy this will call 2016 performance into question, especially if market volatility continues. Standard Chartered had seen various rating actions taken against it by the rating agencies and a rising CDS level throughout the year. Arlingclose will continue to monitor both banks.

The end of bank bail-outs, the introduction of bail-ins, and the preference being given to large numbers of depositors other than local authorities means that the risks of making unsecured deposits continues to be elevated relative to other investment options. The Council therefore increasingly favoured secured investment options or diversified alternatives such as pooled funds over unsecured bank and building society deposits.
APPENDIX 2

Annual Treasury Outturn Report 2015/16

Budgeted Income and Outturn

The UK Bank Rate has been maintained at 0.5% since March 2009. Short-term money market rates have remained at relatively low levels. The average 3 month LIBID (London Interbank Bid Rate) during 2015/16 was 0.54%, the 6 month LIBID averaged 0.76% and the 1 year LIBID rate averaged 0.99%. The low rates of return on the Council’s short dated money market investments reflect prevailing market conditions and the Council’s objective of optimising returns commensurate with the principles of security and yield.

The Council’s budgeted investment income for the year was £166,000. The Council’s investment outturn for the year £188,317.

The actual rate of return achieved on short dated money market investments was 0.61% compared with a benchmark of 0.45% (7 day LIBID) an out performance of 0.16%.

The actual rate of return achieved on the LAMIT property fund in which £3m was invested on 29 October 2015 was 4.52%

Compliance with Prudential Indicators

The Council confirms compliance with its Prudential Indicators for 2015/16, which were set on 10 March 2015 as part of the Council’s Treasury Management Strategy Statement.

Treasury Management Indicators

The Council measures and manages its exposures to treasury management risks using the following indicators.

Interest Rate Exposures: This indicator is set to control the Council’s exposure to interest rate risk. The upper limits on fixed and variable rate interest rate exposures, expressed as the proportion of net interest payable, should borrowing become necessary, would be:

<table>
<thead>
<tr>
<th></th>
<th>2015/16</th>
<th>2016/17</th>
<th>2017/18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upper limit on fixed interest rate exposure</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Actual</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Upper limit on variable interest rate exposure</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Actual</td>
<td>0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Fixed rate investments and borrowings are those where the rate of interest is fixed for the whole financial year. Instruments that mature during the financial year are classed as variable rate.

Maturity Structure of Borrowing: This indicator is set to control the Council’s exposure to refinancing risk. The upper and lower limits on the maturity structure of fixed rate borrowing, should borrowing become necessary, would be:
### Annual Treasury Outturn Report 2015/16

<table>
<thead>
<tr>
<th>Time Periods</th>
<th>Upper</th>
<th>Lower</th>
<th>Actual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 12 months</td>
<td>100%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>12 months and within 24 months</td>
<td>100%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>24 months and within 5 years</td>
<td>100%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>5 years and within 10 years</td>
<td>100%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>10 years and above</td>
<td>100%</td>
<td>0%</td>
<td>0%</td>
</tr>
</tbody>
</table>

Time periods start on the first day of each financial year. The maturity date of borrowing is the earliest date on which the lender can demand repayment.

**Principal Sums Invested for Periods Longer than 364 days:** The purpose of this indicator is to control the Council’s exposure to the risk of incurring losses by seeking early repayment of its investments. The limits on the total principal sum invested to final maturities beyond the period end will be:

<table>
<thead>
<tr>
<th></th>
<th>2015/16</th>
<th>2016/17</th>
<th>2017/18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Limit on principal invested beyond year end</td>
<td>£1m</td>
<td>£1m</td>
<td>£1m</td>
</tr>
</tbody>
</table>

2015/16 had no investments made beyond 364 days.

**Security:** The Council has adopted a voluntary measure of its exposure to credit risk by monitoring the value-weighted average [credit rating] or [credit score] of its investment portfolio. This is calculated by applying a score to each investment (AAA=1, AA+=2, etc.) and taking the arithmetic average, weighted by the size of each investment.

<table>
<thead>
<tr>
<th></th>
<th>Target</th>
<th>Actual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Portfolio average credit score</td>
<td>6</td>
<td>3.82</td>
</tr>
</tbody>
</table>

**Liquidity:** The Council has adopted a voluntary measure of its exposure to liquidity risk by monitoring the amount of cash available to meet unexpected payments within a rolling three month period, without additional borrowing.

<table>
<thead>
<tr>
<th></th>
<th>Target</th>
<th>Actual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total cash available within 3 months</td>
<td>£3m</td>
<td>£7m</td>
</tr>
</tbody>
</table>

**Investment Training**

The needs of the Council’s treasury management staff for training in investment management are assessed as part of the staff appraisal process and additionally when the responsibilities of individual members of staff change.

During 2015/16 staff attended training courses, seminars and conferences provided by Arlingclose. Training was also provided to Members by Arlingclose at the Council offices in January 2016.
MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
20 JUNE 2016

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, CC,
Mrs P A Channer, CC, Mrs H E Elliott, P G L Elliott,
M W Helm, R Pratt and N R Pudney
In attendance Councillor E L Bamford

198. CHAIRMAN'S NOTICES

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

The Chairman advised that that Agenda Item 13 – FUL/MAL/16/00445 Land
Adjacent Whispering Trees, Mayland Green, Mayland was not to be considered by the Committee due to incorrect papers being served by the applicant, making the application invalid. Members were also informed that there would not be a Members’ briefing.

199. APOLOGIES FOR ABSENCE

There were none.

200. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the South Eastern Area Planning Committee held on 23 May 2016 be approved and confirmed.

201. DISCLOSURE OF INTEREST

Councillor R P F Dewick declared an interest in Agenda Item 9 - FUL/MAL/16/00331 – Land Adjacent the Bungalow, Southminster Road, Asheldham advising that he would not take any part in this application due to a business relationship with the applicant’s family.

Councillor Mrs P A Channer disclosed a non-pecuniary interest as she was a Member of Essex County Council who was consulted on highways and education matters.
Councillor Mrs Channer also declared a non-pecuniary interest in Agenda Item 8 - FUL/MAL/16/00264 – Land Adjacent Furzedown, Main Road, Mundon as she knew the Agent.

