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CHIEF EXECUTIVE'S OFFICE  
CHIEF EXECUTIVE  
Fiona Marshall

04 May 2016

Dear Councillor

You are summoned to attend the fourty fourth

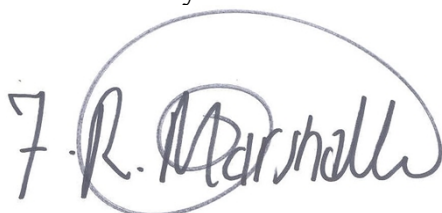
**ANNUAL MEETING OF THE MALDON DISTRICT COUNCIL**

on **THURSDAY 12 MAY 2016 at 7.30 pm.**

in the Council Chamber. Maldon District Council Offices, Princes Road, Maldon.

A copy of the agenda is attached.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'F. R. Marshall', is enclosed within a large, hand-drawn oval.

Chief Executive

NB Serving Members who are past Chairmen of the District Council are invited to wear their past Chairman's badges and medals.

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**AGENDA  
OF THE ANNUAL MEETING OF THE MALDON DISTRICT COUNCIL**

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**THURSDAY 12 MAY 2016**

1. Chairman's notices (please see page 4).
2. To elect the Chairman of the Maldon District Council for the ensuing Municipal Year.
3. The Chairman to make the Statutory Declaration of Acceptance of Office.
4. To appoint the Vice-Chairman of the Maldon District Council for the ensuing Municipal Year.
5. The Vice-Chairman to make the Statutory Declaration of Acceptance of Office.
6. Apologies for absence.
7. **Declarations of Interest**

To declare the existence and nature of any 'personal' or 'personal and prejudicial' interests relating to items on the agenda having regard to paragraphs 8 to 12 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to declare interests as soon as they become aware should the need arise throughout the meeting).

8. To confirm the Minutes of the extraordinary meeting of the Council held on 31 March 2016 (Minute Book blue pages 1 - 14).
9. To confirm the Minutes of the meeting of the Council held on 7 April 2016 (Minute Book blue pages 15 - 29).
10. **Chairman's Announcements**
11. **To receive the Minutes of the under mentioned Committees (see Minute Book):**  
(Pages 31 - 118)

	Committee	Date of meeting	Minute Book Page Numbers (Mod. Gov numbering)
(a)	North Western Area Planning Committee	4 April	1 – 23 (31 – 52)
(b)	South Eastern Area Planning Committee	11 April	24 – 41 (53 – 70)
(c)	Community Services Committee	12 April	42 – 54 (71 - 84)
(d)	Overview and Scrutiny Committee	13 April	55 – 62 (85 – 92)

	Committee	Date of meeting	Minute Book Page Numbers (Mod. Gov numbering)
(e)	Planning and Licensing Committee	18 April	63 – 72 (93 – 102)
(f)	Finance and Corporate Services Committee	19 April	73 – 78 (103 – 108)
(g)	Central Area Planning Committee	20 April	79 – 87 (109 – 118)

12. **Questions in accordance with Procedure Rule 6 (2) of which notice has been given**

13. **Leaders and Composition of Political Groups** (To Follow)

- (i) The Chief Executive **to table for information**, the Leaders and composition of each political group.
- (ii) The Council to consider the ratification of the Leader-designate as Leader or to elect the Leader of the Council.
- (iii) To elect the Deputy Leader of the Council.

14. **Appointment of Membership of Committees of the Council** (To Follow)

To appoint Members to serve on Committees, as required by Procedure Rule 17.  
(Report of the Chief Executive on the nominations of the Leader of the Council and the Opposition Leader to the places allocated to their respective groups to be circulated).

15. To adjourn the meeting to allow Committees of the Council and the Area Planning Committees to proceed to elect Chairmen and Vice-Chairmen.

