



**MINUTES of  
SOUTH EASTERN AREA PLANNING COMMITTEE  
14 JANUARY 2019**

---

**PRESENT**

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

**730. CHAIRMAN'S NOTICES**

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

**731. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs H E Elliott and N R Pudney.

**732. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 3 December 2018 be approved and confirmed.

**733. DISCLOSURE OF INTEREST**

Councillor Mrs P A Channer, CC declared a non-pecuniary interest as a member of Essex County Council, a consultee on planning application matters with respect generally to highways, matters of access and education primarily. She further declared that in respect of Agenda Item 5 - FUL/MAL/18/00230 -Asheldham Pit, Southminster Road, Asheldham, as she had received a copy of correspondence between the applicant and Essex County Council in support of the application.

Councillor R Pratt, CC declared a non-pecuniary interest as a member of Essex County Council, a consultee on planning application matters with respect generally to highways, matters of access and education primarily. With reference to Agenda Item 5 - FUL/MAL/18/00230 -Asheldham Pit, Southminster Road, Asheldham he declared that given he was not present at the meeting on 16 July 2018, where this was deferred, he would not be partaking in the discussion or voting on this item as it was a continuation from the previous meeting.

Councillor A S Fluker declared a non-pecuniary interest in Agenda Item 5 - FUL/MAL/18/00230 -Asheldham Pit, Southminster Road, Asheldham and Agenda Item 6 - FUL/MAL/18/01111- Land North Of Asheldham Hall Farm, Hall Road, Asheldham, Essex, as he knew the applicants.

Councillor R G Boyce, MBE declared a non-pecuniary interest in Agenda Item 7 - FUL/MAL/18/01297 - Market Site, High Street, Burnham-on-Crouch as Chairman of the Promoting Committee. In respect of Agenda Item 5 - FUL/MAL/18/00230 - Asheldham Pit, Southminster Road, Asheldham, he also declared that given he was not present at the meeting on 16 July 2018, where this was deferred, he would not be partaking in the discussion or voting on this item, as it was a continuation from the previous meeting.

Councillor B S Beale declared a non-pecuniary interest in Agenda Item 5 - FUL/MAL/18/00230 -Asheldham Pit, Southminster Road, Asheldham, as he knew the applicant.

Members registered frustration once again regarding the impact of General Data Protection Regulation (GDPR) on information contained in the reports.

The Committee received the reports of the Director of Strategy, Performance and Governance 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.

**734. FUL/MAL/00230 - ASHELDHAM PIT, SOUTHMINSTER ROAD, ASHELDHAM, ESSEX**

<b>Application Number</b>	<b>FUL/MAL/18/00230</b>
<b>Location</b>	Asheldham Pit, Southminster Road, Asheldham, Essex
<b>Proposal</b>	Erection of an education centre, tea room, 6x holiday log cabins, 1x staff/workers accommodation, 1x welfare cabin, 6x fish breeding pods and associated hard-standing, parking and access point.
<b>Applicant</b>	Mrs Lisa Brown
<b>Agent</b>	Mr Chris Moore - Plainview Planning LTD
<b>Target Decision Date</b>	31.07.2018 (EOT agreed: 18.01.2019)
<b>Case Officer</b>	Anna Tastsoglou
<b>Parish</b>	<b>ASHELDHAM</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application Member Call In – The item has been called in by Councillor R P F Dewick on the grounds of public interest.

Following the Officer's presentation the Members debated the application.

It was noted that this was a sustainable location and that this judgement was supported by both the South Eastern Area Planning Committee (evidenced through previous approvals) and the Planning Inspector. There would be no adverse visible impact upon the character and appearance of the area and no objections had been received from the Council's Environmental Health Officer. Furthermore, the Committee acknowledged

the importance of supporting local businesses and the added value of an Education Centre for young people.

Councillor A S Fluker proposed that, subject to the site access coming from Tillingham Road and not Rushes Lane, the application be approved contrary to the Officer's recommendation and this was duly seconded by Councillor Mrs B F Acevedo.

It was agreed that given the complexity of the application the conditions be delegated to Officers and agreed by the Chairman.