Councillor N R Pudney disclosed a non-pecuniary interest in Agenda Item 12 - FUL/MAL/16/00408 – Land Rear of the Hollies, Stoney Hills, Burnham-on-Crouch as he had relatives that lived in Stoney Hills.

Councillor M W Helm disclosed a non-pecuniary interest in Agenda Item 8 - FUL/MAL/16/00264 – Land Adjacent Furzedown, Main Road, Mundon as he knew the Applicant and most of the supporters.

Councillor A S Fluker declared in the interest of openness and transparency that:
- he knew the Applicant and Agent in relation to Agenda Item 9 - FUL/MAL/16/00331 – Land Adjacent the Bungalow, Southminster Road, Asheldham – he knew the Applicant and Agent.
- he knew the Agent in relation to Agenda Item 10 – FUL/MAL/16/00368 – Land Adjacent 34 Green Lane, Green Lane, Burnham-on-Crouch.
- he knew some of the objectors in relation to Agenda Item 12 - FUL/MAL/16/00408 – Land Rear of the Hollies, Stoney Hills, Burnham-on-Crouch.
- he knew some of the objectors in relation to Agenda Item 14 - FUL/MAL/16/00523 – 12 Station Road, Southminster.

Councillor B S Beale disclosed a non-pecuniary interest in Agenda Item 9 - FUL/MAL/16/00331 – Land Adjacent the Bungalow, Southminster Road, Asheldham as he knew the Applicant.

202. MEMBERS' BRIEFING

In accordance with the Chairman’s earlier notification, there was no Members’ briefing.

203. FUL/MAL/16/00238 - HARLOW SAILING CLUB, SEA VIEW PARADE, MAYLAND

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members’ Update circulated at the meeting.
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 floodlighting or other external form of illumination of the site shall be undertaken without the prior written approval of the Local Planning Authority.

4. The development hereby permitted shall only be undertaken during the first two weeks of November.

POSITIVE AND PROACTIVE STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

204. FUL/MAL/16/00246 - PIXIES FOLLY, 14 MOUNTVIEW CRESCENT, ST. LAWRENCE

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members’ Update circulated at the meeting.
Following the Officers’ presentation Mr Fraser on behalf of the Agent addressed the Committee.

It was noted that the site was within Flood Zone 3 and comments were raised regarding this and the current dwellings adjacent to the site. The Director of Planning and Regulatory Services advised that consideration had to be given to meeting the criteria for refuge in the event of flooding. He informed Members that the refuge in relation to this application was not considered adequate.

Some concerns were raised in respect of over-development and in response the Development Control Officer outlined the considerations taken by Officers in respect of this, highlighting relevant areas of the report.

Councillor R Pratt proposed that the Officers recommendation of refusal be agreed. Councillor A S Fluker proposed an amendment to the proposal of Councillor Pratt to include an additional reason for refusal on the grounds of overdevelopment. This proposal was duly seconded and agreed.

RESOLVED that this application be REFUSED for the following reasons:
1. The proposed development is located within Flood Zone 3 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 aspirations of the Maldon District Replacement Local Plan and submitted 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 and the proposed safe refuge is not considered to be a sufficient arrangement.

2. The proposed development by reason of its layout, siting, size, scale and bulk is considered to result in a cramped and contrived appearance resulting in overdevelopment of the site to the detriment of the character of the area contrary to Polices BE1 of the Local Plan, D1 of the Maldon Local Development Plan and the National Planning Policy Framework.
POSITIVE AND PROACTIVE STATEMENT
Town and Country Planning (Development Management Procedure) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

205. **FUL/MAL/16/00264 - LAND ADJACENT FURZEDOWN, MAIN ROAD, MUNDON**

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members’ Update circulated at the meeting.

<table>
<thead>
<tr>
<th>Application Number</th>
<th>FUL/MAL/16/00264</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Land Adjacent Furzedown Main Road Mundon Essex</td>
</tr>
<tr>
<td>Proposal</td>
<td>Construction of new detached dwellinghouse</td>
</tr>
<tr>
<td>Applicant</td>
<td>Ms D Adger</td>
</tr>
<tr>
<td>Agent</td>
<td>Mr David Wallis - Smart Planning Ltd</td>
</tr>
<tr>
<td>Target Decision Date</td>
<td>24.06.2016</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Kara Elliott, TEL: 01621 875860</td>
</tr>
<tr>
<td>Parish</td>
<td>MUNDON</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Parish Trigger</td>
</tr>
</tbody>
</table>

Following the Officers’ presentation Ms S Vella, a supporter and Ms Adger, the Applicant addressed the Committee.

Councillor Mrs B F Acevedo, a Ward Member, disagreed with the Officers’ recommendation and sought to provide clarification in respect of concerns raised regarding the proposed shared access, access to public transport and the location of the site being a distance from the road. She felt the design was attractive and in keeping with the host dwelling.

Councillor R G Boyce, the other Ward Member, agreed with the comments of his fellow Ward Member. He commented that the proposal was sustainable and made reference to dwellings approved in the same locality. He did not feel that the proposed dwelling would urbanise the village. Councillor Boyce proposed that the application be approved, contrary to Officers’ recommendation. He highlighted that he had had some concerns regarding sewers but the applicant sought to overcome this through connection to main sewers. The proposal was duly seconded.

In response, the Director of Planning and Regulatory Services advised the Committee of the need to have clear reasons for approval to overcome the suggested reasons for refusal.
Following further discussion and comments raised the Chairman put the proposal in the name of Councillor Boyce. Upon a vote being taken this was agreed. The Director of Planning and Regulatory Services provided further guidance and summarised Members’ discussions in relation to the three reasons for refusal as follows:

- that although the development was outside of the settlement boundary, Members did not consider the development as intrusive and harmful to the local area. Intrusiveness could be overcome by conditions relating to suitable landscaping.
- it was not felt that the proposed development was urbanisation and was therefore acceptable.
- in relation to reason for refusal 3 it was felt that this was a technical matter which could be overcome with suitable conditions.

