



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
17 JULY 2017**

PRESENT

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

257. CHAIRMAN'S NOTICES

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

258. APOLOGY FOR ABSENCE

An apology for absence was received from Councillor Mrs B F Acevedo.

259. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 19 June 2017 be approved and confirmed.

260. DISCLOSURE OF INTEREST

Councillor Mrs P A Channer disclosed a non-pecuniary interest as a Member of Essex County Council who were consulted on a number of matters including Highways, access and education. In relation to Agenda Item 9 – FUL/MAL/17/00496 Land Adjacent to Little Rushes Lane, Asheldham she advised that she knew the Agent.

Councillor R Pratt declared an interest as a Member of Essex County Council.

Councillor A S Fluker made the following declarations of interest under Section 25, in the best interest of openness and transparency:

- Agenda Item 5 – FUL/MAL/17/00288 Land at Remembrance Avenue, Burnham-on-Crouch, he knew the applicants sister.
- Agenda Item 6 – FUL/MAL/17/00384 Land Adjacent 67 Queen Street, Southminster, he knew the applicant.

- Agenda Item 7 – FUL/MAL/17/00437 White Horse Hotel, 20 North Street, Southminster, he knew the applicant.
- Agenda Item 9 – FUL/MAL/17/00496 Land Adjacent to Little Rushes Lane, Asheldham, he knew the Agent.

Councillors P G L Elliott and N R Pudney declared an interest in Agenda Item 9 – FUL/MAL/17/00496 Land Adjacent to Little Rushes Lane, Asheldham as they knew the Agent.

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

261. FUL/MAL/17/00288 - LAND AT REMEMBRANCE AVENUE, BURNHAM-ON-CROUCH

Application Number	FUL/MAL/17/00288
Location	Land At Remembrance Avenue, Remembrance Avenue, Burnham-On-Crouch, Essex
Proposal	Development of 2 No. new dwelling houses arranged on 3 floors above ground on vacant land.
Applicant	Mike Lewis
Agent	N/A
Target Decision Date	29.05.2017
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	BURNHAM SOUTH
Reason for Referral to the Committee / Council	Council Owned Land

Following the Officers' presentation, Councillor Calver on behalf of Burnham-on-Crouch Town Council and Mr Lewis, the Applicant addressed the Committee.

Councillor P G L Elliott, a Ward Member, referred to the Shoreline Management Plan and then proposed that the application be approved, contrary to Officers' recommendation.

Councillor R Pratt, the other Ward Member, supported the proposal and made reference to the development adjacent to the site.

In response to a comment, the Chairman clarified that if Members were mindful to approve this application the Committee could do so without the need to make a recommendation to the Council.

In response to the proposal and comments from Members, the Group Manager - Planning Services reminded the Committee that the site was within Flood Zone 3 and therefore vulnerable to flooding. Government advice was clear that the Council should not be building dwellings within that Flood Zone. He outlined the reasons behind the granting of approval on the adjacent site.

Further debate ensued and in response to questions Officers provided the Committee with details including the location of the Council owned land related to this site, the consultation response from the Environment Agency, proposed height of the dwellings and the sequential test.

Councillor Elliott reiterated his earlier proposal for approval which was duly seconded by Councillor Pratt.

Councillor A S Fluker requested that if Members were mindful to approve the application that a robust ecology report was sought by way of a condition.

In light of the proposal the Group Manager - Planning Services outlined a number of conditions to be applied if approval was granted. These were agreed by Members.

The Chairman then put the proposal for approval, contrary to Officers' recommendation, and upon a vote being taken this was 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 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 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 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.

- 6 Prior to the commencement of the development a 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.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or openings other than those expressly authorised by this permission shall be constructed on the east elevation of House 1 and House 2.
- 8 Prior to first occupation of the dwelling hereby permitted, the second floor window in the east elevation of House 1 and House serving the shower / bathroom shall be fitted with obscure glass and shall be retained as such thereafter.
- 9 The dwellings hereby permitted shall not be occupied until the area shown for parking and access on Drawing No: 1638-02 Revision B dated 10.02.2017 has been constructed, surfaced and made available for use in accordance with the approved drawing, and that area shall not thereafter be used for any purpose other than the parking of vehicles.
- 10 The dwellings hereby permitted shall not be occupied until the measures relating to the management of flood risk contained within the Flood Risk Assessment submitted with the application have been fully implemented. The measures, which shall include a Flood Warning and Evacuation Plan, shall be retained as such thereafter.
- 11 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) undertaken by AMBIENTAL Technical Solutions Limited (Phase 1 Flood Risk Assessment (FRA) dated February 2017. The development shall also be carried out in accordance with the following mitigation measures detailed within the FRA:

- 1 Finished ground floor levels are set no lower than 2.17m above Ordnance Datum (AOD)
- 2 Finished first floor levels are set no lower than 5.4 m above Ordnance Datum (AOD)
- 3 Finished second floor levels are set no lower than 8.4 m above Ordnance Datum (AOD)

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.