The Chairman put the proposal to the Committee and upon a vote being taken the application was approved contrary to the Officer's recommendation and subject to conditions being agreed by both the Chairman and Officers following the meeting.

Councillors R G Boyce and R Pratt asked that it be noted that they did not partake in either the discussion or voting for the reasons outlined under Agenda Item 'Declarations of Interest'.

Councillor Mrs P A Channer also wished it noted that she did not comment or vote on this application for reasons relating to the Local Development Plan and the correspondence from Essex County Council.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with approved drawings 3210.11; 3210.12A; 3210.13; 3210.14; 3210.01A; 3210.09; 3210.07B; 3210.08B; 3210.02A; 3210.03A; 3210.04A; 3210.05; 3210.06 and 3210.10.
- 3 No works above ground level shall take place until details of the boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and be retained as such in perpetuity.
- 4 The development thereby approved shall be carried out in accordance with the details of the Tree Removal and Protection Map and Arboricultural Method Statement submitted as part of the Arboricultural Survey and Protection Report (February 2018 Version 2). No other trees shall be removed or fell.
- 5 The existing hedgerows and trees along the boundaries and within the application site shall be protected during the construction of the development.
- 6 The development hereby approved shall be undertaken in accordance with the terms and specifications contained within the Ecology Report (dated October 2018, Report Reference MH775 EXC Version Final-Dated 30/10/2018) which is attached to and forms part of this permission.
- 7 Deliveries and/or removal of goods and materials shall only take place between the hours of:
  - Monday to Saturday - 0700 hours until 1900 hours
  - Sundays & Bank Holidays - No Deliveries.
- 8 As shown in Drawing SK01 in Appendix D of the Transport Statement, the site access junction at its centre line shall be provided with visibility splays with dimensions of 2.4 metres by 94 metres to the east and 2.4 metres by 91 metres to the south on Tillingham Road, as measured from and along the nearside edge of

- the carriageway. Such vehicular visibility splays shall be retained free of any obstruction in perpetuity.
- 9 Details of the vehicle parking area indicated on the approved plan no. 3210.07B, including details of the materials and soft landscaping, shall be submitted to and approved in writing by the local planning authority. The vehicle parking area shall be implemented in accordance with the approved details within six months of the approval and retained as such in perpetuity. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.
- 10 Unless within three months of the date of this decision details of cycle parking provided in accordance with Maldon District Council's adopted standards, is submitted in writing to the local planning authority for approval, and unless the approved details are implemented within 6 months of the local planning authority's approval, the use hereby approved shall cease until such time as details are approved and implemented.
- 11 The development hereby approved, with the exception of the occupiers of the workers dwelling, shall only be accessed via the south vehicle access onto Tillingham Road unless otherwise agreed with the Local Planning Authority.
- 12 The occupation of the approved workers dwelling shall be limited to a person/persons solely or mainly working in association with the use of the site hereby approved.
- 13 If the use of the site hereby approved cease, the structures and associated storage and paraphernalia used for the purposes of the workers dwelling shall be removed within three months of the cease date.
- 14 The use of the workers dwelling hereby permitted shall cease and all structures and associated storage and paraphernalia for the purposes of such use shall be removed within two months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-
- i. within three months of the date of this decision details of the foul drainage scheme to serve the workers dwelling shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation
  - ii. if within 11 months of the date of this decision the local planning authority refuse to approve the details or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State
  - iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State
  - iv. the approved scheme shall have been carried out and completed in accordance with the approved timetable.
- 15 The use of the workers dwelling hereby permitted shall cease and all structures and associated storage and paraphernalia for the purposes of such use shall be removed within two months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-
- i. within three months of the date of this decision details of the external lighting strategy for the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the Local Planning Authority and the details shall include a timetable for their implementation
  - ii. if within 11 months of the date of this decision the local planning authority refuse to approve the details or fail to give a decision within the

- prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State
- iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State
  - iv. the approved scheme shall have been carried out and completed in accordance with the approved timetable.
- 16 The education centre hereby approved shall only be used as a non-residential education and training centre and for no other purposes falling within Use Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order).
- 17 No development works above ground level in relation to the education centre hereby approved shall take place until details or samples of the facing materials to be used, including glazing, 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.  
To ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
- 18 No works above ground level in relation to the education centre hereby approved shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

