



**MINUTES of  
SOUTH EASTERN AREA PLANNING COMMITTEE  
18 JULY 2016**

---

**PRESENT**

Chairman	Councillor Cllr R P F Dewick
Vice-Chairman	Councillor Cllr A S Fluker
Councillors	Mrs B F Acevedo, B S Beale MBE, R G Boyce MBE, M W Helm, R Pratt, CC and N R Pudney

**300. CHAIRMAN'S NOTICES (PLEASE SEE PAGE 5)**

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

**301. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs P A Channer CC, Mrs H E Elliott and P G L Elliott.

**302. MINUTES OF THE LAST MEETING**

**RESOLVED:**

- (i) that the Minutes of the South Eastern Area Planning Committee held on 20 June 2016, be received.

**Minute 7 – Declarations of Interest**

Councillor R P F Dewick advised that his declaration of interest should read "... due to a previous business relationship..." instead of "... due to a business relationship".

Councillor R Pratt declared he had a non-pecuniary interest in relation to Agenda Item 7 – FUL/MAL/16/00246 – Pixies Folly, 14 Mountview Crescent, St. Lawrence as he lived close to the application site. Cllr. Acevedo advised of a non-pecuniary interest in relation to FUL/MAL/16/00577 – Manor Farm, Old Heath Road, Southminster (Min 390 15/8/2016).

**RESOLVED:**

- (ii) that subject to the above amendments, the Minutes of the South Eastern Area Planning Committee held on 20 June 2016 be approved and confirmed.

**303. DISCLOSURE OF INTEREST**

Councillor Mrs B F Acevedo declared an interest in Agenda Item 12 – HOUSE/MAL/16/00605 – Lynhurst, 271 Esplanade, Mayland as she knew some of the family, but did not know the Applicant.

Councillor B S Beale MBE declared a non-pecuniary interest in Agenda Item 5 – OUT/MAL/16/00105 – Glebe Meadow, Adjacent King George’s Field Pavilion, Station Road, Southminster – as he was a member of Southminster Parish Council.

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

- In relation to Agenda Item 5 – OUT/MAL/16/00105 – Glebe Meadow, Adjacent King George’s Field Pavilion, Station Road, Southminster - he knew some of the Objectors.
- In relation to Agenda Item 7 – FUL/MAL/16/00413 – Land West of Bridgemans Green, Latchingdon - he knew the Agent.

**304. FUL/MAL/16/00105 - GLEBE MEADOW ADJACENT KING GEORGES FIELD PAVILLION, 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.

<b>Application Number</b>	<b>OUT/MAL/16/00105</b>
<b>Location</b>	Glebe Meadow Adjacent King Georges Field Pavilion Station Road Southminster Essex
<b>Proposal</b>	Outline planning application for the provision of up to 13 dwellings, provision of public open space and a new vehicular from Vicarage Court
<b>Applicant</b>	Chelmsford Diocesan Board Of Finance
<b>Agent</b>	Mrs Hayley Morley - Strutt And Parker
<b>Target Decision Date</b>	4 July 2016
<b>Case Officer</b>	Emily Hall, TEL: 01621 875744
<b>Parish</b>	<b>SOUTHMINSTER</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application Departure from the Local Plan 2005 Member Call In

Further to the Officer's presentation of the report, Mr Michael Dodds, an Objector, of 17 Vicarage Meadow, Burnham Road, Southminster addressed the Committee.

Councillor B S Beale MBE, a Ward Member, was in favour of the application being approved as the land had been open for development for many years and was within the village boundary. He mentioned that the Parish Council had no objections to this application. Furthermore, the Highways Authority was satisfied with the application, provided a condition for the provision of a scheme for on-site car parking was met.

In response to concerns raised by Members the Interim Development Management and Enforcement Manager advised that on an application such as this the Highways Authority would give consideration to access and the impact on the surrounding road network.

Concerns were also raised regarding rural allocations. As Maldon District Council did not have an agreed rural allocation policy at this stage, Members considered reference to it was premature in relation to this application. Members also had concerns regarding possible flooding as the application site was on the edge of a gravel pit and the sewage system could be put under additional stress.

