



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
15 JULY 2019**

PRESENT

Chairman	Councillor R P F Dewick
Vice-Chairman	Councillor M W Helm
Councillors	M G Bassenger, B S Beale MBE, V J Bell, R G Boyce MBE, A S Fluker, A L Hull and W Stamp

248. CHAIRMAN'S NOTICES

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

249. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs P A Channer and N Skeens.

250. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the meeting of the Committee held on 17 June 2019 be received.

Minute No. 175

That the minute be revised to reflect that Councillor V J Bell did not declare a non-pecuniary interest in Agenda Item 9 (a) FUL/MAL/18/00839 – Land Adjacent Orchard House, Nipsells Chase, Mayland, Essex.

RESOLVED

- (ii) that subject to the above amendment the Minutes of the meeting of the Committee held on 17 June 2019 be confirmed.

251. DISCLOSURE OF INTEREST

Councillor R Dewick, advised the Committee that he knew the applicant on Agenda Item 7 - FUL/MAL/19/00382 – Club Nautico, Bridgemarsh Lane, Althorne, Essex but that it did not constitute an interest.

Councillor A L Hull declared a pecuniary interest in Agenda Item 7 – FUL/MAL/19/00382 – Club Nautico, Bridgemarsh Lane, Althorne, Essex, as her partner worked for the applicant. She advised the Committee she would leave the Chamber for this item of business.

Councillor A S Fluker declared in the interest of openness and transparency on Agenda Item 5 - FUL/MAL/18/01518 - Sandbeach Hockley Lane Bradwell-On-Sea Essex CM0 7QB, as his dog came from AA Rescue and Agenda Item 7- FUL/MAL/19/00382 – Club Nautico, Bridgemarsh Lane, Althorne, Essex, as he knew the applicant.

Councillor V J Bell declared a non-pecuniary interest in Agenda Item 8 - Chartwell, 120 Maldon Road, Burnham-on-Crouch, Essex, CM0 8DB, as she knew some of the objectors and had worked in the sector for a number of years.

Councillor M G Bassenger declared a non-pecuniary interest in Agenda Item 7 - FUL/MAL/19/00382 – Club Nautico, Bridgemarsh Lane, Althorne, Essex, as he was a neighbour, knew the applicant and objectors and had objected as a resident on a previous application prior to becoming a councillor. He said he intended taking part in the debate, if that was possible.

It was acknowledged that the onus was on the individual regarding how they declare and that as a general rule, if in doubt, it would be best to leave the Chamber for the respective Agenda Item. The Chairman reminded members that the recent training delivered by the Monitoring Officer, attended by all Members, had clarified where they stood in regard to interests and the issue of when in doubt had also been covered. He went on to advise that, where a Member had concerns regarding an application they should speak with the Monitoring Officer in advance of the meeting.

Following further deliberation on the first declaration, Councillor Bassenger then declared he would make a personal statement and leave the Chamber for the debate on Item 7 - FUL/MAL/19/00382 - Club Nautico, Bridgemarsh Lane, Althorne, Essex.

252. FUL/MAL/18/01518 - SANDBEACH, HOCKLEY LANE, BRADWELL -ON-SEA, ESSEX, CM0 7QB

Application Number	FUL/MAL/18/01518
Location	Sandbeach Hockley Lane Bradwell-On-Sea Essex CM0 7QB
Proposal	Section 73A application to convert disused farm outbuilding into dog kennels, change of use of associated land to be used as a dog rescue centre and stationing of a caravan to be used as a veterinary practice in association with the dog rescue use.
Applicant	Ms Charlene Nathan
Agent	Mr Ashley Wynn
Target Decision Date	26.04.2019 (E.o.T. 19.07.2019)
Case Officer	Spyros Mouratidis
Parish	BRADWELL-ON-SEA
Reason for Referral to the Committee / Council	Member Call In – Councillor R Dewick – Matter of public interest

A Members' Update was submitted detailing a further three representations of objection. An update for one additional representation was given verbally.

