



**MINUTES of  
NORTH WESTERN AREA PLANNING COMMITTEE  
6 AUGUST 2018**

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**PRESENT**

Chairman	Councillor Mrs M E Thompson
Councillors	J P F Archer, H M Bass, M F L Durham, CC, J V Keyes, A K M St. Joseph and Miss S White

**320. CHAIRMAN'S NOTICES**

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

**321. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors E L Bamford, D M Sismey, and Mrs P A Channer, CC.

**322. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 9 July 2018 be approved and confirmed.

**323. DISCLOSURE OF INTEREST**

Councillor A K M St Joseph disclosed a pecuniary interest in Agenda Item 7 – DET/MAL/18/00674 – Observation Tower, Mell Road, Tollesbury, as the applicant. He confirmed that he would leave the chamber for the duration of this item.

Councillor M F L Durham, CC as a Member of Essex County Council declared a non-pecuniary interest in all items.

**324. RES/MAL/16/01475 - THE SUMMER HOUSE, BACK LANE, WICKHAM BISHOPS**

<b>Application Number</b>	<b>RES/MAL/16/01475</b>
<b>Location</b>	The Summer House Back Lane Wickham Bishops Essex
<b>Proposal</b>	Reserved matters application for the approval of appearance, landscaping and scale on outline planning application <b>OUT/MAL/13/00118</b> allowed on appeal ref APP/X1545/A/13/2201061 (Demolition of two storey detached double garage with workshop and demolition of storage shed. Removal of hard surfaced tennis court including means of enclosure and erection of single dwelling house)
<b>Applicant</b>	Mr David Brown
<b>Agent</b>	N/A
<b>Target Decision Date</b>	N/A
<b>Case Officer</b>	Yee Cheung
<b>Parish</b>	Wickham Bishops
<b>Reason for Referral to the Committee / Council</b>	This Reserved Matters is presented to Members at the North Western Area Planning Committee following a Judicial Review where the decision notice issued by the Council on 24 April 2017 was quashed by the High Court on 9 February 2018.

The Committee received the Officers presentation. The Development Management Team Leader advised Members that a tree protection plan and the Wickham Bishops Village Design Statement was considered by the Officer, however this had not been mentioned in the report.

Following the Officers presentation, the Committee heard from Mr David Pearl, an Objector, Parish Councillor Ian McGregor, and Mrs Linnette Brown, the applicant.

It was noted that the Deputy Monitoring Officer had been consulted for legal advice on the application.

In response to questions from Members, the Development Management Team Leader confirmed that the size of the building was noted under section 5.2.19 of the Officers report and that Condition 8 related to the protection of trees during the development.

Following a vote on the Officers recommendation, the application was approved with five votes in favour and one Member abstaining.

**RESOLVED** that the application be **APPROVED** in accordance with the Officers recommendation and subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of two years from the date of this permission.

REASON To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).

- 2 Subject to the second paragraph of this condition, the development hereby permitted shall be carried out in complete accordance with the approved drawings Location Plan: 12.2005/M002 dated 10 January 2013; Site Layout / Block Plan Drawing No: 16.09.03 Revision B dated 27 February 2017; Proposed Floor and Roof Layout Plan Drawing No: 16.09.01 Revision A dated 3 February 2017; East 'Street Scene' Elevation Drawing No: 16.09.04 Revision A dated 4 February 2017; Proposed Elevations Drawing No: 16.09.02 Revision A dated 3 February 2017, DB/SUM/01 and DB/SUM/02.  
Notwithstanding the details shown on plan 16.09.03 Revision B (dated 27 February 2017) no trees shall be felled or removed unless specifically shown on the Tree Protection Plan (DB/SUM/01)  
REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed below and retained as such thereafter:-  
Dwellinghouse  
Roof Tiles: Barrow: 'Brindle Mix' by Wienerberger Ltd  
Brickwork: Durham Red Multi by Wienerberger Ltd  
Render: White painted finish  
Joinery: Timber  
Porch frame: Natural oak  
Black rainwater goods and downpipes  
REASON To ensure the external materials to be used in construction of the development is appropriate and in keeping with properties in the locality accordance with policy D1 of the Maldon District LDP.
- 4 The access and parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved Drawing: 16.09.03 Revision B dated 27 February 2017 and shall be retained as such thereafter.  
REASON In the interest of highway safety and to ensure appropriate parking is provided in accordance with policies D1 and T2 of the Maldon District Local Development Plan and to follow from condition 6 of the outline planning permission.
- 5 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 first floor windows or other form of opening shall be constructed on the northern flank wall of the dwellinghouse hereby permitted without planning permission having been obtained from the Local Planning Authority.  
REASON To protect the amenity of the neighbouring residential properties to the north of the site in accordance with policy D1 of the Maldon District LDP.
- 6 Prior to the commencement of the development details of the surface water and foul water drainage to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed before the building is occupied in accordance with the approved details.  
REASON To prevent the undue contamination of the site in accordance with policy D2 of the Maldon District LDP.