Officers then suggested a number of conditions to be application in light of Members decision to approve the application. These were 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 the approved drawings specifically referenced on this decision notice.
3. Prior to the commencement of the development 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.
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 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 occupation of the development to which it relates and be retained as such thereafter.

6 No unbound materials shall be used in the surface treatment of the vehicular access within 6m of the highway boundary.

7 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.

8 Prior to the commencement of the development details of the 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.

9 There shall be no raising of ground levels within the site.

INFORMATIVE

1 Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control, or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River. If you believe you need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding. Alternatively you can email any queries to Essex County Council via watercourse.regulation@essex.gov.uk or by phone on 0845 603 7631. Planning permission does not negate the requirement for consent, and full details of the work you propose will be required at least two months before you intend to start.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. Furthermore, Members of the planning committee took the decision to grant planning permission as the proposal has been considered acceptable.

In light of his earlier declaration councillor R P F Dewick left the chamber at this point.

IN THE CHAIR - COUNCILLOR A S FLUKER
The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members’ Update circulated at the meeting.

<table>
<thead>
<tr>
<th>Application Number</th>
<th>FUL/MAL/16/00331</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Land Adjacent The Bungalow Southminster Road Asheldham Essex</td>
</tr>
<tr>
<td>Proposal</td>
<td>Proposed construction of two chalet style houses and carport</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mrs Mary Anderson</td>
</tr>
<tr>
<td>Agent</td>
<td>Ms Sarah Threlfall - TMA Chartered Surveyors</td>
</tr>
<tr>
<td>Target Decision Date</td>
<td>14 June 2016</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Kara Elliott, TEL: 01621 875860</td>
</tr>
<tr>
<td>Parish</td>
<td>ASHELDHAM</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Parish Trigger</td>
</tr>
</tbody>
</table>

Following the Officers’ presentation Mr Matthews (on behalf of the Agent) addressed the Committee.

RESOLVED that this application be REFUSED for the following reasons:
1. The development would result in the introduction of 2 no. dwellings and associated residential paraphernalia which would result in development that does not reflect the character of the area and would urbanise the area to the detriment of its character and appearance, contrary to policies S1, S2, BE1 and CC6 of the Maldon District Replacement Local Plan and policies S1, S8 and D1 of the submitted Maldon District Local Development Plan as well as guidance set out in the National Planning Policy Framework.
2. The proposed development would result in the intensification of a substandard access onto a highway which does not comply with current visibility requirements for vehicular access. The development would therefore be to the detriment of pedestrian and highway safety and the safe and convenient free flow of traffic, contrary to policies T1 and T2 of the adopted Maldon District Replacement Local Plan, T2 of the Submitted Local Development Plan and the guidance contained in the National Planning Policy Framework.

POSITIVE AND PROACTIVE STATEMENT
Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.
Councillor Dewick returned to the Chamber

IN THE CHAIR – COUNCILLOR R P F DEWICK

207. FUL/MAL/16/00368 - LAND ADJACENT 34 GREEN LANE, GREEN LANE, BURNHAM-ON-CROUCH

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<table>
<thead>
<tr>
<th>Application Number</th>
<th>FUL/MAL/16/00368</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Land Adjacent 34 Green Lane Green Lane Burnham-On-Crouch Essex</td>
</tr>
<tr>
<td>Proposal</td>
<td>The erection of a four bedroom, detached dwelling with detached garage.</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mr &amp; Mrs M Jeffrey</td>
</tr>
<tr>
<td>Agent</td>
<td>Clark Partnership</td>
</tr>
<tr>
<td>Target Decision Date</td>
<td>19 May 2016</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Emily Hall, TEL: 01621 875744</td>
</tr>
<tr>
<td>Parish</td>
<td>BURNHAM NORTH</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Member Call In</td>
</tr>
</tbody>
</table>

Following the Officers’ presentation, Mrs Jeffrey the Applicant addressed the Committee.

Councillor Mrs H E Elliott, a Ward Member, advised that she agreed with the proposed development, making reference to its design and position on the site. She felt that the concerns raised by the Highways Authority could be addressed.

Councillor N R Pudney, the other Ward Member, agreed with the comments of his fellow Ward Member. He felt that the application would enhance the area and proposed that it be approved, contrary to Officers’ recommendation.

In response to a question regarding reference to policies of the Replacement Local Development Plan in the reason for refusal and how this related to the ongoing inspection of the Council’s Local Development Plan, the Director of Planning and Regulatory Services advised that this was the policy adopted by the Council.

A debate ensued with other Members giving their support to the application.

The Chairman then put the proposal in the name of Councillor Pudney to the Committee and upon a vote being taken this was agreed. In response to the approval it was clarified that the reasons for approval related to location, design, height and scale, the proposal not being detrimental to the surrounding area and not contrary to policy. The Officer highlighted a number of standard conditions which could be applied to the approval and following discussions these were 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 the approved drawings specifically referenced on this decision notice.

3. Prior to the commencement of the development 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.

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. 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 occupation of the development to which it relates and be retained as such thereafter.

6. Prior to the first occupation of the proposed dwelling, the proposed vehicular access shall be constructed to a width of 4.8m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

7. Prior to the first use of the proposed access, details of the construction and future maintenance of the necessary bridging or piping of the drainage ditch/watercourse shall be submitted to and approved in writing by the Local Planning Authority.

8. Prior to the proposed access being brought into use the applicant shall provide a 2.4m wide parallel band visibility splay across the entire sites frontage to Green Lane which shall be maintained free from obstruction clear to ground in perpetuity.
9 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

10 No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

i. The parking of vehicles of site operatives and visitors
ii. loading and unloading of plant and materials
iii. storage of plant and materials used in constructing the development
iv. wheel and under body washing facilities

11 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.

12 Prior to the commencement of the development details of the 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.

13 There shall be no raising of ground levels within the site.

14 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) (England) 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.

15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no wall, fence, gate or other means of enclosure shall be erected within or around the site without the prior grant of planning permission by the local planning authority.