**Special Meeting of the Finance and Corporate Services Committee**

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

*To be followed by:-*

**Special Meeting of the Community Services Committee**

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

*To be followed by:-*

**Special Meeting of the Planning and Licensing Committee**

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

*To be followed by:-*

**Special Meeting of the Overview and Scrutiny Committee**

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

*To be followed by:-*

**Special Meeting of the Audit Committee**

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

*To be followed by:-*

**Special Meeting of the Joint Standards Committee**

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

*To be followed by:-*

**Special Meeting of the Investigating and Disciplinary Committee**

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

*To be followed by:-*

**Special Meeting of the Central Area Planning Committee**

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

*To be followed by:-*

**Special Meeting of the North Western Area Planning Committee**

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

*To be followed by:-*

**Special Meeting of the South Eastern Area Planning Committee**

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

16. To continue with the business of the Statutory Annual Meeting of the Council.

17. **Appointment of Representatives to Local Government and Outside Bodies** (To Follow)

To consider the report of the Chief Executive.

18. **Appointment of Members to serve on Working Groups of the Council** (To Follow)

To consider the report of the Chief Executive.

19. **Adoption and Confirmation of Minutes of Committees** (Pages 119 - 122)

To consider the report of the Director of Resources (copy enclosed).

**NOTICES**

**Sound Recording of Meeting**

Please note that the Council will be recording any part of this meeting held in open session for subsequent publication on the Council's website. At the start of the meeting an announcement will be made about the sound recording. Members of the public attending the meeting with a view to speaking are deemed to be giving permission to be included in the recording.

**Fire**

In event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

**Health and Safety**

Please be advised of the different levels of flooring within the Council Chamber. There are steps behind the main horseshoe as well as to the side of the room.

**Closed-Circuit Television (CCTV)**

Meetings held in the Council Chamber are monitored and recorded by CCTV.



**MINUTES of  
MALDON DISTRICT COUNCIL (EXTRAORDINARY MEETING)  
31 MARCH 2016**

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**PRESENT**

Chairman                      Councillor P G L Elliott

Vice-Chairman              Councillor H M Bass

Councillors                  Mrs B F Acevedo, J P F Archer, E L Bamford,  
Miss A M Beale, B S Beale MBE, R G Boyce MBE, CC,  
Mrs P A Channer, CC, R P F Dewick, I E Dobson,  
M F L Durham, Mrs H E Elliott, A S Fluker, M S Heard,  
M W Helm, J V Keyes, Miss M R Lewis, R Pratt, S J Savage,  
Rev. A E J Shrimpton, A K M St. Joseph, Mrs M E Thompson  
and Miss S White

**1043. CHAIRMAN'S NOTICES**

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

**1044. APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors A T Cain, Mrs B D Harker, B E Harker, C A R MacKenzie, M R Pearlman and D M Sismey.

**1045. DISCLOSURE OF INTERESTS**

Councillor R G Boyce MBE CC declared a non-pecuniary interest as he was a Member of Essex County Council and Chairman of an Almshouse Group.

Councillor Miss S White declared a non-pecuniary interest in Agenda Item 8 – Planning Appeal – Mayland and further declared that she would leave the Meeting for this item.

Councillor S J Savage declared a non-pecuniary interest as he was a Trustee of an Almshouse Trust.

Councillor Mrs P A Channer CC declared a non-pecuniary interest in all matters as she was a Member of Essex County Council who was consulted on Highways, Education and other areas that might be pertinent.

Councillor A S Fluker declared in the interests of openness and transparency that he knew the Agents and some of the Objectors on Agenda Item 4 - OUT/MAL/14/00990 –

**1046. OUT/MAL/14/00990 - LAND OFF HOLLOWAY ROAD, HEYBRIDGE**

The Council considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

The Chairman advised the Committee that members of the public had registered their wish to speak and outlined the procedure for public participation.