7. Notwithstanding the content of the Landscape Plan (DB/SUM/02) hereby approved, prior to the commencement of the development hereby approved, details of the siting and species of a third replacement fruit tree at or adjacent to the west boundary of the site shall be submitted to and approved in writing by the Local Planning Authority.  
Subject to and including the abovementioned revision, all soft landscaping shown on the Landscape Plan (DB/SUM/02) shall be planted during the first planting season following the occupation of the dwelling hereby approved. 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.  
REASON To ensure the suitable replacement of trees at the application site in the interest of local visual amenity in accordance with policies D1 and S8 of the Maldon District LDP.
8. Notwithstanding the details shown on plans 16.09.03 Revision B (dated 27 February 2017), prior to the commencement of development, details of the precise location and routes of all soakaways, inspection chambers, pumping stations, pipework and other such infrastructure related to foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be undertaken only in full accordance with the approved details.  
REASON In the interests of tree protection at the site in accordance with the NPPF and policies D1 and S8 of the Maldon District LDP.

**325. HOUSE/MAL/18/00758 - OLD TIMES COTTAGE, MILL LANE, TOLLESHUNT MAJOR**

<b>Application Number</b>	<b>HOUSE /MAL/18/00758</b>
<b>Location</b>	Old Times Cottage, Mill Lane, Tolleshunt Major
<b>Proposal</b>	Proposed single storey extension to the rear with a raised outdoor platform, garage conversion and additional dormer to front elevation.
<b>Applicant</b>	S Norrington & H Tarling
<b>Agent</b>	W G Goodall
<b>Target Decision Date</b>	09/08/2018
<b>Case Officer</b>	Emma Worby
<b>Parish</b>	Tolleshunt Major
<b>Reason for Referral to the Committee / Council</b>	Member of Staff

Prior to the Committee receiving the Officers report, the Chairman reminded Members that there had been additional information received from the applicant including photographs of neighbouring properties.

Following the Officers presentation, a brief discussion ensued, where Members sympathised with the applicant over restrictions on the materials used for the roof.

Councillor M Thompson proposed that the application be approved in accordance with the Officers recommendation with an amendment to Condition 3. This was duly seconded and agreed.

The Chairman put the proposal with an amendment to Condition 3 to a vote, and the motion was carried.

**RESOLVED** that the application be **APPROVED** in accordance with the Officers recommendation and subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Location Plan, 18-2331-1E, 18-2331-1B.  
REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 The development hereby approved shall only be undertaken using the materials set out within the plans hereby approved.  
REASON In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

### 326. **FUL/MAL/18/00674 - OBSERVATION TOWER, MELL ROAD, TOLLESBURY**

<b>Application Number</b>	<b>FUL/MAL/18/00674</b>
<b>Location</b>	Observation Tower Mell Road Tollesbury Essex
<b>Proposal</b>	Single storey extension to the Observation Tower at Mell Farm for holiday accommodation, and the retention of existing small scale school visit use of the original tower
<b>Applicant</b>	Mr & Mrs Andrew St Joseph
<b>Agent</b>	Miss Elizabeth Thorogood - Whirledge And Nott
<b>Target Decision Date</b>	31 July 2018 - EOT: 7 August 2018
<b>Case Officer</b>	Yee Cheung
<b>Parish</b>	Tollesbury
<b>Reason for Referral to the Committee / Council</b>	Councillor / Member of Staff

Councillor A K M St Joseph left the Council Chamber for the duration of this item as he held a pecuniary interest as the Applicant.