16 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order) the garage hereby permitted shall be used only for the parking of motor cars in connection with the residential use of the property and those purposes incidental to the use of the dwelling house to which it relates and not for any commercial or business purpose or for any overnight sleeping purposes.
INFORMATIVES

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

2. 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

2. Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control, or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River. If you believe you need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding. Alternatively you can email any queries to Essex County Council via watercourse.regulation@essex.gov.uk or by phone on 0845 603 7631. Planning permission does not negate the requirement for consent, and full details of the work you propose will be required at least two months before you intend to start.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. Furthermore, Members of the planning committee took the decision to grant planning permission as the proposal has been considered acceptable.
The Committee considered the report of the Director of Planning and Regulatory Services on a request to vary the section 106 agreement in relation to planning permission OUT/MAL/12/00437. The variation, for which a draft deed has been prepared, seeks to update the mortgagee exclusion clause relating to the financing for the affordable housing ensures that a lender, should they take possession of a property, can sell the property free of the affordable housing restrictions. The updated wording was now in general use in section 106 agreements. The precise amended wording was set out in the report.

RESOLVED that the proposed variation of the Section 106 dated 11 June 2013 be APPROVED.

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

**Application Number** | **FUL/MAL/16/00408**
---|---
**Location** | Land Rear Of The Hollies Stoney Hills Burnham-On-Crouch Essex
**Proposal** | Erection of 3 dwellings on land to the north of The Hollies and associated access from Stoney Hills
**Applicant** | Mr J Losi & Mr N Cooper - Amex Estates Ltd
**Agent** | Mrs Lisa Skinner - Bidwells
**Target Decision Date** | 24 June 2016
**Case Officer** | Kara Elliott, TEL: 01621 875860
**Parish** | BURNHAM NORTH
**Reason for Referral to the Committee / Council** | Departure from the Local Plan 2005
Previous Committee Decision
Parish Trigger
Following the Officers’ presentation, Mrs Skinner the Agent addressed the Committee.

The Committee raised a number of concerns regarding the proposal, including its design and impact on the surrounding area. The Chairman advised that erection of the three dwellings had been approved and Members were being asked to consider the design aspect of this proposal. A lengthy debate ensued. Members discussed the current developments at Stoney Hills and a number of concerns were raised regarding the proposed design, the scale and size of the proposed houses and layout.

In response to a question, the Director of Planning and Regulatory Services provided the Committee with guidance should Members be mindful to refuse the application.

Councillor A S Fluker proposed that the application be refused, contrary to Officers’ recommendation, for reasons of it being contrary to policies BE1, CC6 and D6 of the Maldon emerging Local Development Plan. This proposal was duly seconded. It was clarified that the reasons for refusal should relate to the scale, height, size, layout and appearance of the proposed development. Upon a vote being taken the proposal of refusal was agreed.

RESOLVED that this application be REFUSED for the following reason

1. The proposed development, due to its layout, design, size, height, scale and bulk would have a detrimental impact upon the character and appearance of the area. Furthermore, the proposed development would result in three dwellings on the site in a cramped and contrived setting within each plot, which would appear out of character with other residential development in the immediate locality which are set in expansive plots. The development is therefore contrary to policies BE1 and CC6 of the adopted Maldon District Replacement Local Plan, D1 of the emerging Local Plan and core planning principles and guidance contained in the National Planning Policy Framework.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal. Members of the planning committee took the decision to refuse planning permission. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.
210. **FUL/MAL/16/00445 - LAND ADJACENT WHISPERING TREES, MAYLAND GREEN, MAYLAND**

<table>
<thead>
<tr>
<th>Application Number</th>
<th>FUL/MAL/16/00445</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Land Adjacent Whispering Trees Mayland Green Mayland Essex</td>
</tr>
<tr>
<td>Proposal</td>
<td>Construction of a one bedroom bungalow</td>
</tr>
<tr>
<td>Applicant</td>
<td>Miss Tessa Ford</td>
</tr>
<tr>
<td>Agent</td>
<td>Mr Matthew Letten - Spectrum Town Planning Consultants</td>
</tr>
<tr>
<td>Target Decision Date</td>
<td>24.06.2016</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Kara Elliott, TEL: 01621 875860</td>
</tr>
<tr>
<td>Parish</td>
<td>MAYLAND</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Previous Committee Decision</td>
</tr>
</tbody>
</table>

As previously advised by the Chairman, this application was invalid due to incorrect papers being served by the applicant.

211. **FUL/MAL/16/00523 - 12 STATION ROAD, SOUTHMINSTER**

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members’ Update circulated at the meeting.

<table>
<thead>
<tr>
<th>Application Number</th>
<th>FUL/MAL/16/00523</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>12 Station Road Southminster Essex CM0 7EW</td>
</tr>
<tr>
<td>Proposal</td>
<td>Change of use from A2 Office to A3 Restaurant with the installation of kitchen extraction duct (Resubmission)</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mr Sinan Unlu</td>
</tr>
<tr>
<td>Agent</td>
<td>-</td>
</tr>
<tr>
<td>Target Decision Date</td>
<td>4 July 2016</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Spyros Mouratidis, TEL: 01621 875841</td>
</tr>
<tr>
<td>Parish</td>
<td>SOUTHMINSTER</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Previous Committee Decision Member Call In</td>
</tr>
</tbody>
</table>

Following the Officers recommendation Mr John Brand (on behalf of the applicant) addressed the Committee.

**RESOLVED** that this application be **REFUSED** subject to the Director of Planning and Regulatory Services determining any new material considerations that arise before the end of the statutory consultation period and for the following reasons:

1. The proposed change of use would result in a loss of amenity and demonstrable harm to the surrounding residential properties due to the nature of the proposed use, the extended opening hours which would include evenings and weekends and the resulting odours, vehicle movements, noise and disturbance, conflicting with Maldon District Replacement Local Plan policy BE1 and Maldon District Local Development Plan policy D1, as well as guidance contained within the National Planning Policy Framework.
The application site provides insufficient parking provision for the proposed use as set out in the Maldon District Vehicle Parking Supplementary Planning Document; this would be exacerbated by the nature of the use and the situation of the car parking spaces. The development would therefore be to the detriment of highway safety of all road users and to the free flow of vehicular traffic, contrary to policies T2 and T8 of the Maldon District Replacement Local Plan and Maldon District Local Development Plan policies T2 and D1, as well as guidance contained within the National Planning Policy Framework.