Following the Officer's presentation Michael Harris, an Objector, Parish Councillor Jean Allen, Bradwell-on-Sea Parish Council and the Applicant, Charlene Nathan, addressed the Committee.

At this point the Chairman reminded the Committee that should any Members leave the chamber during the discussion of an item on the agenda they cannot take further part in said item.

With reference to this application the Chairman said that as Ward member he had called the item in due to a number of concerns:- the location was unsustainable, not least for those employed there; the existence of an SSSI of major importance was an obvious concern; an ecology report would be necessary to deal with the presence of bats; given the previous comments dog numbers would need controlling and the public consultation was incomplete. He said, if acceptable, temporary consent would be preferable as it could assist in avoiding past mistakes. He questioned why the application was before the committee with an ongoing consultation period given the problems that arose with a similar application at the last meeting.

Councillor Helm proposed that the application be deferred to include outstanding information and completion of the consultation period so that Members, as decision makers, could make an informed decision next time round. This was seconded.

The Lead Specialist Place advised the Committee that there was no problem with presenting the report at this stage as the application had already been through public consultation twice. He advised that with any application, should a material consideration arise after a decision is made at Committee by Members and before the planning notice is issued, it would have to come back to Members for a decision. There would always be instances where this occurs given the eight-week timelines planning works to. He reassured Members that Officers had undertaken all necessary risk assessments in respect of the application and that it was possible to condition all relevant outstanding issues to overcome the harm.

A long discussion ensued on the aforementioned issues and the general consensus among Members was that there were a lot of unanswered questions and outstanding information. This was a major concern given the history with this organisation. It was acknowledged that limiting dog numbers was problematic, however, the number of dogs on site was a key concern and it was proposed that a limit be set.

The Chairman reminded Members that there was a proposal on the table from Councillor Helm to defer the application, which had been seconded by Councillor Beale.

He then put the proposal to the Committee to defer the application for a future meeting subject to additional information being sought in relation to ecology. Upon a vote being taken this was agreed.

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

1. Deferred for future determination subject to additional information being sought in relation to ecology.

253. FUL/MAL/19/00169 - LAND ADJACENT BRICKFIELDS COTTAGE, GREEN LANE, BURNHAM-ON-CROUCH, ESSEX

Application Number	FUL/MAL/19/00169
Location	Land Adjacent Brickfields Cottage, Green Lane, Burnham-On-Crouch, Essex
Proposal	Erection of a detached chalet bungalow
Applicant	Miss K Hewson
Agent	Elisa Hampson - E. H Planning Services
Target Decision Date	22.04.2019 (EoT agreed: 19.07.2019)
Case Officer	Anna Tastsoglou
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Departure from the Local Plan 2017

A Members' Update was submitted detailing an additional letter of objection.

Following the Officer's presentation, Sharon Gough, speaking on behalf of the Applicant, addressed the Committee.

A brief debate ensued where concerns were expressed regarding the continuing development of Green Lane and the strain it put on services. However, it was also noted that the proposed development had been assessed against all material planning considerations and the principle of erecting one dwelling at this location was acceptable. The proposed development would not have a discordant impact on the character of the area and subject to appropriate conditions, considered acceptable, sustainable and in accordance with the aims of the development plan.

Councillor Boyce proposed that the application be approved in accordance with the Officer's recommendation and this was seconded.

The Chairman put the proposal to the Committee and upon a vote being taken this was agreed.

Councillor W Stamp requested that her vote to refuse the application be recorded.

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 Location Plan Rev A; 008 C; 007 and 006.
3. Prior to their use in the development hereby approved, details or samples of the materials to be used in the construction of the external surfaces, including windows and doors, of the development hereby approved shall 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.
4. Prior to the occupation of the development hereby approved details of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be provided prior to the occupation of the dwelling hereby approved in accordance with the approved details and be retained as such in perpetuity.