<b>Application Number</b>	<b>OUT/MAL/14/00990</b>
<b>Location</b>	Land off Holloway Road, Heybridge, Essex
<b>Proposal</b>	Outline planning application with all matters reserved other than access for a residential development of up to 100 dwellings, with associated public open space and infrastructure.
<b>Applicant</b>	Mr P Dalby
<b>Agent</b>	Mr David Fletcher - Strutt & Parker
<b>Target Decision Date</b>	13 January 2015
<b>Case Officer</b>	Debi Sherman TEL 01621 875862
<b>Parish</b>	Heybridge West
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan 2005 Major Application Strategic Site within the submitted Local Development Plan Previous Committee Decision

The Spatial Planning Team Leader introduced the application and the Major Applications Officer then presented the report to Council making reference to some further information which had been received too late to be included in the Members' Update. Following this, Don Benson of 31 Elizabeth Way, Heybridge, Maldon, an Objector and David Fletcher, the Agent both addressed the Council.

A lengthy debate ensued in which the Ward Members made particular reference to the fact that this proposal was a contentious one which had given rise to concerns as to the impact the development would have on the community of Heybridge. Reference was made to:

- the 30% affordable housing provision (the application had previously been deferred due to the proposed 15% affordable housing provision)
- clarification of the draft Heads of Terms of the proposed Section 106 Agreement particularly for infrastructure contributions
- sustainable drainage and the need for the Environment Agency to consider water discharges from the development
- management of the construction site and the need for registration under the "Considerate Constructors Scheme" (CCS) to ensure additional monitoring
- concern at traffic and flooding implications
- the ability of the Council and other agencies to enforce planning conditions.



The view was expressed that the proposal represented the best outcome likely to be achieved.

A question was asked regarding clarification of the bullet points relating to the Heads of Terms of the Section 106 Agreement. The bullet point reading “OR an equal contribution to one or more of these projects” in relation to Highways infrastructure contributions was considered to be ambiguous in its current form. The Senior Solicitor confirmed that the wording could be re-drafted to clarify that the overall level of contribution to highways projects would not be altered from £1,112,280.00 and nor would the individual projects to be contributed to, but that flexibility can be provided in the S106 wording in relation to the amount paid in relation to each highway project to retain some flexibility, subject to the approval of the Council.

On enforcement, several conditions required further information to be submitted for approval by the Council and followed up by its Enforcement Team or the Lead Local Flood Authority. Participation in the CCS was voluntary but would be covered in an informative to recommended condition 17. In reply to a question regarding any surplus unused financial contributions and whether these could be applied towards further affordable housing provision, Officers indicated that this was not a mechanism that they had seen employed before but that it could be further explored with the developer in the unlikely event that there was a surplus. With regard to the concerns over flooding and the possible restriction on development in zones 2 and 3, this could be conditioned to be addressed as part of the reserved matters. With regards to proposed condition 9 this was to be altered so that consultation must also occur with the Environment Agency as well as Essex County Council. Also paragraph (a) of condition 9 needed to refer to CIRIA (C753) and not CIRIA (C697).

The Council noted that this was an outline application for development of part of a site allocated in its Local Development Plan.

Some further clarity was requested on capacity of schools, contribution towards improved health facilities, the speed of traffic and surface water run-off. It was noted that any deficiencies in health care provision were being assessed in relation to the North Heybridge Garden Suburb area as a whole. Regarding archaeology, there was a need to ensure that development of the area as a whole ensured that housing was built around those areas of key archaeological finds.

The Chairman advised Members that he would take a vote on the Officer’s recommendation to approve this application subject to the proposed conditions (as slightly modified) to be contained in the Section 106 Agreement with the applicant.

In accordance with Procedure Rule No. 13(3) Councillor Miss M R Lewis requested a recorded vote. This was duly seconded.

For the recommendation:

Councillors Mrs B E Acevedo, E L Bamford, H M Bass, Miss A M Beale, B S Beale MBE, R G Boyce MBE CC, Mrs P A Channer CC, I E Dobson, M F L Durham, Mrs H E Elliott, M S Heard, J V Keyes, Miss M R Lewis, R Pratt, N R Pudney, S J Savage, Rev. A E J Shrimpton, A K M St. Joseph and Mrs M E Thompson

Against the recommendation:

J P F Archer, M W Helm, Miss S White

Abstentions:

R P F Dewick, P G L Elliott, A S Fluker

**RESOLVED** that this application be **APPROVED** subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following planning obligations:

- Appropriate contributions towards the following strategic infrastructure to support the delivery of the North Heybridge Garden Suburb (note that costs are estimates within the IDP, and are subject to final agreement within the S106 agreement):
  - Highways infrastructure towards all the following projects:
    - B1018 Langford Rd / Heybridge Approach, £4,900
    - B1018 /Heybridge Approach/A414 roundabout, £90,757
    - A414/Spital Rd roundabout, £61,275
    - A414/B1018 Limebrook Way, £27,450
    - A414 Oak Corner junction, £27,331
    - North Heybridge relief road, £900,567
    - OR such sums as required in relation to each of these projects provided that the total contributions due shall not exceed £1,112,280.00 and contributions made to individual projects shall be subject to the approval of the local planning authority
    - Public transport improvements to serve North Heybridge GS, £234,000
  - Education contributions towards the following projects:
    - 56-place EY&C facility, £89,069
    - 210-place (1 FE) primary school, £291,498
    - Expansion of Plume School - lower school, £91,633
    - Expansion of Plume School - upper school/sixth form, £302,789
  - Teen shelters, skateboard facilities and access to shared community facilities, £54,167
  - NEAPs and LEAPs, £11,520
  - Medical facilities to serve North Heybridge GS, £32,400
  - Allotments to serve North Heybridge GS, £4,720
- 30% affordable housing – 50% social rented, 50% intermediate (rent-to-buy).
- Prior to first occupation of any dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Plan including the payment of a £3,000 (three thousand pounds) monitoring fee to Essex County Council and the provision of a Travel Plan Co-ordinator to give advice. The plan is to be monitored annually, with all measures reviewed to ensure targets are met.
- Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers per dwelling, for use with the relevant local public transport operator.

**AND** subject to the following conditions:

- 1 The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.
- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 The development shall be carried out in accordance with plans and particulars relating to the appearance, landscaping, layout and scale, (hereinafter called "the reserved matters"), for which approval shall be obtained from the Local Planning Authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.
- 4 The submission of any reserved matters application shall accord with Design Codes developed in conjunction with and approved by the Local Planning Authority. The scope of the Design Codes will be agreed in advance and will take full account of the principles of the approved North Heybridge Garden Suburb Strategic Masterplan Framework. The subsequent reserved matters applications shall accord with the approved Design Codes in all respects.
- 5 Pursuant to the approval of reserved matters, details of the design, layout, and materials for the internal roads, footways and cycleways within the development and the footpath and cycleway connections to the rest of the North Heybridge Garden Suburb shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of works shall be implemented in accordance with the details as agreed.
- 6 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the Local Planning Authority. The 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.
- 7 Prior to the commencement of development details of the existing and proposed ground levels together with proposed finished floor levels shall be submitted to and be approved in writing by the Local Planning Authority. The development hereby permitted shall then be constructed in accordance with the approved ground and finished floor levels.
- 8 No development shall commence until details of any proposed Local Equipped Area for Play (LEAP) and Local Area for Play (LAP) together with a timetable for implementation and arrangements for the future management and maintenance shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include all items of play equipment, landscaping, ground surfacing, enclosure of the area incorporating self-closing gates, seating, and refuse facilities and safety notices. The LEAP and the LAP shall be implemented and shall be made available for public use in accordance with the approved timetable for implementation unless otherwise agreed through a variation of condition application by the Local Planning Authority. The LEAP and LAP shall be permanently maintained in accordance with the approved details and retained for such purposes thereafter.
- 9 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been

submitted to and approved in writing by the Local Planning Authority and in consultation with Essex County Council and the Environment Agency. The scheme shall be implemented before the development is completed in accordance with the approved details. The scheme shall:

- a) Incorporate the SuDS "Management Train" and ensure all features are designed in accordance with CIRIA (C753) The SuDS Manual, so ecological, water quality and aesthetic benefits can be achieved in addition to the flood risk management benefits. In addition, the maintenance requirements for the SuDS element of the proposed surface water drainage system should be formulated as per the recommendations within the CIRIA SuDS Manual (C753).
- b) Fully investigate the feasibility of infiltration SuDS as a preference and provide evidence to establish if the principles of any infiltration based surface water drainage strategy are achievable on site, based on the ground conditions, such as infiltration or soakaway tests which adhere to BRE365 guidance.
- c) Provide drainage plans and drawings showing the proposed locations and dimensions of all aspects of the proposed surface water management scheme. The submitted plans should demonstrate that the proposed drainage layout will perform as intended based on the topography of the site and the location of the proposed surface water management features. In addition, full design details, including cross sections of any proposed infiltration or attenuation features will be required.
- d) Attenuation storage shall be provided to cater for the 1 in 100 year critical storm plus 30% allowance for climate change for both developed and open space areas of the site and there should be consideration given to long-term storage solutions.
- e) Provide calculations to demonstrate that the proposed surface water management scheme has been adequately sized to accommodate the critical duration 1 in 100 year rainfall event including allowances for climate change without causing nuisance or damage. The management strategy should consider both storage and conveyance of surface water.
- f) Provide calculations of the piped network performance in the 1 in 30 year or 1 in 100 year rainfall events, including climate change.
- g) Provide sufficient information to demonstrate that people and property will be kept safe from flooding, with consideration given to exceedance flows and overland flow routing from on and off site sources, in accordance with CIRIA C635.
- h) Ensure that any surface water discharged from the site to receiving watercourses shall be discharged at a rate no greater than the greenfield 1 in 1 year rate Greenfield runoff rates for all events up to and including the 1 in 100 year rainfall event with allowances for climate change for both developed and open space areas of the site.
- i) Provide details of the future adoption and maintenance of the proposed surface water scheme for the lifetime of the proposed development.
- j) Confirm that the receiving watercourse is in a condition to accept and pass on flows from the discharge proposed. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

- 10 No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved foul water strategy.
- 11 A) No demolition/development or groundworks shall commence until a Written Scheme of Investigation, in response to an archaeological brief, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
- B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).
- C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- 12 No development or demolition/conversion of any kind shall take place within the site until the applicant, their agents, the owner of the site or successors in title, has secured the implementation of a programme of archaeological recording from an accredited archaeologist or historic building specialist 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 agreed programme of works.
- 13 The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access therefrom. Furthermore, the carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until such time as the final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and paths commensurate with the frontage of each dwelling shall be fully completed with final surfacing within twelve months from the occupation of such dwelling.
- 14 Prior to the commencement of any development on site, which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction a contaminated land assessment report shall be submitted to the Local Authority for approval. The report should contain the following information-
- i) Historical information of how each part of the site has been used in the past;
  - ii) The types of material which have been buried, stored or disposed of, or otherwise present at this site;
  - iii) Initial risk assessment;

And where necessary (as identified by the assessment report) a full site survey and remediation plan shall be submitted in writing to the Local Planning Authority for approval.

- iv) The results of a number of test bores / windows samples carried out at this site, indicating the presence of any contaminants; and
- v) A plan of remediation for the safe removal of any contaminated land and its replacement with inert fill or, alternatively, a plan of how contaminated land is to be safely encapsulated or otherwise remediated. This shall include timescales and phasing of remediation works

All the approved remediation measures shall be implemented in their entirety prior to the commencement of the construction of structures, the laying of services or of any infrastructure on site unless otherwise agreed in the remediation plan.

This must be conducted in accordance with the Department for Environment, Food and Rural Affairs (DEFRA) and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and any other relevant supporting guidance and standards.