- 12 The shed / summer house at House 1 shall only be used for purposes ancillary and incidental to the use of the main dwelling house at the site.
- 13 Prior to the commencement of the development hereby approved a Phase 1 Habitat Survey and any additional survey work identified by that assessment shall be submitted to and approved in writing by the Local Planning Authority. In addition, a scheme of protection and mitigation of the impacts of the development on any protected species identified at the site and a scheme of ecological enhancement at the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently only be

undertaken in full accordance with the approved protection, mitigation and enhancement measures that have been approved.

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.

At this point the Chairman introduced to the Committee Miss Hannah Bowles, Planning Officer and Mr Ian Harrison, the Development Management Team Leader.

262. FUL/MAL/17/00384 - LAND ADJACENT 67 QUEEN STREET SOUTHMINSTER

Application Number	FUL/MAL/17/00384
Location	Land Adjacent 67 Queen Street Southminster
Proposal	2 residential two bed cottages with associated car parking, landscaping and demolition of the existing garage.
Applicant	Mr Levy - Countryside Style Ltd
Agent	Mr C Wragg - Arcady Architects Ltd
Target Decision Date	23.06.2017 EOT 18.07.2017
Case Officer	Hannah Bowles, TEL: 01621 875733
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Parish Trigger

It was noted from the Members' Update that five further conditions were proposed, if Members' were minded to approve the application in accordance with Officers' recommendation.

Councillor B S Beale, a Ward Member, raised concern regarding the size of the site and raised a question regarding the cable that ran under the site. In response the Group Manager - Planning Services advised that this was not material consideration for determination of this application and dealt with through separate legislation.

Councillor A S Fluker, the other Ward Member, proposed that the application be approved in accordance with Officers' recommendation and additional conditions set out in the Members' Update. This was duly agreed. Councillor Beale asked that his vote against approval be recorded.

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: 16/13/02 REV A, 16/13/03, 16/13/04 REV A, 16/13/05 REV A, 16/13/06 REV A.
- 3 The parking and turning area shall be carried out in accordance with drawing reference 16/13/02 dated September 2016 prior to the beneficial occupation of the development hereby approved and retained as such thereafter.
- 4 The hard landscape works shall be carried out in accordance with drawing reference 16/13/05 dated September 2016 prior to the beneficial occupation of the development hereby approved. The soft landscape works shall be carried out in accordance with drawing reference 16/13/05 dated September 2016 within the first available planting season (October to March inclusive) following the commencement of the development. 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 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.
6. 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.
- 7 Prior to commencement of the proposed development, details showing the proposed means of preventing the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority.
- 8 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.
- 9 Prior to the first occupation of the proposed dwelling, the proposed vehicular access to serve both dwellings shall be constructed to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.
- 10 Prior to the proposed access being brought into use, vehicular visibility splays of 83m by 2.4m by 83m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be maintained in perpetuity free from obstruction clear to ground.

263. FUL/MAL/17/00437 - WHITE HORSE HOTEL 20 NORTH STREET SOUTHMINSTER

Application Number	FUL/MAL/17/00437
Location	White Horse Hotel, 20 North Street, Southminster
Proposal	Proposed replacement of barn and outbuildings with 2 Motel Style Rooms and 1 Manager's flat linked to the Public House
Applicant	Mr. V Heron
Agent	Ms. Sarah Threlfall - TMA Chartered Surveyors
Target Decision Date	16.06.2017 – E.O.T agreed until 21.07.2017
Case Officer	Julia Sargeant, TEL: 01621 875730
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Member Call In Parish Trigger

It was noted from the Members' Update that a consultation response had been received from Economic Development.

Following the Officers' presentation the Agent, Mr Matthews addressed the Committee.