The site is located in a sensitive setting being within a residential area and Conservation Area. The application provides insufficient information to enable the full consideration of the visual impact of the proposed plant equipment. Plant equipment normally does not reference the character and appearance of the Conservation Area due to their design and materials. Given this and the potential volume of the proposed plant, it is considered that it would be visible from within the public realm causing unacceptable harm to the sensitive locality. Moreover, the Council's adopted policy BE13 seeks to ensure that all development is of a high standard design, using appropriate materials for the location and requires the submission of fully detailed supporting information for proposals that affect Conservation Areas. In this instance this has not been provided and concerns are raised that any future submission would not be able to preserve or enhance the character and appearance of the Conservation Area. Therefore, the proposal would be detrimental to the special character and appearance of the conservation area, being contrary to policies BE1 and BE13 of the Maldon District Replacement Local Plan, policies D1 and D3 of the Submission Local Development Plan and guidance contained within the National Planning Policy Framework.

The site is located in a Conservation Area, the proposed use is considered to be inappropriate in this location due to the specific nature of the use including the introduction of light pollution to the locality and visual clutter which will have a demonstrable impact on the special character and appearance of the Conservation Area. The site is also located adjacent to residential dwellings and it is essential to ensure that the proposed development does not have a detrimental impact on the amenities of the occupiers of these dwellings. Concerns are raised that this could not be achieved on-site and no information has been submitted to be able to fully assess the impact on the amenity of neighbouring properties. Therefore the proposal is contrary to policies BE1 and BE13 of the Maldon District Replacement Local Plan, D1 and D3 of the Maldon District Local Development Plan, as well as guidance contained within the National Planning Policy Framework.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal.

Furthermore, Members of the planning committee which took the decision to refuse planning permission have been asked to consider whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant/Agent. The Local Planning
Authority is willing to provide pre-application advice in respect of any future application for a revised development.

Councillor Mrs P A Channer left the meeting during this item of business and did not return.

212. OUT/MAL/16/00528 - LAND ADJACENT 13 MILL ROAD, TILLINGHAM

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<table>
<thead>
<tr>
<th>Application Number</th>
<th>OUT/MAL/16/00528</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Land Adjacent 13 Mill Road Tillingham Essex</td>
</tr>
<tr>
<td>Proposal</td>
<td>Application for outline planning permission for two residential units and associated garages with access off Mill Road (Renewal of 13/00366/OUT)</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mrs Anne Burden</td>
</tr>
<tr>
<td>Agent</td>
<td>Mr Colin Balaam</td>
</tr>
<tr>
<td>Target Decision Date</td>
<td>23 June 2016</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Kara Elliott, TEL: 01621 875860</td>
</tr>
<tr>
<td>Parish</td>
<td>TILLINGHAM</td>
</tr>
<tr>
<td>Reasons for Referral to the Committee / Council</td>
<td>Departure from the Local Plan 2005 Parish Trigger</td>
</tr>
</tbody>
</table>

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

1. The development shall be carried out in accordance with plans and particulars relating to the layout, scale, appearance, the means of access to the site 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 three years from the date of this permission.

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. 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 shall be erected, details to be submitted and approved as per BS5837:2012, and ground protection been erected details of which shall have been submitted to the Local Planning Authority for written approval. The ground protection shall be laid as per Arboricultural method statement in accordance with British Standard BS5837:2012 (Trees in relation to construction) unless otherwise agreed in writing. 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 their 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.

POSITIVE AND PROACTIVE STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

21.3 OTHER AREA PLANNING AND RELATED MATTERS

The Committee considered the report of the Director of Planning and Regulatory Services and Members’ Update on the following matters:

(i) Appeals Lodged:
It was noted that the following appeals had been lodged with the Planning Inspectorate:

Appeal Start Date: 19/05/2016

Application Number: OUT/MAL/15/00824 (APP/X1545/W/16/3146920
Site: Land Adjacent The Old School House Southminster Road Mayland
Proposal: Proposed construction of three 2 bedroom cottages
Appeal by: Mr Mark Goodey
Appeal against: Refusal
Appeal procedure requested: Written Representations
Appeal Start Date: 19/05/2016
Application Number: FUL/MAL/15/01190 (APP/X1545/W/16/3148794)
Site: Land At Firth View, Steeple Road, Mayland
Proposal: Demolition of the existing barn and the erection of a new two bedroom bungalow with parking provisions and amenity space.
Appeal by: Mr & Mrs Watson
Appeal against: Refusal
Appeal procedure requested: Written Representations

Appeal Start Date: 06/06/2016
Application Number: FUL/MAL/15/01182 (APP/X1545/W/16/3149664)
Site: The Memorial Hall High Street Southminster
Proposal: Change of use of the disused garage space at the rear of the hall to provide a men's shed facility for the Dengie
Appeal by: Southminster Parish Council
Appeal against: Refusal
Appeal procedure requested: Written Representations

Appeal Start Date: 07/06/2016
Application Number: OUT/MAL/15/00678 (APPX/1545/W/16/3148925)
Site: Whitecap Mushroom Farm - Mill Road - Mayland
Proposal: Demolition of former Whitecap Mushroom Farm and associated outbuildings for redevelopment of up to 35 residential dwellings, including upgrading of Mill Road to an adoptable standard. Access to be taken off Mill Road with some other matters reserved. (Resubmission of planning application ref: OUT/MAL/15/00018)
Appeal by: Mr Alen Powl
Appeal against: Refusal
Appeal procedure requested: Informal Hearing

Appeal Start Date: 07/06/2016
Application Number: FUL/MAL/16/00190 (APP/X1545/W/16/3150610)
Site: High View, Fambridge Road, Althorne
Proposal: Demolition of existing property & outbuildings and erection of a replacement dwelling
Appeal by: Mr B Courtney
Appeal against: Refusal
Appeal procedure requested: Written Representations

Appeal Start Date: 08/06/2016
Application Number: OUT/MAL/15/00746 (APP/X1545/W/16/3148737)
Site: Land West Of Red Lyons House, Burnham Road, Latchingdon
Proposal: Outline planning application for one new dwelling including determination of new access
Appeal by: Mr D Palmer
Appeal against: Refusal
Appeal procedure requested: Written Representations
Appeal Start Date: 09/06/2016