5. Prior to the occupation of the development details of both hard and soft landscape works, including the retention of the existing hedgerows along the south, east and west boundaries of the application site, to be carried out shall 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 occupation 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. All loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken within the application site, clear of the public highway.
7. No development works above ground level shall occur until details of the surface water and foul drainage scheme to serve the development has been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development
8. The double garage, vehicle parking area and associated turning facilities shown on plan 008C shall be provided prior to the occupation of the dwelling and be retained as such in perpetuity. The garage and off-street parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
9. Details of the refuse and cycle stores shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The development shall be implemented in accordance with the approved details and be retained for such purposes in perpetuity thereafter.
10. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to the Local Planning Authority for approval in writing. These approved schemes shall be carried out before the development is resumed or continued. Following completion of measures identified in the approved remediation scheme, a verification report demonstrating the effectiveness of the remediation scheme carried out must be submitted to the Local Planning Authority for approval in writing.
11. Notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site.

12. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
13. There shall be no discharge of surface water from the development onto the Highway.

Councillor A L Hull left the Chamber for this Item of business.

254. FUL/MAL/19/00382 - CLUB NAUTICO, BRIDGEMARSH MARINA, BRIDGEMARSH LANE, ALTHORNE, ESSEX

Application Number	FUL/MAL/19/00382
Location	Club Nautico Bridgemarsh Marine Bridgemarsh Lane Althorne Essex
Proposal	Section 73A application for extension and alterations to barge S.S. Nautico and for the change of the use on the upper deck from office to club house with associated facilities (resubmission of application FUL/MAL/17/01376).
Applicant	Mr John Wilsdon
Agent	Mr Mark Morgan - Petro Designs Ltd
Target Decision Date	20.06.2019 E.o.T. 19.07.2019
Case Officer	Spyros Mouratidis
Parish	ALTHORNE
Reason for Referral to the Committee / Council	Member Call In – Councillor Mark G Bassenger – Concerns about the application

Following the Officer’s presentation Mr Lakin, an Objector, Parish Councillor Mr Brian Noye, Althorne Parish Councillor and the Applicant Mr John Wilsdon, addressed the Committee.

Councillor Bassenger, having previously agreed to make a personal statement and leave the chamber, sought further clarification from the Chairman.

The Chairman, in response, again reminded Members that they had all attended the Code of Conduct training. The training had been clear on where Members stood in regard to interests and the best course of action to take if in doubt, together with the role of the Monitoring Officer and/or the Standards Committee, in respect of the code of conduct. He repeated that when in doubt on any application Members should seek the advice of the Monitoring Officer in advance of the meeting and that he could only offer advice. How a Member declared was down to the individual.

Councillor Bassenger then reverted to his original non-pecuniary declaration of interest and said he would remain for the discussion on this item of business.

Councillor Fluker, taking into consideration the stringent conditions already applied to the application, proposed that the Officer's recommendation of approval be agreed. This was duly seconded by Councillor Helm.

In response to questions raised around access, fire standards and inclusivity the Lead Specialist Place advised that these issues were dealt with under separate legislation, they were not planning matters. With reference to concerns around parking it was clarified that parking was not a consideration as the proposed use was ancillary to the marina for those already berthed there, therefore the existing parking facilities were adequate. The conservation issues were mitigated by the seasonal nature of the use, namely April to September.

It was considered that the current scheme had addressed the previous reason for refusal. Subject to conditions, the development was not considered to be detrimentally harmful to the character and appearance of the area, the living conditions of neighbouring occupiers, the highway safety, the natural environment and the safety of users from flood risk in line with local policies S1, S7, S8, D1, D2, D5, E5, N2, T1 and T2 of the Approved Maldon District Local Development Plan (MDLDP).

Councillor Fluker proposed that, in addition to his original proposal, a recorded vote be taken on this item and this was seconded.

Councillor Stamp proposed that the applicant's suggestion of a 12-month temporary consent from date of first opening, be included as an extra condition. This was seconded by Councillor Fluker.