Councillor A S Fluker, a Ward Member, declared that he was a customer of the White Horse Hotel and knew the Agent. He commented that this was a good proposal and invested in business with no objections from neighbours. He proposed that the application be approved, in accordance with Officers' recommendation.

Councillor B S Beale, the other Ward Member, asked if a condition to require people using the units to use the car park provided could be added. In response the Group Manager - Planning Services advised that there was no way of ensuring that persons had to use the car park and therefore such a condition was not enforceable.

The Chairman put the proposal of approval which upon a vote being taken was duly 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 as well as the submitted detailed specifications.
- 3 No development shall commence until full details of the new brickwork, including brick type, the bond, mix and colour of the mortar has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details as approved.
- 4 No 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 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.
- 5 The development hereby permitted shall not be occupied 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.

6. 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.
- 7 The manager's accommodation unit shall not be occupied other than by a person solely or mainly employed, or last employed in the business The White Horse Hotel a widow or widower of such a person, or any resident dependants.
- 8 The accommodation block hereby permitted shall be used for those purposes ancillary to the use of 'The White Horse Hotel' and not as a separate or independent unit of residential accommodation.
- 9 The owners/operators of the White Horse Hotel shall maintain an up to date register of the names of all occupiers of individual holiday/motel accommodation units on the site together with their dates of arrival and departure, and main home addresses. The register shall be made available at all times for inspection and copying by the Local Planning Authority for recording keeping purposes
- 10 No individual unit of holiday/motel accommodation shall be occupied by the same person or persons for a period exceeding 28 days duration.

264. FUL/MAL/17/00439 - UNITS 6-8 AND 9-10 HALL ROAD INDUSTRIAL ESTATE HALL ROAD SOUTHMINSTER

Application Number	FUL/MAL/17/00439
Location	Units 6-8 and 9-10 Hall Road Industrial Estate, Hall Road, Southminster
Proposal	Proposed replacement of light industrial/business buildings with 10 dwelling houses
Applicant	Mr Paul Laycock - Hall Road Developments Ltd
Agent	Ms Sarah Threlfall - TMA Chartered Surveyors
Target Decision Date	21.07.2017
Case Officer	Julia Sargeant, TEL: 01621 875851
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Member Call In Major Application

It was noted from the Members' Update that a draft Section 106 legal agreement had been submitted in support of the application. Following receipt of the agreement a number of sections in the report required updating and these were set out in the Members' Update. In addition, it was noted that a letter of support had been received from Mr Croud of St Lawrence and if Members were minded to refuse the application, as per Officers recommendation, reason for refusal 2 should be deleted.

Following the Officers' recommendation the Agent, Mr Matthews addressed the Committee.

A debate ensued and Members commented on the design of the proposed dwellings, the site being identified by the Council for employment and access into the site.

The Chairman then put the Officers recommendation of refusal, amended in accordance with the Members' Update. Upon a vote being taken this was agreed.

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

- 1 The application site is allocated within the adopted Maldon District Replacement Local Plan as a protected employment site and within the submitted Maldon District Local Development Plan remains a protected employment site. The proposed development would result in the loss of the site for employment purposes and insufficient information has been submitted to justify this loss. The proposed development would therefore be contrary to policies E1 and E6 of the adopted Maldon District Replacement Local Plan, policy E1 of the submitted Maldon District Local Development Plan and the guidance and provisions of the National Planning Policy Framework, in particular Paragraphs 7, 19, 21 and 22.
- 2 The application site is located within an allocated industrial site and the development of this site for housing would be likely to result in future occupiers being subject to unacceptable levels of noise. This would have a significant adverse impact upon the health, quality of life and wellbeing of the future occupiers of these proposed dwellings resulting in poor living conditions. It is considered that the site's proposed future development would introduce residential properties in a much closer proximity to this existing noise source than the majority of nearby properties. As such the proposal is not considered to represent sustainable development and would be contrary to policies BE1 and CON5 of the adopted Maldon District Replacement Local Plan, policies D1 and

D2 of the submitted Maldon District Local Development Plan and the guidance and provisions of the National Planning Policy Framework, in particular Paragraphs No. 7, 14 and 123.