Application Number: FUL/MAL/15/00677 (APP/X1545/W/16/3150788)
Site: Tillingham Hall Farm - North Street - Tillingham
Proposal: Demolition of redundant agricultural buildings and the erection of 21no. dwellings comprising 4no. detached, 8no. semi detached and 9no. terraced properties (inc. 2 semi detached bungalows) with associated garages, parking areas, gardens, new vehicular and pedestrian access from North Street and associated external works and landscaping.
Appeal by: The Dean and Chapter of St Paul’s Cathedral
Appeal against: Refusal
Appeal procedure requested: Informal Hearing

Appeal Start Date: 14/06/2016

Application Number: OUT/MAL/15/00445 (APP/X1545/W/16/3147227)
Site: Grove Farm - Stoney Hills - Burnham On Crouch
Proposal: Outline application for one dwelling including determination of access
Appeal by: Mrs F Pitt
Appeal against: Refusal
Appeal procedure requested: Informal Hearing

Appeal Start Date: 14/06/2016

Application Number: OUT/MAL/15/01082 (APP/X1545/W/16/3147572)
Site: Grove Farm - Stoney Hills - Burnham On Crouch
Proposal: Outline application for one dwelling including determination of access
Appeal by: Mrs F Pitt
Appeal against: Non-Determination
Appeal procedure requested: Informal Hearing

(ii) Appeal Decisions:
It was noted that the following appeal decisions had been received from the Planning Inspectorate:

OUT/MAL/15/00559 (Appeal Ref: APP/X1545/W/16/3142329)
Proposal - Outline application for proposed new 2 bedroom home with the matter of access for determination
Address - Land Rear Of The Thicket Summerhill Althorne
APPEAL DISMISSED – 26 May 2016
DECISION LEVEL: Delegated

Appeal A
FUL/MAL/15/00490 (Appeal Ref: APP/X1545/W/15/3141388)
Proposal- Detached bungalow & double garage.
Address- Site East Of Red Lyons Lodge Burnham Road Latchingdon
APPEAL DISMISSED & COSTS DISMISSED – 27 May 2016
DECISION LEVEL: Committee (overturned Officer recommendation to approve)
Appeal B
FUL/MAL/15/00905 (Appeal Ref: APP/X1545/W/15/3141513)
Proposal- Detached bungalow & double garage.
Address- Site East Of Red Lyons Lodge Burnham Road Latchingdon
APPEAL DISMISSED & COSTS ALLOWED – 27 May 2016
DECISION LEVEL: Committee (as per Officer recommendation to refuse)

HOUSE/MAL/15/01010 (Appeal Ref: APP/X1545/D/16/3145083)
Proposal: Open sided decking area with a roof (4.8x5.2), hand rails and spindles
Address: 11 The Spinnaker - St Lawrence
APPEAL DISMISSED – 23 May 2016
DECISION LEVEL: Delegated

COUPA/MAL/15/01193 (Appeal Ref: APP/X1545/W/16/3145035)
Proposal: Prior approval of proposed Change of Use of Agricultural Building to a Dwellinghouse (Use calls C3), and for associated operational development.
Address: Agricultural Building - Sparrow Wycke Farm - Main Road - Mundon
APPEAL ALLOWED & COSTS ALLOWED – 15 June 2016
DECISION LEVEL: Delegated

Appeal A
14/00100/OPDEV (Appeal Ref: APP/X1545/C/15/3136077)
1A Alamein Road – Burnham On Crouch
Appeal against: Without planning permission the erection of a detached dwelling house on the land including the erection of a raised concrete platform, higher than 0.3 metres, with associated walls and steps.
APPEAL DISMISSED AND THE ENFORCEMENT NOTICE IS UPHELED 17 June 2016

Appeal B
14/00100/OPDEV (Appeal Ref: APP/X1545/C/15/3139006)
1A Alamein Road – Burnham On Crouch
Appeal against: Without planning permission the erection of boundary walls and fences with height more than (1) metre above ground level adjacent to the highway.
THE APPEAL SUCCEEDS IN PART AND THE ENFORCEMENT NOTICE IS UPHELED AS VARIED IN THE TERMS SET OUT IN THE DECISION 17 June 2016

In response to a question regarding the appeals relating to Site East Of Red Lyons Lodge, Burnham Road, Latchingdon and why costs had been allowed on one and not the other, the Director of Planning and Regulatory Services advised that he would respond to Members outside of the meeting as he did not have that information available.
214. **DELEGATED PLANNING APPLICATIONS**

The Committee received and noted the list of decisions on planning applications taken by the Director of Planning and Regulatory Services under delegated powers, circulated prior to the meeting for the period 11 April – 16 June 2016.

There being no further items of business the Chairman closed the meeting at 9.13 pm

R P F DEWICK
CHAIRMAN
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MINUTES of
AUDIT COMMITTEE
27 JUNE 2016

PRESENT

Chairman Councillor B E Harker
Vice-Chairman Councillor Mrs H E Elliott
Councillors M F L Durham, A S Fluker, M S Heard, R Pratt, A K M St. Joseph and Mrs M E Thompson

215. CHAIRMAN'S NOTICES

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

216. APOLOGIES FOR ABSENCE

There were none.

217. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Audit Committee held on 17 March 2016 be approved and confirmed.

218. DISCLOSURE OF INTEREST

There were none.

219. THE ROLE OF THE AUDIT COMMITTEE

The Committee received a presentation from the Director of Resources which highlighted the role and scope of the Audit Committee including:

- legislative framework;
- the work of Internal and External Audit;
- the main role of the Audit Committee, in line with its terms of reference;
- professional standards and conduct.

In response to a question regarding the Committees Terms of Reference in particular scrutiny of “…the Authority’s financial and non-financial performance”, the Director...
of Resources advised that this did refer to scrutiny of everything and therefore the words financial and non-financial could be removed.

The Chairman thanked the Director of Resources for her presentation and it was agreed that copies would be circulated to Members of the Committee.