The Chairman put the proposal to approve the application, with the additional condition of a 12-month temporary consent from date of opening, to the Committee and a recorded vote was taken:

For the recommendation:

Councillor M W Helm
Councillor R G Boyce MBE
Councillor W Stamp
Councillor A S Fluker
Councillor R P F Dewick

Against the recommendation:

Councillor M G Bassenger
Councillor B S Beale
Councillor V J Bell

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

1. Within twenty-eight (28) days from the commencement of the use of the premises as a clubhouse, a notice in writing shall be given to the Local Planning Authority to confirm the date the use commenced. The use of the premises as a clubhouse hereby permitted shall cease one year after the commencement of the use.

- REASON It is not considered that the grant of a permanent planning permission would be appropriate and a temporary permission would enable the Local Planning Authority to re-assess the impact of the development upon the residential amenity of the neighbouring occupiers and the natural environment
2. 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
 3. Any operational development forming part of this permission shall be carried out in accordance with the following approved plans and the details contained on them: 1015 05D and 115 04D.
REASON To ensure the development is carried out in accordance with the approved plans.
 4. The use hereby permitted shall only be as a club house offering food, drinks and beverages on the premises only to the club's members, associate members and their guests. Members and associate members of the club shall only be boat owners who berth their boats at Bridgemarsh Marina and occupiers of the caravans and holiday units at Bridgemarsh Marina.
REASON To ensure the appropriate use of the site in the interests of protecting the amenities of adjacent occupiers, the natural environment and the highway safety in accordance with local policies S1, S7, S8, E5, D1, D2, N2, T1 and T2 of the approved Local Development Plan and national policies contained in the National Planning Policy Framework.
 5. The use of the club house hereby permitted shall only be carried out between 1 April and 30 September, inclusive, in any one year. Outside of this period the premises shall remain shut and the access walkways shall be removed to prevent immediate access to the barge.
REASON To ensure the interests of protecting the natural environment in accordance with local policies S1, S7, S8, E5, D1, D2 and N2 of the approved Local Development Plan and national policies contained in the National Planning Policy Framework.
 6. An up to date register of visitors to the premises shall be kept at all times at the club house. The register shall contain the name of the person who visited the premises, their status in relation to the club, the name of the boat they own or visit at the marina or the address/name of the caravan or holiday unit they occupy in the marina, the date and time they visited the premises and the time they left the premises. Electronic copies of the register shall be sent to the Local Planning Authority on the last day of every calendar month the premises have operated. The register shall be made immediately available on the premises at any time to the Local Planning Authority for inspection.
REASON To ensure the appropriate use of the site in the interests of protecting the amenities of adjacent occupiers, the natural environment and the highway safety in accordance with local policies S1, S7, S8, E5, D1, D2, N2, T1 and T2 of the approved Local Development Plan and national policies contained in the National Planning Policy Framework.
 7. The premises hereby permitted to be used as a club house shall not be open to customers outside of 11:00 hours and 20:00 hours every day. No customers shall be presented on the premises outside the permitted hours.
REASON To ensure the appropriate use of the site in the interests of protecting the amenities of adjacent occupiers, the natural environment and the highway safety in accordance with local policies S1, S7, S8, E5, D1, D2, N2, T1 and T2