- 3 The proposed development, by reason of its position, size, design and external appearance, would represent an intrusive development, out of scale and character with the prevailing pattern of development in the locality to the detriment of the character and appearance of the area. The proposal would be contrary to policy BE1 of the adopted Maldon District Replacement Local Plan, policies D1 and H4 of the submitted Maldon District Local Development Plan, and the provisions and guidance contained within the National Planning Policy Framework, in particular paragraphs 56, 61 and 64
- 4 The proposed development, due to the lack of private amenity space, would not provide an acceptable level of amenity space for the use and enjoyment of the future occupiers of the dwellings and, as such, is contrary to the requirements set out by policy BE1 of the adopted Maldon District Replacement Local Plan and D1 of the submitted Local Development Plan and would result in an under provision of private amenity space for dwellings of this size.
- 5 The proposed development due to its scale, siting and design would have a serious and adverse impact on the amenity enjoyed by occupiers of adjacent neighbouring properties contrary to policy BE1 of the adopted Maldon District Replacement Local Plan, policies D1 and H4 of the submitted Maldon District Local Development Plan, and the provisions and guidance contained within the National Planning Policy Framework.
- 6 Due to the incongruous design, unacceptable level of private amenity space, impact on the amenity of adjacent neighbouring occupiers and detrimental impact on the free flowing of traffic, the development is considered to result in overdevelopment of the site contrary to to policy BE1 of the adopted Maldon District Replacement Local Plan, policies D1 and H4 of the submitted Maldon District Local Development Plan, and the provisions and guidance contained within the National Planning Policy Framework.

265. **FUL/MAL/17/00496 - LAND ADJACENT TO LITTLE RUSHES RUSHES LANE ASHELDHAM**

Application Number	FUL/MAL/17/00496
Location	Land Adjacent To Little Rushes Rushes Lane Asheldham
Proposal	Proposed detached 2 bedroom bungalow. Change of land use to C3.
Applicant	Mr & Mrs Darren Robinson
Agent	Mr Anthony Cussen - Cussen Construction Consultants
Target Decision Date	07.07.2017
Case Officer	Hannah Bowles, TEL: 01621 875733
Parish	ASHELDHAM
Reason for Referral to the Committee / Council	Member Call In

Following the Officers' presentation the Applicant, Mr Robinson addressed the Committee.

Councillor A S Fluker advised that Asheldham and Dengie Parish Council had supported the proposal. Referring to the location of the site he compared it to other sites

further away from amenities than this site which had been granted permission. He highlighted the location of the local bus stop and how the Planning Inspectorate had recently deemed this location to be sustainable. Councillor Fluker felt that the site was sustainable by virtue of what the Planning Inspector had previously said and then proposed that the application be approved, contrary to Officers' recommendation. This proposal was duly seconded.

In response to a question, the Development Control Officer confirmed that there was no material difference between this application and the one previously refused on this site.

In response to questions regarding inconsistencies and sustainability the Group Manager - Planning Services advised that if Members were mindful to approve the application they had to consider what had been done to overcome the material considerations. He reminded Members to be mindful that this application was the same as the application previously refused. The Officer informed the Committee that the Council could now demonstrate a five year housing land supply and this was a material considered when determining this application.

A debate ensued. The Group Manager - Planning Services drew Members' attention to paragraph 5.1.4 of the report which highlighted how this application was commensurate with the previously refused planning application and dismissed appeal.

The Chairman put the proposal of approval, contrary to Officers' recommendation to the Committee. Upon a vote being taken this was agreed. In light of the approval the Group Manager - Planning Services outlined a number of conditions to apply to the approval and these were agreed along with a condition regarding a planting scheme.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications.
- 3 No development shall commence until full details of the materials to be used in the external surfaces of the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details as approved.
- 4 No works or development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the local planning authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the local planning authority. If within a period of five years from the date of the

planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

- 5 The development hereby permitted shall not be occupied until such time as the drive and parking area indicated on the approved plans has been provided. The vehicle parking area shall be retained in this form at all times. The vehicle parking area 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.
- 6 Prior to the commencement of the development a surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

The applicant shall demonstrate that the surface water scheme will ensure that as a minimum:

- Run-off from the site is limited to greenfield rates for a storm event that has a 100% chance of occurring each year (1 in 1 year event)
 - The development should be able to attenuate (manage water on site) for 1 in 100 year events plus 40% climate change allowance
 - If the land is designated as a Brownfield Site it should aim to limit run-off for a storm event that has a 100% chance of occurring each year (1 in 1 year event) OR demonstrate 50% betterment of the current rates
- 7 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 implemented and fully operational prior to the occupation of the development and retained as such thereafter.
 - 8 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.