The Officer presented their report to the Committee, after which Mr Roy Clare addressed the Committee in support of the application.

Following a brief discussion on the application the Chairman put the Officers recommendation to a vote and the motion was carried.

**RESOLVED** that the application be **APPROVED** in accordance with the Officers recommendation and subject to the following conditions:

- 1 The development hereby permitted shall begin no later than three years from the date of this decision.  
REASON To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development shall be carried out in accordance with the following approved plans and documents: Location Plan; Site Plan; ST.JOSEPH/04/01; ST.JOSEPH/04/02; ST.JOSEPH/04/03; and ST.JOSEPH/04/04.  
REASON For the avoidance of doubt as to the extent of this permission.
- 3 No development shall take place until samples of the facing material to be used have been submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved details.  
REASON To ensure that the external materials to be used in the development are acceptable in accordance with Policy D1 of the Maldon District LDP and Government advice contained in the NPPF.
- 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.  
REASON To ensure the soft and hard landscaping are appropriate and to protect the visual amenity of the area in accordance with Policies S1 and D1 of the Maldon District LDP and Government advice as contained in the NPPF.
- 5 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 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.  
REASON To ensure the details of the boundary treatment are appropriate and to protect the visual amenity of the area in accordance with Policies S1 and D1 of

the Maldon District LDP and Government advice as contained in the NPPF.

- 6 Prior to the commencement of the development details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.  
REASON To prevent the undue contamination of the site in accordance with Policy D2 of the Maldon District LDP.
- 7 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has submitted an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site. Such archaeological assessment shall be approved by the local planning authority and will inform the implementation of a programme of archaeological work. The development shall be carried out in a manner that accommodates such approved programme of archaeological work.  
REASON To protect the site which is of archaeological interest in accordance with Policy D3 of the Maldon District LDP and Government advice contained in the NPPF.
- 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.  
REASON To protect the site which is of archaeological interest in accordance with Policy D3 of the Maldon District LDP and Government advice contained in the NPPF.
- 9 The accommodation within the extension of the building hereby approved shall be occupied solely as holiday accommodation and shall not be occupied as a person's sole or main place of residence and shall not be occupied by the same person or persons for more than 28 days at a time within any six week period.  
REASON To ensure the use of the site is appropriate to the locality in this rural area and to prevent permanent residential occupation of the holiday let having regard to the guidance and provisions of the NPPF, and policies S1, S7, S8, D1 and E5 of the Maldon District LDP.
- 10 The owners/operators shall maintain an up to date register of the names of all persons who stay within the approved holiday accommodation on the site, the duration of their stay, and an indication of their main home addresses by way of road name and town, and shall make this information available at all reasonable times to the local planning authority.  
REASON To ensure the use of the site is appropriate to the locality in this rural area and to prevent permanent residential occupation of the holiday let having regard to the guidance and provisions of the NPPF, and policies S1, S7, S8, D1 and E5 of the Maldon District LDP.

- 11 The observation tower shall only be used for ten functions per year for educational purposes in accordance with the submitted supporting Planning Statement prepared by Whirledge And Nott.  
REASON To limit the number and noise of vehicle and pedestrian movements and in the interests of protecting the rural area in accordance with policies D1, T2 and N2 of the Maldon District LDP and Government advice contained within the NPPF.

**327. DET/MAL/18/05091 - LAND WEST OF FAMBRIDGE ROAD, NORTH FAMBRIDGE**

<b>Application Number</b>	<b>DET/MAL/18/05091</b>
<b>Location</b>	Land West Of Fambridge Road North Fambridge Essex
<b>Proposal</b>	Compliance with conditions notification of approved application <b>OUT/MAL/14/01016</b> (Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000sqm of flexible commercial and community floor space, a 1.8ha village green and public open space). <b>Condition 12</b> - Surface water drainage system maintenance. <b>Condition 13</b> - Foul and surface water drainage scheme. <b>Condition 17</b> - Discharge of surface water onto highway. <b>Condition 31</b> - Wastewater strategy. <b>Condition 33</b> - Foul water strategy.
<b>Applicant</b>	David Wilson Homes
<b>Agent</b>	N/A
<b>Target Decision Date</b>	18 September 2018
<b>Case Officer</b>	Yee Cheung
<b>Parish</b>	<b>NORTH FAMBRIDGE</b>
<b>Reason for Referral to the Committee / Council</b>	At the Director of Planning & Regulatory Services' discretion for consistency reasons

Councillor A K M St Joseph returned to the Council Chamber following the decision on FUL/MAL/18/00674.