- 15 The Local Planning Authority shall be notified in writing at least seven days prior to any removal, encapsulation or other remediation of any contaminants.
- 16 The Local Planning Authority shall require written validation that:
  - i) All contaminated material removed from the site is removed by an appropriate licensed contractor to a facility approved by the Environment Agency.
  - ii) All imported material is suitable for its intended use
  - iii) All agreed remediation measures identified as necessary in the contaminated land assessment have been undertaken to render the site suitable for the use specified.
- 17 No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority of an on-site construction management plan detailing:
  - Access arrangements to the site in conjunction with demolition/construction operations
  - The parking of vehicles or site operatives and visitors
  - Loading and unloading of plant and materials
  - Storage of plant and materials used in constructing the development
  - Wheel and underbody washing facilities
  - Mitigation measures to protect ecology on site
  - Dust management
  - Pollution control: protection of water courses and ground water and soils, bunding of fuel storage areas, sewage disposal
  - Temporary site illumination
  - Arrangements for keeping the site entrance and adjacent public road clean.
  - Construction noise management plan

All approved measures shall be put in place prior to development commencing on site and all subsequent construction of the development shall be implemented in accordance with the approved details.

- 18 Prior to the submission of any reserved matters application a noise impact assessment shall be conducted and submitted to the Local Planning Authority for Approval. The noise impact assessment shall be undertaken in accordance with the NPPF (and associated guidance) and shall include the modelling of the noise contours at relevant receptor locations. The Noise Impact Assessment shall, where identified as necessary, also include a scheme of mitigation and an evaluation of the mitigation options. The Noise Impact Assessment should also be used to inform the final design and layout of the development which, unless suitable justification is provided, natural ventilation using open windows without compromising the internal noise environment. Only the approved scheme shall be implemented and maintained in the approved form thereafter.
- 19 Prior to first occupation of the development the proposed access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4m by 70m in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
- 20 Prior to first occupation of the development the developer shall implement the bellmouth access for the proposed development, as shown in principle on approved drawing no.M121-001, with all details being agreed with the Highway Authority, to include but not limited to:
- Minimum 10m radii and a carriageway width of 5.5m
  - The provision of 2 x 2m footways into the site
  - The provision of dropped kerb crossing points and tactile paving across the bellmouth and Holloway Road
- 21 Prior to first occupation of any of the dwellings hereby permitted the existing bus stops shall be upgraded in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority and shall incorporate include the following:
- The east bound stop shall be provided with raised kerbs, shelter and Real Time Passenger Information.
  - The west bound bus stop shall be provided with raised kerbs
- 22 No development shall commence until the details of a Residential Travel Information Pack for sustainable transport have been submitted to and approved in writing by the Local Planning Authority. The approved Residential Information Travel Pack shall be provided to residents on first occupation of each dwelling.
- 23 The scheme to be submitted pursuant to the reserved matters regarding layout shall make provision for car parking within the site in accordance with the Council's adopted car parking standards. Prior to the occupation of any dwelling the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.
- 24 Finished Flood Levels for living and sleeping accommodation for all dwellings shall be set no lower than 5.50mAODN and 5.69mAODN, respectively. In all areas of the site, Finished Floor Levels should be set at a minimum level of 300mm above the surrounding ground level.
- 25 No clearance or destruction of any vegetation or structure which may be used as a breeding site shall take place during the bird breeding season, 1st March to 30th August, unless otherwise agreed by a variation of condition application by the Local Planning Authority.

- 26 The areas of public open space shall be laid out and landscaped in accordance with a detailed scheme and timetable for implementation to include details of future management and maintenance that shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of development. The open space shall be made available for public use in accordance with the approved timetable for implementation unless otherwise agreed through a variation of condition application by the Local Planning Authority. The amenity space shall be permanently maintained in accordance with the approved details and retained for such purposes thereafter.
- 27 The landscaping details and specifications of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses. The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers / densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant that tree or plant, or any tree or plant planted in its replacement, is removed, 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.
- 28 No development shall commence until a strategy to facilitate superfast broadband for future occupants of the site has been submitted to and approved in writing by the Local Planning Authority. The strategy may include commercial arrangements for providers and shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.

### **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies, the North Heybridge Garden Suburb Strategic Masterplan Framework (October, 2014) and any representations that may have been received and subsequently



determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

#### **1047. ADJOURNMENT OF MEETING**

The Chairman adjourned for a short time at 8.33pm to allow some members of the public to leave the Chamber and for other members of the public to take seats in the public gallery of the Chamber. Formal business was resumed at 8.39pm.