- of the approved Local Development Plan and national policies contained in the National Planning Policy Framework.
8. Deliveries to and collections from the site shall only be undertaken between 08:00 hours and 18:00 hours on weekdays and between 08:00 hours and 13:00 hours on Saturdays and not at any time on Sundays and Public Holidays.
REASON To ensure the appropriate use of the site in the interests of protecting the amenities of adjacent occupiers, the natural environment and the highway safety in accordance with local policies S1, S7, S8, E5, D1, D2, N2, T1 and T2 of the approved Local Development Plan and national policies contained in the National Planning Policy Framework.
 9. Notwithstanding the submitted details, no external seating shall be provided on the application site.
REASON To ensure the appropriate use of the site in the interests of protecting the amenities of adjacent occupiers, the natural environment and the character and appearance of the area in accordance with local policies S1, S7, S8, E5, D1, D2 and N2 of the approved Local Development Plan and national policies contained in the National Planning Policy Framework.
 10. No amplified music or sound shall be played on site in perpetuity.
REASON To ensure the appropriate use of the site in the interests of protecting the amenities of adjacent occupiers and the natural environment in accordance with local policies S1, S7, S8, E5, D1, D2 and N2 of the approved Local Development Plan and national policies contained in the National Planning Policy Framework.
 11. Notwithstanding the submitted details, no external storage of any items and paraphernalia associated with the use hereby permitted shall be carried out outside the barge.
REASON To ensure the appropriate use of the site in the interests of protecting the character and appearance of the area in accordance with local policies S1, S7, S8, E5 and D1 of the approved Local Development Plan and national policies contained in the National Planning Policy Framework.
 12. The public footpath crossing the access to the application site shall be kept free from obstructions at all times.
REASON In the interest of public rights of way and highway safety in accordance with local policies T1 and T2 of the approved Local Development Plan and national policies contained in the National Planning Policy Framework.
 13. The use hereby permitted shall not commence or be open for customers unless a foul water drainage scheme to serve the club house has been submitted to and approved by the Local Planning Authority and the scheme has been implemented in accordance with the approved details. The foul water drainage arrangements shall be kept as implemented in perpetuity.
REASON To ensure the interests of protecting the natural environment in accordance with local policies S1, S7, S8, E5, D1, D2 and N2 of the approved Local Development Plan and national policies contained in the National Planning Policy Framework.
 14. The use hereby permitted shall not commence or be open for customers unless a scheme for the storage and removal of waste and recyclables to serve the club house has been submitted to and approved by the Local Planning Authority and the scheme has been implemented in accordance with the approved details. The storage and removal of waste and recyclables shall be kept as implemented in perpetuity.
REASON To ensure the appropriate use of the site in the interests of protecting the amenities of adjacent occupiers, the natural environment and the character

and appearance of the area in accordance with local policies S1, S7, S8, E5, D1, D2 and N2 of the approved Local Development Plan and national policies contained in the National Planning Policy Framework.

15. Notwithstanding the submitted details, no external illumination shall be installed or operated within the application site unless it is in accordance with a scheme that has been submitted and approved in writing by the Local Planning Authority. Any approved external illumination shall be turned off within 60 minutes from the end of the hours customers are allowed to be on the premises as per condition 6.

REASON To ensure the appropriate use of the site in the interests of protecting the amenities of adjacent occupiers, the natural environment and the character and appearance of the area in accordance with local policies S1, S7, S8, E5, D1, D2 and N2 of the approved Local Development Plan and national policies contained in the National Planning Policy Framework.

16. No cooking of food shall occur at the site until full details of equipment to be installed for the extraction and control of fumes and odours, including details of noise and vibration attenuation together with a maintenance schedule for the future operation of that equipment have been submitted to and approved in writing by the local planning authority. The scheme shall also be in accordance with current guidance from DEFRA and the Heating and Ventilating Contractors' Association (HVCA) For Kitchen Ventilation Systems. The use hereby permitted shall not take place other than in accordance with these approved details.

REASON To ensure the appropriate use of the site in the interests of protecting the amenities of adjacent occupiers, the natural environment and the character and appearance of the area in accordance with local policies S1, S7, S8, E5, D1, D2 and N2 of the approved Local Development Plan and national policies contained in the National Planning Policy Framework.

17. No extraction or ventilation equipment, vents, air conditioning units or similar plant equipment shall be installed or fitted to any external part of the barge except in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The scheme as approved and installed shall be retained as such thereafter.

REASON To ensure the appropriate use of the site in the interests of protecting the amenities of adjacent occupiers, the natural environment and the character and appearance of the area in accordance with local policies S1, S7, S8, E5, D1, D2 and N2 of the approved Local Development Plan and national policies contained in the National Planning Policy Framework.