Members highlighted that in the report Officers had expressed concerns regarding the layout of the site and Officers advised that applications for outline planning permission always provided limited indicative information. If Members were minded to grant this application, concerns regarding layout would be dealt with by way of an informative.

At this point in the meeting Councillor R G Boyce CC, MBE declared an interest as he is a social landlord and the Chairman of an Almshouse Trust. He also agreed with concerns raised regarding emerging policies of the Council and the fact that Inspectors had not, as yet, given any weight to these.

Councillor A S Fluker proposed that this application be refused contrary to the Officer's recommendation due to the concerns set out above. This proposal was duly seconded.

Councillor M W Helm also declared an interest as he was a member of an Almshouse Trust.

Members put forward reasons for refusal of this application, should it be refused on a vote.

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

- 1 The site is in a sensitive rural location outside of the defined settlement boundary for Southminster where policies of restraint apply. The proposal by reason of the quantum of development, and its encroachment of built form into the undeveloped rural landscape, would result in a form of development which would have an unacceptably intrusive urbanising effect upon the site adversely affecting the intrinsic character and beauty of the countryside. As such the proposal does not represent sustainable development and the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the scheme contrary to policies S2, H1, CC6 and BE1 of the adopted Maldon District Replacement Local Plan, policies S1, S8 and D1 of the Maldon District Submitted Local Development Plan and the guidance and provisions of 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 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.

#### **305. OUT/MAL/16/00159 - 100 RIVERTON DRIVE, 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.

<b>Application Number</b>	<b>OUT/MAL/16/00159</b>
<b>Location</b>	100 Riverton Drive St Lawrence Essex CM0 7NG
<b>Proposal</b>	Outline planning application for the demolition of the existing dwelling, garage and static caravan and the erection of 2/3 bedroom bungalow.
<b>Applicant</b>	Mr Andrew Bullock
<b>Agent</b>	
<b>Target Decision Date</b>	22.07.2016
<b>Case Officer</b>	Emily Hall, TEL: 01621 875744
<b>Parish</b>	<b>ST LAWRENCE</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

Following the Officer's presentation of the report, Mr Andrew Bullock, the Applicant, addressed the Committee.

Members debated this application and, in particular, the risks regarding flooding and how they could be overcome. They were of the opinion that a more robust flood risk assessment would need to be provided. The Interim Development Management and Enforcement Manager advised Members that Officers had concerns regarding the dominance of the site, the limited amenity site and the lack of available car parking as the proposal was for a large dwelling. It was possible that a smaller dwelling on the site could be provided that would be acceptable.

Councillor M W Helm, a Ward Member, was of the opinion that as there was an existing dwelling on the site, then this proposal would be acceptable as any flood risk would be already in existence. The Parish Council were in support of the application and both the Environment Agency and Environmental Health Department had no objections. Councillor Helm then proposed approval of this application contrary to the Officers' recommendation. This proposal was duly seconded and upon a vote the motion failed.

Following discussions with regards to the layout and scale of the dwelling shown on the indicative block plan, it was requested that an informative be added to the decision notice to formalise the concerns raised.

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

- 1 The submitted Flood Risk Assessment (FRA) is inadequate; failing to a suitable basis for assessment to be made of the flood risks arising from the proposed development. In addition, the proposed development is not in accordance with the recommendations of the FRA and will increase flood risk at the site. 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.

**INFORMATIVE:**

- 1 The layout shown on the indicative block plan would result in a form of development which would appear at odds with development in the immediate locality, resulting in a cramped form of development, which would fail to meet the requirements of private amenity space, and off street car parking as contained within the Essex Design Guide and the Maldon Vehicle Parking Standards.

**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.

**306. OUT/MAL/16/00413 - LAND WEST OF BRIDGEMANS GREEN,  
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.

<b>Application Number</b>	<b>FUL/MAL/16/00413</b>
<b>Location</b>	Land West Of Bridgemans Green Latchingdon Essex
<b>Proposal</b>	Removal of Condition 5 on approved planning permission OUT/MAL/15/00396 (Erect 52 detached, semi-detached and terraced dwellings and flats, lay out parking, amenity areas, estate roads, footpaths and landscaping) Affordable housing quota
<b>Applicant</b>	Mr David Steedman - Moat Homes Ltd
<b>Agent</b>	Mr Stewart Rowe - The Planning And Design Bureau Ltd
<b>Target Decision Date</b>	18 July 2016
<b>Case Officer</b>	Rebecca Greasley, TEL: 01621 875805
<b>Parish</b>	<b>LATCHINGDON</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application Parish Trigger Departure from the Local Plan

Following the Officer's presentation of the report, Mr David Steedman of Moat Homes Ltd, the Applicant, addressed the Committee.