The hard landscape works shall be carried out as approved prior to the occupation of the development hereby approved.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 19 Prior to any above ground level works associated with the education centre hereby approved, 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. The scheme shall ensure that for a minimum:
- 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
  - 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50%

betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)

You are advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

- 20 Prior to any above ground level works associated with the education centre hereby approved, details of the foul drainage scheme to serve the education centre 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.
- 21 Prior to the use of the education centre hereby approved details of the waste management plan and position of the proposed refuse and recycling bins, including timeline for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such in perpetuity.
- 22 Prior to any above ground level works associated with the education centre details of the external lighting strategy for the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the Local Planning Authority. All illumination within the site shall be retained in accordance with the approved details.
- 23 No holiday lodges hereby approved shall be used as a person's sole or main place of residence.
- 24 The holiday lodges shall be used for holiday purposes only.
- 25 The owners/operators shall maintain an up to date register of the names of all owners/occupiers of individual holiday lodges on the site, and of their main home addresses, and shall make this information available at all reasonable time to the Local Planning Authority.
- 26 No development works above ground level in relation to the holiday lodges hereby approved shall take place until details or samples of the facing materials to be used, including glazing, 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.
- 27 No works above ground level in relation to the holiday lodges hereby approved shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

The hard landscape works shall be carried out as approved prior to the occupation of the development hereby approved.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged

or diseased shall be replaced in the next planting season with others of similar size and species.

28 Prior to any above ground level works associated with the holiday lodges hereby approved, 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. The scheme shall ensure that for a minimum:

1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.

2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)

You are advised that in order to satisfy the soakaway condition the following details will be required: - details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

29 Prior to any above ground level works associated with the holiday lodges hereby approved, details of the foul drainage scheme to serve the holiday lodges 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.

30 Prior to the use of the holiday lodges hereby approved details of the waste management plan and position of the proposed refuse and recycling bins, including timeline for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such in perpetuity.

31 Prior to any above ground level works associated with the holiday lodges details of the external lighting strategy for the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the Local Planning Authority. All illumination within the site shall be retained in accordance with the approved details.

32 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), the proposed tea room shall only be used for purposes falling within Use Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.

33 No development works above ground level in relation to the tea room hereby approved shall take place until details or samples of the facing materials to be used, including glazing, 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.

34 No works above ground level in relation to the tea room hereby approved shall commence until there shall have been submitted to and approved in writing by

the local planning authority a scheme of hard and soft landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

The hard landscape works shall be carried out as approved prior to the occupation of the development hereby approved.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 35 Prior to any above ground level works associated with the tea room hereby approved, 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. The scheme shall ensure that for a minimum:
- 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
  - 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)
- You are advised that in order to satisfy the soakaway condition the following details will be required: - details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.
- Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.
- 36 Prior to any above ground level works associated with the tea room hereby approved, details of the foul drainage scheme to serve the tea room 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.
- 37 Prior to the use of the tea room hereby approved details of the waste management plan and position of the proposed refuse and recycling bins, including timeline for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such in perpetuity.
- 38 The tea room shall only be used for the purposes hereby approved between the hours of:
- 0800 hours until 1800 hours (Monday to Sunday)
- 39 The noise level arising from any external music played at the tea room (LAeq) shall not exceed the background level (LA90) when measured from the boundary of the nearest noise-sensitive dwelling (Deansbrook Farm,

- Southminster Road, Asheldham, Essex, CM0 7DZ) and be carried out in accordance with the methodology contained in BS4142:2014.
- 40 Prior to any above ground level works associated with the tea room details of the external lighting strategy for the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the Local Planning Authority. All illumination within the site shall be retained in accordance with the approved details.
- 41 The welfare centre hereby approved shall only be used for purposes incidental to the use of the site hereby approved and for no other purposes.
- 42 The use of the welfare centre hereby permitted shall cease and all structures and associated paraphernalia for the purposes of such use shall be removed within two months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-
- iii. within three months of the date of this decision details of the external lighting strategy for the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the Local Planning Authority and the details shall include a timetable for their implementation
  - ii. if within 11 months of the date of this decision the local planning authority refuse to approve the details or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State
  - iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State
  - iv. the approved scheme shall have been carried out and completed in accordance with the approved timetable.