The Officer presented their report to the Committee, after which Mr Kevin Boden - an objector, Councillor Mrs Lindsey Squire and Sean Martin, Planning Manager from David Wilson Homes, addressed the Committee.

The Chairman introduced to the committee Mr Iain Amis, Head of Development Services and Mr Richard Lyon, Senior Pre-Development Engineer from Anglian Water, and Ms Barbara Moss-Taylor, Sustainable Places Planning Specialist from the Environment Agency.

Members questioned the conflicting information that had received in correspondence from Anglian Water dated 11 November 2017 and 18 July 2018 relating to the existing capacity, current foul water system and proposed drainage solutions. Additional concerns were that the proposed system would be insufficient and that the current situation would be exacerbated with the addition of more units.

Anglian Water and the Environment Agency provided the following information in response to intensive questioning from Members:



- Anglian Water had been working with David Wilson Homes in order to provide an appropriate plan for the removal of foul and surface water. Members were advised that the problem was not foul water but instead surface water at the site.

#### The Current System

- References to capacity in letters from November 2017 and July 2018 related to the volumetric permit at Latchingdon Water Recycling Works, and it is accepted by Anglian Water that they are, and will, exceed their permit.
- It was confirmed that the current issue with the sewerage within North Fambridge required a solution. As the network performs well in dry weather it was noted that this is caused by surface water and was not a foul water problem. Anglian Water stated that they had been aware of issues since it had developed but could not confirm when this was.
- The foul water network is considered adequately sized for the existing dwellings and the development should be easily accommodated. No detriment or impact to the network should occur.
- The treatment capacity, and the ability to treat it, has not shown a worsening in samples. These are monitored under a compliance regime.
- Proposed solutions included the removal of some of the surface water, or reviewing of the volumetric permit which would result in a tightening of the sanitary permit. The capacity would need to be assessed to determine where excess water could go to prevent flooding of nearby roads and ponds. Members were advised that this would require a period of sampling and analysis which could take up to a year.
- Mitigation currently in place is to utilise the sewage network at average flow and not peak. This is considered good and sensible use of assets.

#### Water flow solutions

- Analysis of the site is required to determine the pathway and ingress of surface water to the foul water system.
- Following analysis different investment solutions for the site could include:
  - Increased discharge permit at Latchingdon Water Recycling Centre, this would need to be agreed with the Environment Agency.
  - Investment of money at Latchingdon Water Recycling Centre.
  - Finding ways to remove surface water ingress into the foul water network.

Rather than focusing on a single solution, aspects from each would likely be used in mitigation.

- Building a bigger treatment is not always the best thing to do and alternatives would be considered and funded by Anglian Water. By increasing capacity there would be a dilution of sewage resulting in a reduction of the required volume to feed the microbiology used during the recycling process.

#### Water Quality

- Anglian Water were uncertain as to whether there would be an impact on the water quality. At time of the meeting there was no concern as the works comfortably met the sanitary consent and did not exceed the volumetric permit.
- The Environment Agency advised that there was no current threat to the sanitary aspect of the current permit. It was confirmed that the volumetric flow sometimes exceeds the set level. Any overflow goes to the treatment works which is where the impact on the volume occurs.

### Misconnected Foul Water Systems

- A representative from Anglian Water advised that anyone has the right to connect to the sewage system, and that under Section 94 of the Water Industry Act requires the supply of a water network to the development. A viable alternative for misconnections must be provided before disconnection occurred.
- Grounds for refusing a foul waste connection fall into two categories:
  1. mode of connection.
  2. type of pipe work.