#### **1048. FUL/MAL/14/00356 - LAND BETWEEN CHANDLERS AND CREEKSEA LANE, MALDON ROAD, BURNHAM-ON-CROUCH**

The Council determined the following planning application, having taken into account all representations and consultation replies received.

The Chairman advised the Committee that members of the public had registered their wish to speak and outlined the procedure for public participation.

<b>Application Number</b>	<b>FUL/MAL/14/00356</b>
<b>Location</b>	Land Between Chandlers And Creeksea Lane Maldon Road Burnham-On-Crouch Essex
<b>Proposal</b>	Application for full planning permission for 180 homes (including 20 bungalows), new vehicular accesses onto Maldon Road, the spine road through the development, green space, and associated infrastructure. Outline planning permission with all matters reserved (except for access) is sought for a 50-60 bed care home, a nursery school, 3.4 hectares of B1, B2 and B8 with 1.7 hectares of temporary private amenity space, and 0.5 hectares of allotments.
<b>Applicant</b>	Mr Simon Butler-Finbow - Pigeon Land Ltd
<b>Agent</b>	Mr David Barker - Evolution Town Planning LLP
<b>Target Decision Date</b>	07.04.2016 (extension of time agreed)
<b>Case Officer</b>	Julia Sargeant, TEL: 01621 875851
<b>Parish</b>	<b>BURNHAM NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application Strategic Site within the submitted Local Development Plan Departure from the Local Plan 2005 Parish Trigger

The Members' Update provided details of further representations received since the report was written.

Following presentation of the report by the Major Applications Officer, Natalie Bettany of Burnham Residents Oppose Over Development (BROOD) an Objector, Councillor Wendy Stamp of Burnham-on-Crouch Town Council and Simon Butler-Finbow, the Applicant addressed the Council.

In the lengthy debate that ensued, Members expressed concern at the scale and complexity of this proposal and the extent to which it was consistent with the strategic allocation included in the Local Development Plan. In particular, reference was made to:

- Actual need for a nursing home
- Distribution of affordable housing
- Flooding/surface water run off
- Enforceability of planning conditions
- Conflict in use of spine road and its giving access to employment land
- Separating residential traffic from employment traffic
- Arrangements for dealing with access, design, archaeology and parking for various component uses
- Future potential access to the land also in the ownership of the applicant but not currently part of the application site
- Future use and management of open space at the south of the site.

Officers responded to and clarified some of the above points and confirmed that the proposal was consistent with the LDP strategic allocation in relation to developer contributions, the affordable housing level, the amount of employment space and the number of dwellings, but inconsistent with the LDP in relation to the total site area and layout of employment space. Despite the increased site area, the number of dwellings proposed did not exceed the strategic housing allocation. The site has been allocated in the LDP at 29 dwellings per hectare, the development proposal facilitates a much lower density of 15 dwellings per hectare reflective of its surroundings. In assessing the impact of the scheme Officers considered the impact of developing between the Housing and Employment allocations on the site and its surroundings whilst also considering the merits of providing 40% affordable housing and the additional elements proposed such as the care home, children's nursery and allotments. Officers concluded that in this case the proposal represented sustainable development and that there was not sufficient demonstrable harm to warrant recommending refusal.

Members generally remained concerned about the nature of the proposal, , and the potential precedent for other strategic allocation sites the approval of this proposal might set.

It was proposed by Councillor Miss M R Lewis, and duly seconded, that consideration of this application be deferred for further information, clarification of existing information, discussion with the applicant with particular reference to use of the spine road, and for a site visit by Members. This was put to the Council and agreed.

**RESOLVED** that consideration of this application is **DEFERRED** for the reasons given above.

## **1049. ADJOURNMENT OF MEETING**

The Chairman adjourned for a short time at 10.00 pm to allow some members of the public to leave the Chamber. Formal business was resumed at 10.06pm.

Councillors J P F Archer and Miss S White left the Meeting at this point.