## **INFORMATIVES**

- 1 Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future.  
The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.
- 2 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.

**735. FUL/MAL/18/01111 - LAND NORTH OF ASHELDHAM FARM, HALL ROAD, ASHELDHAM, ESSEX**

<b>Application Number</b>	<b>FUL/MAL/18/01111</b>
<b>Location</b>	Land North Of Asheldham Hall Farm, Hall Road, Asheldham, Essex
<b>Proposal</b>	Stationing of mobile home for rural workers for temporary period of 3 years. Rationalisation of existing livery business to form part livery and full livery. Erection of 5 stables with associated tack room and feed store
<b>Applicant</b>	Mr & Mrs D Henson
<b>Agent</b>	Mrs Hayley Webb - Smart Planning Ltd
<b>Target Decision Date</b>	07.12.2018 (EOT agreed: 18.01.2018)
<b>Case Officer</b>	Anna Tastsoglou
<b>Parish</b>	<b>ASHELDHAM</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In – This item has been called in by Councillor R P F Dewick on the grounds of public interest.

Following the Officer’s presentation, Mrs Hayley Webb, the Agent, addressed the Committee.

A lengthy debate ensued where issues around temporary consent for three years, animal welfare and the importance of supporting local business were discussed. It was noted that temporary consent complied with Policy H7 of the Maldon District Local Development Plan (MDLDP) and provided applicants with the opportunity to evidence the viability of the business. On the issue of animal welfare it was noted that in addition to the grazing available there was tack room and feed store facilities on this site.

Following the discussion Councillor A S Fluker, acknowledging the importance of supporting local businesses, proposed that the application be approved in accordance with the Officer’s recommendation. This was seconded by Councillor Mrs P A Channer.

The Chairman put the proposal to the Committee and upon a vote being taken the application was approved in accordance with the Officer’s recommendation.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The mobile home hereby permitted shall be removed and the land restored to its former condition in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority on or before 18th January 2022 unless before that date a formal planning application for the retention of the building has been approved by the Local Planning Authority.
- 3 The development hereby permitted shall be carried out in complete accordance with approved drawings 17.4104 M001, 17.4104 P202 REV B, 17.4104 P204,

17.4104 P205, 17.4104 P206, 17.4104 P201 REV H, 17.4104 e101 REV D and 17.4104 M002 REV E.

- 4 The development hereby approved shall only be constructed of the materials specified on the application form submitted with the application and retained as such thereafter for the lifetime of the development.
- 5 There shall be no means of external lighting anywhere on the site edged in red on the plans hereby approved or on any other land owned by the applicant that could be used to illuminate the stables or manege unless previously agreed in writing by the Local Planning Authority.
- 6 There shall be no burning of stable wastes anywhere on the site edged in red on the plans hereby approved or on any other land under the control of the applicant and a scheme of waste management shall be submitted to and approved in writing by the Local Planning Authority prior to the use of the site as hereby approved under this permission. The development shall be thereafter be used in accordance with the approved details in perpetuity.
- 7 The occupation of the temporary mobile home shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.
- 8 The livery business hereby approved, including the associated stables, tack and feed room and ménage shall not be open to persons other than the occupants outside the hours of 08.00 - 20.00 weekdays, 08.00 - 20.30 Saturdays and Sundays (April to October) and 08.00 - 19.00 Saturdays and Sundays (November to March).
- 9 The areas of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.
- 10 The mobile home hereby approved shall make provision for car parking within the site in accordance with the Council's adopted car parking standards and be retained thereafter for the permitted duration of the development.
- 11 Prior to the occupation of the temporary mobile home and use of stables hereby approved details of surface water drainage scheme as specified in the Essex Sustainable Drainage Systems Design Guide submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented prior to occupation of the development and should include and not be limited to:
  - Discharge rates/location
  - Storage volumes
  - Treatment requirement
  - Detailed drainage plan
  - A written report summarising the final strategy and highlighting any minor changes to the approved strategy

Where the surface water drainage strategy proposes the use of soakaways the details of the design and the results of a series of percolation tests carried out upon the subsoil in accordance with DG 365 2016. You are advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where discharging to a watercourse the proposed scheme shall include details of the destination and discharge rates equivalent to "greenfield runoff" up to and

including a 1 in 100 year rainfall event inclusive of climate change. This is typically achieved by installing some form of attenuation on site e.g. temporary storage. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s). 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.