The second reason for refusal is never applicable due to the use of new pipes. The first is rarely acted upon as Anglian Water requests applicants work with them on drainage at respective sites. If a site has planning permission Anglian Water has to accept connectivity.

Members were advised by The Group Manager for Planning if Anglian Water had any concerns Maldon District Council would have received a letter of objection.

### The Proposed System

- Anglian Water worked with David Wilson Homes to produce a solution to mitigate flows and allowing assets to be utilised to their full extent, including the use of storage tanks at the application site. Discharge from the tank would occur when there is flow capacity in the sewers. No discharge would occur without capacity.
- The proposed tank would be industry standard and could hold the projected flow for 25 hours. The tank would automatically empty into the sewage system after 25 hours or when it reaches maximum capacity. The designs are of industry standard and include a 30 year protection.
- The additional tank will be delivered by the developer and not Anglian Water.
- The foul network is appropriately designed in size for the number of homes it deals with.
- This solution is considered to have minimal impact on the sewage network and allow assets to be utilised effectively as it is designed for peak periods, and should not cause detriment to the network.
- Lorries would not be required for the removal of foul waste from the site.

### Frankling Road Pumping Station

- Pumping station at bottom of Frankling Road has been there since the 1970's and the permit was dated 1987.

### Flood Risk

- Excess surface water generated by a breach of the sea wall would not fall under Anglian Waters remit.
- The existing pumping station has no flood protection measures even though it is in flood zone 3.<sup>1</sup>

### North Fambridge Pumping Station

- Approval of a pumping station for North Fambridge is unlikely. This is because siting of new networks is discouraged, and expensive.
- There is no requirement for a storm water system as North Fambridge has a foul water system in place.

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<sup>1</sup> Minute 387 (3 September 2018)

Councillor St Joseph left the meeting at 21:07 and did not return.

Members voiced frustration at the lack of solutions provided by Anglian Water and stated that future problems had been presented instead of the reassurance which was sought by the Committee.

Councillor Miss S White proposed that the conditions were not discharged for the reasons stated above and this was duly seconded. This motion was put to a vote and carried.

**RESOLVED** that the discharge of Conditions 12, 13, 17, 31, and 33 was **REFUSED** contrary to the Officers recommendation for the following reasons:

12. The North Western Area Planning Committee on 06 August 2018 determined that the submissions have not demonstrated to the satisfaction of the Local Planning Authority that adequate maintenance arrangements have been proposed because the statutory undertaker has not demonstrated to the satisfaction of the Local Planning Authority that it would be possible to maintain an effective drainage strategy. Therefore Condition 12 of outline planning application OUT/MAL/14/01016 is not discharged.

13. Members at the North Western Area Planning Committee on 06 August 2018 determined that the submissions have not demonstrated to the satisfaction of the Local Planning Authority that adequate capacity for the handling and disposal of surface and foul water will be available to serve the development. Therefore Condition 13 of outline planning application OUT/MAL/14/01016 is not discharged.

17. Members at the North Western Area Planning Committee on 06 August 2018 determined that the submissions have not demonstrated to the satisfaction of the Local Planning Authority that adequate means of disposing of surface water will be available to serve the development. Therefore Condition 17 of outline planning application OUT/MAL/14/01016 is not discharged.

31. Members at the North Western Area Planning Committee on 06 August 2018 determined that the submissions have not demonstrated to the satisfaction of the Local Planning Authority that adequate capacity for the handling and disposal of wastewater will be available to serve the development and therefore Condition 31 of outline planning application OUT/MAL/14/01016 is not discharged.

33. Members at the North Western Area Planning Committee on 06 August 2018 determined that the submissions have not been demonstrated to the satisfaction of the Local Planning Authority that adequate capacity for the handling and disposal of foul water will be available to serve the development and therefore Condition 31 of outline planning application OUT/MAL/14/01016 is not discharged.