220. AUDIT COMMITTEE TERMS OF REFERENCE

The Committee considered the report of the Director of Resources seeking approval of some minor changes to the Terms of Reference for the Audit Committee. The revised Terms of Reference were attached as Appendix 1 to the report.

It was noted that following the outsourcing of the Council’s Internal Audit function it was necessary to update the Committee’s Terms of Reference.

In response to a question regarding duplication between this Committee and the Overview and Scrutiny Committee, the Director of Resources outlined the differences between the two Committees.

It was agreed that ‘financial and non-financial’ should be deleted from paragraph 1.2 of the Terms of Reference.

In response to a query regarding deletion of reference to the Section 151 Officer in paragraph 1.5 of the Terms of Reference, the Director of Resources explained the reasoning for this but the Committee felt this post should be included and therefore this deletion was not agreed.

RECOMMENDED that the revised Audit Committee Terms of Reference attached at APPENDIX 1 to these Minutes, be agreed.

221. PROGRAMME OF WORK 2016 / 17

The Committee considered the report of the Director of Resources submitting for Members information the proposed forthcoming programme of work for the Audit Committee for 2016 / 17.

The report outlined the proposed Audit Committee programme of work for 2016 / 17. The programme of work had been prepared to provide Members with an indication of the items to come before the Audit Committee in the forthcoming year.

In response to a discussion regarding training, the Director of Resources requested that Members email her with any specific training topics they had.

RESOLVED

(i) that the Audit Committee Programme of Work for 2016 / 17 as set out in the report be agreed;

(ii) that any training needs be identified to the Director of Resources.
222. QUARTERLY REVIEW OF CORPORATE RISK

The Committee received the report the Director of Resources providing Members with an update on the current corporate risk position and any changes since the last review undertaken by the Committee. It was noted that these had been considered by the Corporate Leadership Team.

A table within the report detailed the risks and risk scores on the Corporate Risk Register as at 31 March 2016. Appendix 1 to the report provided further information on each individual risk including, the original risk score and any comments at the end of quarter four. It was noted that since the last quarter there had been changes to eight risk scores.

The risks to be included on the 2016 / 17 Corporate Risk Register were attached as Appendix 2 to the report.

It was suggested that the wording of likelihood score 4 ‘very likely’ was misleading and consideration should be given to changing this to ‘in a timely manner’. The Director of Resources advised that she would feed this back to the relevant Officer.

Following a discussion a number of points were raised by the Committee and the following information provided:

- **Risk 04 - Failure to deliver the required infrastructure to support development arising from the LDP** – It was felt by some Members that the comment regarding the increase in risk score were insufficient.

- **Risk 09 - Failure to achieve the desired outcomes of the Senior Management Restructure (SMR)** - Director of Resources agreed to provide Members with details of the desired outcomes following the recent Senior Management review.

- **Risk 13 - Committee structure not fit for purpose** – The Committee felt that this matter should have clear political steer before it was progressed further.

- **Risk 14 - Lack of resilience or inability to recruit and retain staff within identified skill shortage service areas** – In response to a question regarding identification of this risk, the Director of Resources advised that this mainly related to the Planning and Regulatory Services and she highlighted current recruiting issues. Reference was made to a recent report to the Finance and Corporate Services Committee which had identified a large number of vacancies in the Council structure and Members felt this was critical to the organisation. The Director of Resources advised that there were now a number of actions in place addressing this.

- **Risk 5 – Uncertainty regarding strategic ownership of flooding mitigation and long term maintenance responsibilities** – It was noted that the report made reference to a written response explaining the work undertaken with Anglian Water, Essex County Council and Developers and the Director of Resources advised that she would speak to the relevant Directors to ensure this had been provided.
RESOLVED

(i) that the Corporate Risk Register for 2016 / 17 as agreed by the Corporate Leadership Team be noted.

(ii) that in undertaking this review Members were assured that corporate risk was being managed effectively.

223. EXTERNAL AUDIT - ANNUAL AUDIT AND CERTIFICATION FEES 2016 / 17

The Chairman introduced Ms Debbie Hanson, Director at Ernst & Young LLP and Mr Gurpreet Dulay and Mr Greg Ruebeins from BDO.

The Committee received the report of the Director of Resources informing Members of the external audit fee payable to Ernst & Young LLP for 2016 / 17. Details of the fee were set out in Appendix 1 to the report. Members were advised that the fee had been set by Public Sector Audit Appointments Ltd (PSAA).

RESOLVED that the contents of this report be noted.

224. EXTERNAL AUDIT PLAN

The Committee received the report of the Director of Resources informing Members of the External Audit Plan (attached as Appendix 1 to the report) produced by Ernst & Young LLP setting out their proposed audit approach and scope for the 2015 / 16 audits.

Ms Hanson presented the report and drew Members’ attention to the risks identified within the Appendix. In response to a question, Members were advised of the work undertaken by the External Auditors when looking at the previous years work and the Director of Resources advised that most of the errors identified had been corrected in the statement of accounts.

RESOLVED that the External Audit Plan be noted.

225. UPDATES FROM EXTERNAL AUDIT (ERNST AND YOUNG LLP)

The Committee received the report of the Director of Resources informing Members of briefing notes published by the Council’s new External Auditor Ernst and Young LLP.

Ms Hanson took Members through the Quarter Two 2016 Local Government Audit Committee Briefing note. Members were advised that Ernst and Young were running some workshops relating to off-payroll working in the public sector and what this would mean for the Council.

In response to a question regarding recent announcement by the Government that all Schools would be Academies, it was clarified that the Briefing had been drafted in
March 2016 and therefore may require further updates following any more recent Government announcements such as the one mentioned.

The Director of Resources advised that the Council was awaiting publication from the Government of key document on the localisation of business rates, although assumptions around this had been made in the Medium Term Financial Statement.

**RESOLVED** that the updates provided for by Ernst and Young LLP be noted.

### 226. ACCOUNTING POLICIES UPDATE - 2015 / 16 STATEMENT OF ACCOUNTS

The Committee considered the report of the Director of Resources notifying Members of the accounting policies adopted for 2015 / 16 (attached as Appendix 1 to the report).