Councillor R G Boyce MBE, CC, a Ward Member, mentioned that the public speaker had identified a problem with social landlords becoming speculative developers. He was of the opinion that the Parish Council's comments had been misunderstood and what they actually wanted from this application was the provision of more rented housing. The Interim Development Management and Enforcement Manager advised that the negotiation of the amount of affordable rented property was usually delegated to Officers, to include the Housing Officer.

Members were concerned about the lack of information regarding affordable housing and expressed difficulties with coming to a decision on this application when they did not know the details of the proposal before them.

Councillor B S Beale MBE proposed that this application be deferred pending more information regarding affordable housing being forthcoming. This was duly seconded and, upon a vote, the motion failed.

Following this, Councillor R G Boyce MBE, CC, a Ward Member, proposed refusal of the application contrary to the Officers' recommendation. This was duly seconded.

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

- 1 The proposal would result in a housing mix which would fail to accord with the SHMA. As such, the proposal would fail to provide a sustainable, mixed community as contained within policy S1 and H2 of the submitted Local Plan and 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 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.

### **307. HOUSE/MAL/16/00419 - 24 NEW MOOR CRESCENT, 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.

<b>Application Number</b>	<b>HOUSE/MAL/16/00419</b>
<b>Location</b>	24 New Moor Crescent Southminster Essex CM0 7DJ
<b>Proposal</b>	Proposed two storey extension to the front of the house with a single storey extension to the side
<b>Applicant</b>	Mr & Mrs Lloyd
<b>Agent</b>	Mr George Traer-Clark - Traer Clark Architect Limited
<b>Target Decision Date</b>	13.06.2016 EOT 20.07.2016
<b>Case Officer</b>	Nicola Ward, TEL: 01621 875864
<b>Parish</b>	<b>Southminster</b>

**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, unless otherwise agreed in writing by the local planning authority.
- 3 The external surfaces of the development hereby approved shall be constructed of materials and finish to match the existing dwelling.

#### **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.

**308. HOUSE/MAL/16/00474 - EDISSWOOD, BURNHAM ROAD, ALTHORNE**

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.

<b>Application Number</b>	<b>HOUSE/MAL/16/00474</b>
<b>Location</b>	Edisswood Burnham Road Althorne Essex
<b>Proposal</b>	Two storey side extension.
<b>Applicant</b>	Mr Terrence Dobson
<b>Agent</b>	Mr Colin Southgate
<b>Target Decision Date</b>	13.06.2016 EOT 20.07.2016
<b>Case Officer</b>	Nicola Ward, TEL: 01621 875864
<b>Parish</b>	<b>ALTHORNE</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

- 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, unless otherwise agreed in writing by the local planning authority.
- 3 The external surfaces of the development hereby approved shall be constructed of materials and finish to match the existing dwelling.

**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.

**309. FUL/MAL/16/00579 - STEEPLE HALL FARM, CANNEY 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.



<b>Application Number</b>	<b>FUL/MAL/16/00579</b>
<b>Location</b>	Steeple Hall Farm Canney Road Steeple Essex
<b>Proposal</b>	Erection of grain drying and storage facility and associated access and turning area
<b>Applicant</b>	Mr A Lott - Wallasea Farms Ltd
<b>Agent</b>	Kate Jennings - Whirledge & Nott
<b>Target Decision Date</b>	22.07.2016
<b>Case Officer</b>	Kara Elliott, TEL: 01621 875860
<b>Parish</b>	<b>STEEPLE</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

Following the Officer's presentation of the report, Mr Zane Cohen, an Objector of Cherry Tree Lode, Canney Road, Steeple and Kate Jennings, 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 floodlighting or other external form of illumination of the site shall be undertaken without the prior written approval of the Local Planning Authority.