**328. DET/MAL/18/05080 - MANOR FARM, THE AVENUE, NORTH FAMBRIDGE**

<b>Application Number</b>	<b>DET/MAL/18/05080</b>
<b>Location</b>	Manor Farm The Avenue North Fambridge Essex
<b>Proposal</b>	Compliance with conditions application for application <b>OUT/MAL/14/01018</b> (Outline planning application for up to 30 dwellings) Condition 18. Investigation and Risk Assessment
<b>Applicant</b>	David Wilson Homes - BDW Eastern Counties
<b>Agent</b>	N/A
<b>Target Decision Date</b>	13.07.2018
<b>Case Officer</b>	Yee Cheung
<b>Parish</b>	<b>NORTH FAMBRIDGE</b>
<b>Reason for Referral to the Committee / Council</b>	The Discharge of Condition application is presented to Members of the North Western Ara Planning Committee at the discretion of the Director of Planning and Regulatory Services

The Committee received the Officers report, and sought clarification on whether this would add to surface water at the site.

The Development Management Team Leader confirmed that the application was to address whether surface water would be contaminated by the land and not the risk of flooding at the site.

The Chairman put the Officers recommendation to a vote, and the motion was carried with four members voting in favour and one against.

**RESOLVED** that Condition 18 was **DISCHARGED** in accordance with the Officers recommendation.

**329. DET/MAL/18/05092 - MANOR FARM, THE AVENUE, NORTH FAMBRIDGE**

<b>Application Number</b>	<b>DET/MAL/18/05092</b>
<b>Location</b>	Manor Farm The Avenue North Fambridge Essex
<b>Proposal</b>	Compliance with conditions notification OUT/MAL/14/01018 (Outline planning application for up to 30 dwellings) <b>Condition 12.</b> On-site construction management plan <b>Condition 15.</b> Responsibility of maintenance of surface water drainage system. <b>Condition 16.</b> Foul water strategy. <b>Condition 29.</b> Wastewater strategy
<b>Applicant</b>	David Wilson Homes - C/O Agent
<b>Agent</b>	N/A
<b>Target Decision Date</b>	14 August 2018
<b>Case Officer</b>	Yee Cheung
<b>Parish</b>	<b>NORTH FAMBRIDGE</b>
<b>Reason for Referral to the Committee / Council</b>	At the Director of Planning & Regulatory Services' discretion for consistency reasons

Following the Officers report, the Committee was addressed by Mr Kevin Boden who spoke against the report, and Councillor Lindsey Squire.

The Members agreed that they had discussed all the relevant points in relation to this application under DET/MAL/18/05091 – Land West of Fambridge Road, North Fambridge (Minute 327 from Meeting of the North Western Area Planning Committee, 06 August 2018), and voted on the Officers recommendation to discharge each conditions separately.

The Chairman put forward the Officers recommendation to discharge Condition 12 of the application, and the motion was carried with four votes in favour, and one Member abstaining.

The Chairman put forward the Officers recommendation to discharge Conditions 15, 16, and 29 of the application, and this was voted against for the same reasons as discussed under DET/MAL/18/05091 – Land West of Fambridge Road, North Fambridge (Minute 327 from Meeting of the North Western Area Planning Committee, 06 August 2018).

**RESOLVED:**

1. Condition 12 is **DISCHARGED** in accordance with the Officer recommendation.
2. Conditions 15, 16, and 29 are **REFUSED** contrary to the Officers recommendation for the following reasons:

15. Members at the North Western Area Planning Committee on 06 August 2018 determined that the submissions have not demonstrated to the satisfaction of the Local Planning Authority that adequate maintenance arrangements have been proposed because the statutory undertaker has not demonstrated to the satisfaction of the Local Planning Authority that it would be possible to maintain an effective drainage strategy. Therefore Condition 15 of outline planning application OUT/MAL/14/01018 is not discharged.

16. The North Western Area Planning Committee on 06 August 2018 determined that it has not been demonstrated to the satisfaction of the Local Planning Authority that adequate capacity for the handling and disposal of foul water is available to serve the development and therefore Condition 16 of outline planning application OUT/MAL/14/01018 is not discharged.

29. At the North Western Area Planning Committee on 06 August 2018 it was concluded that it has not been demonstrated to the satisfaction of the Local Planning Authority that adequate capacity for the handling and disposal of wastewater is available to serve the development and therefore Condition 29 of outline planning application OUT/MAL/14/01018 is not discharged.

There being no further items of business the Chairman closed the meeting at 9.30 pm.

MRS M E THOMPSON  
CHAIRMAN