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.

**266. TREE PRESERVATION ORDER (TPO) 2-17 - LAND REAR OF 24-54
MALDON ROAD AND SOUTH OF GREEN LANE, BURNHAM-ON-CROUCH**

The Committee considered the report of the Chief Executive seeking Members' consideration of TPO 2/17 – Land Rear of 24 – 54 Maldon Road and South of Green Lane, Burnham-on-Crouch.

The report provided detailed information regarding the tree, its location, ownership and planning history of the site. It was noted that a number of objections to the serving of the TPO had been received (as detailed in Appendix 1 to the report) and these were set out in the report along with the Tree Officers' response and site assessment.

Appendix 2 to the report provided photographs of the tree and site and Appendix 3 detailed the Tree Preservation Order.

The Chairman put the Officers' recommendation to confirm the TPO without modification and upon a vote being taken this was agreed.

RESOLVED that Tree Preservation Order 2/17 at Land Rear of 24 – 54 Maldon Road and South of Green Lane, Burnham-on-Crouch be confirmed without modification.

267. OTHER AREA PLANNING AND RELATED MATTERS

The Committee received and noted the report of the Chief Executive on the following matters:

(i) Appeals Lodged

Appeal Start Date: 03/07/2017

Application Number: OUT/MAL/16/00915 (APP/X1545/W/17/3172993)

Site: Land Rear Of The Orchards, Maldon Road, Latchingdon, Essex

Proposal: Outline planning application for the demolition of one dwelling with all matters reserved for the construction of 7 dwellings comprising 2 x two bed, 2 x three bed and 3 x four bed dwellings

Appeal by: Mr & Mrs Brett

Appeal against: Refusal

Appeal procedure requested: Written Representations

(ii) Appeal Decisions

OUT/MAL/16/00105 (Appeal Ref: APP/X1545/W/17/3167607)

Proposal: Outline planning application for the provision of up to 13 dwellings, provision of public open space and a new vehicular access from Vicarage Court

Address: Glebe Meadow Adjacent King Georges Field Pavilion Station Road Southminster

Decision Level: Committee overturned Officer recommendation to approve

APPEAL ALLOWED – 14 June 2017

HOUSE/MAL/16/01403 (Appeal Ref: APP/X1545/W/17/3170414)

Proposal: Change of use of existing detached barn/store for residential use as an annexe.

Address: Yeomans 12 Mill Road Mayland

Decision Level: Delegated

APPEAL ALLOWED – 14 June 2017

HOUSE/MAL/16/01397 (Appeal Ref: APP/X1545/D/17/3171681)

Proposal: Proposed side extension

Address: Amaethon - Grange Road - Tillingham

APPEAL DISMISSED – 20 June 2017

DECISION LEVEL: Delegated

HOUSE/MAL/16/01250 (Appeal Ref: APP/X1545/D/17/3171464)

Proposal: Two storey side and single storey front and rear extensions

Address: 4 Railway Cottages, Station Road, Althorne, Essex, CM3 6DG

Decision Level: Delegated

APPEAL DISMISSED – 21 June 2017

FUL/MAL/16/00814 (Appeal Ref: APP/X1545/W/17/3166607)

Proposal: Residential development (four detached houses)

Address: Blackwater Marina, Esplanade, Mayland, Essex, CM3 6AL

Decision Level: Delegated

APPEAL DISMISSED – 29 June 2017

268. ANY OTHER ITEMS OF BUSINESS - DELEGATED PLANNING APPLICATIONS

The Chairman advised that this item of business had been inadvertently missed off the agenda and would therefore be considered under Agenda Item 12 – Any Other Items of Business.

The Committee received and noted the list of decisions on planning applications taken by the Chief Executive under delegated powers, circulated prior to the meeting for the period 20 June – 17 July 2017.

In response to a number of questions regarding some of the applications detailed, the Group Manager - Planning Services provided Members with additional information.

In respect of application FUL/MAL/17/00468 Redbraes, Summerhill, Althorne, Councillors Mrs P A Channer declared an interest as she lived in Summerhill. Councillor R G Boyce also declared an interest as he had provided information in relation this application.

There being no further items of business the Chairman closed the meeting at 9.08 pm.

R P F DEWICK
CHAIRMAN