#### **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.

### **310. FUL/MAL/16/00591 - LAND BETWEEN THE CHASE AND LITTLE GUNTERS, MANGAPP CHASE, 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.

<b>Application Number</b>	<b>FUL/MAL/16/00591</b>
<b>Location</b>	Land Between The Chase And Little Gunters Mangapp Chase Burnham-On-Crouch Essex
<b>Proposal</b>	Residential development for 4 detached houses with garaging
<b>Applicant</b>	Mr B Penny - Benjamin James Developments Ltd
<b>Agent</b>	Mr Mark Jackson
<b>Target Decision Date</b>	20 July 2016
<b>Case Officer</b>	Kara Elliott, TEL: 01621 875860
<b>Parish</b>	<b>BURNHAM NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

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

- 1 The proposed development of four dwellings within the application site results in an urbanised streetscene effect, out of character with other residential development in the immediate locality which consists of large dwellings set in expansive plots, to the detriment of the rural character and appearance of the area in conflict with policies BE1 and CC6 of the adopted Local Plan, emerging policies D1, H4 and S8 of the Local Development Plan as submitted and the guidance and provisions 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.

### **311. HOUSE/MAL/16/00605 - LYNHURST, 271 ESPLANADE, 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.

<b>Application Number</b>	<b>HOUSE/MAL/16/00605</b>
<b>Location</b>	Lynhurst 271 Esplanade Mayland Essex
<b>Proposal</b>	Convert existing single storey bungalow into chalet style house to address reason for refusal (re-submission)
<b>Applicant</b>	Mr George Hull
<b>Agent</b>	
<b>Target Decision Date</b>	13 July 2016
<b>Case Officer</b>	Nicola Ward, TEL: 01621 875864
<b>Parish</b>	<b>MAYLAND</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

**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, unless otherwise agreed in writing by the local planning authority.
- 3 The external surfaces of the development hereby approved shall be constructed of materials and finish to match the existing dwelling.

#### **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.

#### **312. FUL/MAL/16/00610 - CORNER COTTAGE, 30 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, including those listed on the Members' Update circulated at the meeting.

<b>Application Number</b>	<b>FUL/MAL/16/00610</b>
<b>Location</b>	Corner Cottage 30 Green Lane Burnham-On-Crouch Essex
<b>Proposal</b>	Amendment to previously approved application Ref FUL/MAL/14/00222. To include habitable rooms within roof space with the addition of 3 No. dormers to front elevation and roof light windows to rear. Additional chimney serving Lounge. Rear window changed to door. Amendment to drive and garage arrangement.
<b>Applicant</b>	Mr David Morris - Belmor Construction
<b>Agent</b>	Mr Neil Warder - In-site Design
<b>Target Decision Date</b>	26 July 2016
<b>Case Officer</b>	Kara Elliott, TEL: 01621 875860
<b>Parish</b>	<b>BURNHAM NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan 2005

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

- 1 The development hereby permitted shall be begun before the expiration of 12 June 2017.
- 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 form part of this permission, unless otherwise agreed in writing by the local planning authority.
- 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, including the materials to be used in any hard surfacing, 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 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.
- 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, 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, 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 No development shall commence until details of the materials and construction specifications to be used for the driveways and footpaths within the site have been submitted to and approved in writing by the local planning authority. Such details shall ensure that a permeable surface treatment is provided to prevent compaction and allow water penetration of the sub-soil.
  - 7 The garages and car parking spaces hereby approved shall permanently be retained for the parking of private motor vehicles solely for the benefit of the occupants of the dwelling hereby approved and their visitors and for no other purpose unless otherwise agreed in writing by the local planning authority.
  - 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 In the event that potential contamination (such as unknown infill or buried waste) is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with current guidance on investigation into the potential presence of contaminated land and where remediation is necessary a remediation and validation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.
  - 10 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.
  - 11 Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be identified clear of the highway. Details to be submitted to and approved in writing by the Local Planning Authority.
  - 12 Prior to occupation of the development 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.
  - 13 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.