The Accounting policies, developed in accordance with the Code of Practice on Local Authority Accounting (the Code), were the specific principles, bases, conventions, rules and practices applied in preparation of financial statements. The Director of Resources advised the Committee that there had been one change to the Code, an introduction of a new policy as part of IFTS13 “Fair Value Measurement” and details of this were set out in Appendix 1.

**RESOLVED** that the Accounting Policies be endorsed.

### 227. DRAFT ANNUAL GOVERNANCE STATEMENT

The Committee considered the report of the Director of Resources presenting the draft Annual Governance Statement for approval.

The Annual Governance Statement (AGS) 2015 / 16 was attached as Appendix 1 to the report. This detailed the governance arrangements of the Council, issues identified, actions and plans currently in place and operating successfully to mitigate the risk associated with any weaknesses.

The Director of Resources highlighted that the budget gap from 2016 / 17 had been addressed. It was commented that it was essential for work on addressing future budget gaps to be started as soon as possible.

**RESOLVED**

(i) that the Annual Governance Statement 2015 / 16, attached as Appendix 1 to the report be approved;

(ii) that the Annual Governance Statement 2015 / 16 be certified by the Leader of the Council and Chief Executive.
228. **PERFORMANCE AGAINST 2015 / 16 AND 2016 / 17 INTERNAL AUDIT PLAN**

The Committee considered the report of the Director of Resources presenting progress to date with regard to work completed and any deviances to, or slippage on, the 2015 / 16 and 2016 / 17 Internal Audit Plan (attached as Appendix 1 to the report).

Members were reminded that it had been agreed where limited assurance level was obtained regarding the design and / or operational effectiveness of the internal control, the full audit report produced by BDO LLP would be reported to the Committee. Therefore Appendices 2 and 3 provided copies of the audit reports for Business Continuity & Disaster Recovery and Risk Management.

In response to a number of questions, the following information was provided:

- **Planning Services** – Members were advised that a detailed audit was scheduled for 2016 / 17.

- Further explanation of why a limited assurance level was reached in respect of the two audits highlighted above and Mr Dulay advised that these would be followed up in 2016 / 17 and such results were not uncommon in an authority of this size.

- Key Performance Indicators in respect of the Local development Plan were raised.

**RESOLVED** that the performance against the 2015 / 16 and 2016 / 17 Internal Audit Plans be noted;

229. **ANNUAL OPINION ON THE EFFECTIVENESS OF THE SYSTEM OF INTERNAL CONTROL**

The Committee received the report of the Director of Resources presenting the Annual Opinion to the Head of Internal Audit on the Assurance Gained from the 2015 / 16 Internal Audit work (attached as Appendix 1 to the report).

Members were advised that the annual report provided an overall opinion on the adequacy and effectiveness of the organisation’s risk management, control and governance processes.

It was noted that BDO LLP acting as the Head of Internal Audit was able to provide moderate assurance that there was a sound system of internal control, designed to meet the Council’s objectives and the controls were being applied consistently.

**RESOLVED** that the Head of Internal Audit opinion on the assurance gained from the 2015 / 16 Internal Audit work be noted.

There being no further items of business the Chairman closed the meeting at 4.18 pm

B E HARKER
CHAIRMAN
AUDIT COMMITTEE

TERMS OF REFERENCE

1. Constitution and Meetings

1.1 The Committee will be a Committee of the Council.

1.2 The Committee has a key role to provide independent assurance to the Council on the adequacy of the risk management framework and the associated internal control environment and the extent to which the Council is complying with good corporate governance principles. The Committee independently scrutinises the Authority’s financial and non-financial performance to the extent that it affects the Authority’s exposure to risk and weakens the control environment, and will oversee the financial reporting process and scrutinise the internal and external audit arrangements and review the overall performance.

1.3 The Committee will meet at least four times a year, and will meet separately with the External Auditor as necessary.

1.4 The Committee will consist of eight Members appointed annually by the Council.

1.5 The meetings will normally also be attended by the Director of Resources and the Audit and Fraud Manager and representative(s) from the Council’s Internal Audit provider, External Auditors. Other Members, the Chief Executive, Monitoring Officer, Section 151 Officer and Directors will also have the right to attend.

1.6 The Committee may require any officer to attend its meetings to provide pertinent information and advice in relation to any internal or external audit report.

1.7 The Audit and Fraud Manager may report directly and privately to the Chairman of the Committee if deemed necessary.

1.8 In all other respects and as appropriate, the Council and Committee Procedure Rules will apply.

2. Duties

2.1 To review the internal audit arrangements within the Authority, enhance the profile, status and authority of the Internal Audit function, and demonstrate its independence.

2.2 To approve (but not direct) the Internal Audit Plan and Strategy, and monitor progress against plans and delivery of the Internal Audit service, ensuring that co-ordination of effort between internal and external audit is maximised.

2.3 To receive the annual report and opinion of the Head of Internal Audit (Audit and Fraud Manager) and consider the level of assurance given in respect of the Council’s corporate governance arrangements.
2.4 To receive and consider summary Internal Audit reviews and reports, including reports of agreed recommendations not implemented within reasonable timescales, and seek assurance that action has been taken where necessary.

2.5 To monitor the effective development and operation of risk management and corporate governance in the Council, and seek assurance that action is being taken on issues identified by auditors and inspectors.

2.6 To ensure that the Council achieves value for money and that satisfactory arrangements are in place to promote economy, efficiency and effectiveness.

2.7 To ensure there are effective relationships between Members, Internal and External Auditors, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.

2.8 To consider the appointment of the external auditor and the scope of external audit work as appropriate.

2.9 To receive and consider the reports of external audit and inspection agencies.

2.10 To review the external auditor’s opinion and reports, and monitor management action in response to the issues raised by external audit.

2.11 To receive and consider reports on the effectiveness of the monitoring and management of arrangements with external suppliers.

2.12 To consider the effectiveness of the Authority’s counter fraud and corruption arrangements and promote an anti-fraud culture relating to all the activities of the Council.

2.13 To approve the Annual Governance Statement on behalf of the Council, ensuring it properly reflects the risk, control and governance environment and any actions required to improve it.

2.14 To formally approve the Statement of Accounts.