Councillor A L Hull returned to the Chamber

255. FUL/MAL/19/00465 - CHARTWELL, 129 MALDON ROAD, BURNHAM-ON-CROUCH, ESSEX, CM0 8DB

Application Number	FUL/MAL/19/00465
Location	Chartwell, 120 Maldon Road, Burnham-On-Crouch, Essex, CM0 8DB
Proposal	Change of use from Class C3 dwellinghouse to a residential children's home Class C2 (residential institution).
Applicant	Mr Frederik Booyesen - PSS Care Group
Agent	Miss Nichola Brown - PSS Care Group
Target Decision Date	28.06.2019 (Extension of time agreed until 19.07.2019)
Case Officer	Anna Tastsoglou
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Member Call In Cllr Stamp has requested the application to be presented before Members of the South Eastern Area Planning Committee on the grounds of public interest.

A Members' Update was submitted detailing an additional letter of objection.

Following the Officer's presentation, Janice Overall, an Objector and the Agent, Nichola Brown, addressed the Committee.

A debate ensued where the issue of temporary permission with an annual review was discussed. The Lead Specialist Place advised that the issue of temporary consent had been addressed in the report. The application had been assessed against the development plan, found to be acceptable therefore it would be inappropriate to apply a temporary consent. A further consideration was the financial burden on the applicant. He suggested it would be better to refuse or grant permission.

Cllr Fluker, whilst acknowledging the Committee's social responsibility, also expressed concern for the residents as the application was adjacent to existing residential properties. He proposed that given the potential large upfront costs, temporary permission for a 3-year period be granted. This would afford the applicant three years to recoup the costs and prove, beyond all reasonable doubt, that the facility could be delivered without any disruption to the community. This was seconded by Councillor Stamp.

Councillor Stamp further requested that it be noted, given the previous measured proposal, that the Committee was listening to residents and taking their concerns on board.

The Chairman put the Officer's recommendation to approve, with the additional condition of a 3-year temporary consent from date of opening, to the Committee. Upon a vote being taken this was agreed.

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

1. Within twenty-eight (28) days from the commencement of the use of the premises as a children's home, a notice in writing shall be given to the Local Planning Authority to confirm the date the use commenced. The use of the

premises as a children's home hereby permitted shall cease three years after the commencement of the use.

REASON It is not considered that the grant of a permanent planning permission would be appropriate and a temporary permission would enable the Local Planning Authority to re-assess the impact of the development upon the residential amenity of the neighbouring occupiers, the parking provision and the character of the area.

2. 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) of The Town & Country Planning Act 1990 (as amended).

3. The development hereby permitted shall be carried out in complete accordance with approved drawings: Location Plan and Block Plan.

REASON To ensure the development is carried out in accordance with the details as approved.

4. The development hereby approved shall only be used as a children's home and for no other use within Use Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) unless otherwise agreed in writing by the local planning authority.

REASON To protect the amenities of the area in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

5. Details of a cycle stores shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The development shall be implemented in accordance with the approved details and be retained as such in perpetuity thereafter.

REASON To ensure that adequate bicycle parking and refuse facilities are proposed in accordance with policies D1 and T2 of the approved Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

256. FUL/MAL/19/00533 - GROVE FARM, STONEY HILLS, BURNHAM-ON-CROUCH, ESSEX

Application Number	FUL/MAL/19/00533
Location	Grove Farm, Stoney Hills, Burnham-on-Crouch, Essex
Proposal	Full planning application for replacement dwelling (Plot 6) and the erection of two detached bungalows at plots 3 and 7 (Plot 3 of outline planning permission OUT/MAL/15/01082) with associated cart lodge and garaging.
Applicant	Lauren Nicole Homes Ltd
Agent	Mr Russell Forde – Smart Planning
Target Decision Date	25.07.2019
Case Officer	Devan Lawson
Parish	BURNHAM-ON-CROUCH NORTH
Reason for Referral to the Committee / Council	Departure from the Local Plan 2017

A Members' Update was submitted detailing comments from Burnham Town Council, Local Highways Authority and Natural England.

Following the Officer's presentation Mr Russell Forde, the Agent, addressed the Committee.

Councillor Stamp said she would not be supporting this application as she felt the location was not sustainable and services were already under strain in the area. This was noted by the Committee.