### 313. 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: 17/06/2016

**Application Number: LDP/MAL/16/00263 (APP/X1545/X/16/3151073)**

Site: Lermoos, 32 Wembley Avenue, Mayland

Proposal: Proposed mobile home to be used as additional accommodation to the existing dwelling

Appeal by: Mr C Parker

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 11/07/2016

**Application Number: OUT/MAL/15/00978 (APP/X1545/W/16/3146160)**

Site: Land Rear Of Charwood Stoney Hills Burnham-On-Crouch

Proposal: Outline planning permission for a proposed development of 4no. two bedroom bungalows.

Appeal by: Mrs D Grady

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:

**OUT/MAL/15/00722 (Appeal Ref: APP/X1545/W/16/3143606)**

Proposal: Outline application for construction of two 3 bedroom and two 2 bedroom bungalows.

Address: Land At Brook Lane - Brook Lane - Asheldham

**APPEAL DISMISSED – 5 July 2016**

DECISION LEVEL: Committee (as per Officer recommendation to refuse)

**FUL/MAL/15/00755 (Appeal Ref: APP/X1545/W/16/3148231)**

Proposal: Proposed construction of two, three bedroom bungalows.

Address: Land Adjacent 1 Pitt Cottages - Hall Road - Asheldham

**APPEAL ALLOWED – 6 July 2016**

DECISION LEVEL: Committee (as per Officer recommendation to refuse)

**OUT/MAL/15/00972 (Appeal Ref: APP/X1545/W/16/3146480)**

Proposal: Two storey four bedroom dwelling

Address: Land West Of High House - Green Lane - Burnham On Crouch

**APPEAL DISMISSED – 6 July 2016**

DECISION LEVEL: Delegated

**OUT/MAL/15/01048 (Appeal Ref: APP/X1545/W/16/3143492)**

Proposal: 4. No new dwellings

Address: Land North East of Cobbins Chase - Burnham On Crouch

**APPEAL DISMISSED & COSTS ALLOWED – 7 July 2016**

DECISION LEVEL: Delegated

**HOUSE/MAL/16/00014 (Appeal Ref: APP/X1545/D/16/3146541)**

Proposal: Demolition of existing outbuilding and erection of an ancillary annexe

Address: 4 Maldon Road - Burnham On Crouch

**APPEAL ALLOWED – 17 June 2016**

DECISION LEVEL: Delegated

**FUL/MAL/15/01046 (Appeal Ref: APP/X1545/W/16/3142883)**

Proposal: Application for the erection of a four bedroom detached dwelling, revised application following refusal FUL/MAL/14/01216

Address: Land South West Of High House, Green Lane, Burnham-On-Crouch

**APPEAL ALLOWED – 30 June 2016**

**DECISION LEVEL: Committee (as per Officer recommendation to refuse)**

**14/00181/CU (Appeal Refs: APP/X1545/C/15/3130168,  
APP/X1545/C/15/3130171, APP/X1545/C/15/3130184 &  
APP/X1545/C/15/3130195)**

Address: AA Dog Rescue - Oldfield Lodge - Burnham Road - Latchingdon

Appeal against enforcement notice: 14/00181/01 - Without planning permission the material change of use of the Land from mixed agricultural and equestrian to mixed equestrian, retail and use as dog rescue.

**THE APPEALS ARE DISMISSED AND THE ENFORCEMENT NOTICE  
AS CORRECTED AND VARIED IS UPHELD**

**8 July 2016**

**OUT/MAL/15/00083 (Appeal Ref: APP/X1545/W/15/3140800)**

Proposal: Outline application for eight houses with the matters of access and layout for determination

Address: Land West Of Firth View - Steeple Road - Mayland

**APPEAL DISMISSED & COSTS REFUSED – 8 July 2016**

DECISION LEVEL: Committee (as per Officer recommendation to refuse)

**FUL/MAL/15/01348 (Appeal Ref: APP/X1545/W/16/3144107)**

Proposal: Retention of 3 static caravans (2 of which are to be occupied as residential) and retention of temporary storage of 3 touring caravans and 2 heavy goods vehicles - limited to six months

Address: Springfield Nurseries - Steeple Road - Latchingdon

**APPEAL DISMISSED – 13 July 2016**

DECISION LEVEL: Delegated

#### **314. 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 17 June – 15 July 2016.

There being no further items of business the Chairman closed the meeting at 9.20 pm

R P F DEWICK  
CHAIRMAN