The applicant must demonstrate that the system is an appropriate point of discharge for the site. The discharge hierarchy should be used to determine discharge location. This is particularly important when considering greenfield development which may currently discharge to a sewer but may have the capacity to discharge to a watercourse or to the ground. If not, then further information/assessment will be required to determine the suitability of the system to convey the proposed flows and volumes of water. Evidence will be required that the development will not increase risk to others. If the proposed discharge point is outside the development site then the applicant will need to demonstrate that the necessary permissions and or agreements to achieve connection are possible.

Where the Local Planning Authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

Prior to first occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed in writing, by the Local Planning Authority.

- 12 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.

**736. FUL/MAL/18/01297 - MARKET SITE, HIGH STREET, BURNHAM-ON-CROUCH, ESSEX**

<b>Application Number</b>	<b>FUL/MAL/18/01297</b>
<b>Location</b>	Market Site, High Street, Burnham-on-Crouch
<b>Proposal</b>	Change the use of a section of the Burnham-On-Crouch High Street to a weekly retail market on Tuesdays.
<b>Applicant</b>	Mr Richard Holmes –Maldon District Council
<b>Agent</b>	N/A
<b>Target Decision Date</b>	31/01/2019
<b>Case Officer</b>	Devan Lawson
<b>Parish</b>	<b>BURNHAM SOUTH</b>
<b>Reason for Referral to the Committee / Council</b>	Council application

Following the Officer's presentation Members debated the application.

It was noted that the weekly retail market had been a resounding success, increasing footfall in shops. One of the ongoing problems had been the playing of music which this application addressed under condition 3.

Further discussion ensued on the proposed operational hours from set up at 07:00 to close at 16:00. Councillor Fluker reported that a number of residents were unhappy with the noise of set up at 07:00 and proposed that, subject to the set up time being moved to 07:15, the application be approved in accordance with the Officer's recommendation. This was seconded by Councillor Boyce.

This was not progressed as some Members felt that this proposed change of 15 minutes would not make a material difference and that the current proposal moving from 06:30 to 07:00am was already a significant change. In accordance with Procedure Rule No. 13 Councillor A S Fluker requested a recorded vote be taken on the proposed amendment to a 07:15am set up.

The Chairman put the proposed amendment by Councillor Fluker of 07:15 set up start time, seconded by Councillor Boyce, to the Committee and the voting was as follows:

For the amendment

Councillors B S Beale, A S Fluker, R G Boyce and M W Helm.

Against the amendment

Councillors Mrs B F Acevedo, P G L Elliott, Mrs P A Channer and R Pratt.

There being an equality of votes the Chairman used his casting vote to support the proposed amendment and it was carried.

The Chairman then put the proposal to approve the application, together with the agreed revised condition of 07:15 set up time, to the Committee. Upon a vote being taken the application was approved in accordance with the Officer's recommendation.

**RESOLVED** that the application and agreed amended start time of 07:15 be **APPROVED** subject to the following conditions:

- 1 The development shall be carried out in accordance with the following approved plans and documents: ATS/552/01/A, ATS/552./02/B.
- 2 The Burnham-on-Crouch retail market hereby permitted shall operate only between the hours 07:30 to 15:00 on Tuesdays only with no setting up of any stall prior to 07:15. All stalls and related equipment shall be removed from the site prior to 16:00 hours on each day.
- 3 There shall be no amplified sound used within the market as outlined in red on the location plan which forms part of this permission or by any stall, stall owner or operator at any time.

There being no further items of business the Chairman closed the meeting at 8.40 pm.

R P F DEWICK  
CHAIRMAN