However, having taken all material planning considerations into account, including the extant outline planning permission (APP/X1545/W/16/3147227), it was found that the principle of erecting dwellinghouses in this location had been accepted. Therefore, albeit reluctantly, it was not considered that one additional dwelling and a replacement dwelling would provide any considerations that would alter this stance.

The Chairman put the Officer's recommendation of approve to the Committee and upon a vote it was agreed.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 17.4387/P222 Rev A, 17.4387/M001, 17.4387/E101A, 17.4387/M002 Rev A, 17.4387/P202 Rev F, 17.4387/P214, 17.4387/P215, 17.4387/P216, 17.4387/P217, 17.4387/P218, 17.4387/P219, 17.4387/P220, 17.4387/P221, Brown 2 Green Phase Geo-Environmental Desk Study Report April 2019, Civilistix Grove Farm, Stoney Hill Drainage Strategy 31 May 2019, Brown 2 Green Geo-Environmental Site Investigation Report May 2019.
3. No development works above ground level shall take place until details or 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.
4. A surface water drainage system in accordance with section 3 of the Civilistix drainage strategy (dated 31st May 2019) shall be provided to the site and be operational prior to first occupation of any residential dwelling on site. The sustainable drainage system shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan detailed within section 3.8 of the document stated above.
5. Foul drainage shall be connected to the combined public sewer in accordance with details contained in section 4 of the Civilistix drainage strategy (dated 31st May 2019).
6. All asbestos-containing fragments must be removed from the site prior to the commencement of the development. The remediation should consist of a site walkover to hand pick the fragments that are present. All asbestos containing materials should be disposed of to a licenced waste disposal facility.

Following the removal of the fragment's validation should be undertaken by a Contaminated Land Consultant. The validation should consist of a detailed walk-over of the site to confirm that all fragments have been removed.

On completion of the validation a report should be prepared that provides details of the site inspection, photographs of the inspected area and copies of all waste disposal notes. This report must be provided to the Local Planning Authority for approval.

7. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to the Local Planning Authority for approval in writing. These approved schemes shall be carried out before the development is resumed or continued. Following completion of measures identified in the approved remediation scheme, a verification report demonstrating the effectiveness of the remediation scheme carried out must be submitted to the Local Planning Authority for approval in writing.
8. Full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include, for example:
 - i. Proposes finished levels contours;
 - ii. Means of enclosure;
 - iii. Car parking layouts;
 - iv. Other vehicle and pedestrian access and circulation areas;
 - v. Hard surfacing materials;
 - vi. Minor artefacts and structures (e.g furniture, play equipment, refuse or other storage units, signs, lighting);
 - vii. Proposed and existing functional services above and below ground (e.g drainage power, communications cables pipelines etc, indicating lines, manholes, supports);
 - viii. Retained historic landscape features and proposals for restoration, where relevant.

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

The hard landscape works shall be carried out as approved prior to the first use / occupation of the development hereby approved and retained and maintained as such thereafter.

9. 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 prior to first use/occupation of the development hereby approved. 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.

10. No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no 17.4387/P202 F for six cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available for such purposes in perpetuity.
11. The garages shall not be used other than for the accommodation of private motor vehicles or for any other purpose incidental to the enjoyment of the dwelling house as such and shall not at any time be converted or used as habitable space / living accommodation.
12. 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 garages, extensions or separate buildings (other than incidental 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.
13. 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 dormer window or other form of addition or opening shall be constructed in the roof or gable walls of the building(s)/ extension hereby permitted without planning permission having been obtained from the local planning authority.

257. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRMAN OF THE COMMITTEE DECIDES ARE URGENT

Councillor Fluker expressed thanks to the Principal Planning Officer, Mr Mouratidis for all his hard work on behalf of Maldon District Council and wished him well in his new role.

Councillor Helm requested that a meeting to discuss enforcement issues be scheduled.

There being no further items of business the Chairman closed the meeting at 9.49 pm.

R P F DEWICK
CHAIRMAN