## **1050. EXCLUSION OF THE PUBLIC AND PRESS**

To resolve that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

## **1051. MLA/MAL/16/00253 - LAND EAST OF WYCKE HILL, MALDON**

<b>Application Number</b>	<b>MLA/MAL/16/00253</b>
<b>Location</b>	Land East of Wycke Hill, Maldon, Essex
<b>Proposal</b>	Application under S106BA of the Town and Country Planning Act 1990: Amendment to the affordable housing obligation within the Unilateral Undertaking dated 20th October 2014 for approved planning permission OUT/MAL/13/00763. The amendment seeks to reduce the affordable housing provision from 30% as approved to either 14% for the 117 dwelling reserved matters application (RES/MAL/15/00071) or 0% for the 108 reserved matters application (RES/MAL/15/01055)
<b>Applicant</b>	Linden Partnerships Ltd/Dartmouth Park Estates Limited
<b>Agent</b>	Aaron Elliott – Quod
<b>Target Decision Date</b>	31 March 2016, unless otherwise agreed with the applicant
<b>Case Officer</b>	Chris Purvis, TEL: 01621 875851
<b>Parish</b>	<b>MALDON WEST</b>
<b>Reason for Referral to the Committee / Council</b>	Previous Committee Decision

The agenda item was withdrawn by Officers to enable further work to be undertaken before the matter was considered by Council.

## **1052. PLANNING APPEAL - MAYLAND**

The Council considered the report of the Director of Planning and Regulatory Services on information received regarding an outstanding appeal against the Council's refusal of application OUT/MAL/15/00179 due to be heard at a public Inquiry later in the year.

Officers sought Council approval of a recommendation made in relation to the stance the Council should adopt with regards to refusal ground 3: the report provided background information relating to the application and outlined key issues in relation to the SUDs ground of refusal.

**RESOLVED** that the Council no longer defend reason no. 3 as part of the appeal Inquiry concerning planning application ref. OUT/MAL/15/00179.

Following the vote Councillors A S Fluker and S J Savage requested that their votes against the motion be recorded.

There being no further items of business the Chairman closed the meeting at 10.35 pm

P G L ELLIOTT  
CHAIRMAN



**MINUTES of  
MALDON DISTRICT COUNCIL  
7 APRIL 2016**

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**PRESENT**

Chairman	Councillor P G L Elliott
Vice-Chairman	Councillor H M Bass
Councillors	Mrs B F Acevedo, Miss A M Beale, B S Beale MBE, R G Boyce MBE, CC, A T Cain, Mrs P A Channer, CC, R P F Dewick, M F L Durham, Mrs H E Elliott, A S Fluker, Mrs B D Harker, B E Harker, M S Heard, J V Keyes, Miss M R Lewis, M R Pearlman, R Pratt, N R Pudney, S J Savage, Rev. A E J Shrimpton, D M Sismey, Mrs M E Thompson and Miss S White

**1071. CHAIRMAN'S NOTICES**

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

**1072. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors J P F Archer, E L Bamford, I E Dobson, M W Helm, C A R Mackenzie and A K M St. Joseph.

**1073. MINUTES - 4 FEBRUARY 2016**

**RESOLVED**

- (i) that the Minutes of the meeting of the Council held on 4 February 2016 be received.

**Minute 865 – Disclosure of Interest**

Councillor S J Savage advised that his declaration of interest was inaccurate and asked the Council to consider agreeing the Minutes with the exception of the second paragraph of Minute 865 which he would review and bring back to a future meeting of the Council. This was duly agreed.

**Minute 875 – 2016 / 17 Budget and Council Tax**

Councillor R G Boyce advised that during the discussion in relation to recommendation (vi) he had raised a point of order as to whether a substantive motion should be taken. He advised that at the time the Chairman had ruled that another substantive motion was

not necessary. Councillor Boyce requested that this be recorded in the Minutes. This was agreed.

**RESOLVED**

- (ii) that subject to the above amendment and with the exception of paragraph two of Minute 865, the Minutes of the Council held on 4 February 2016 be adopted.

**1074. MINUTES - 18 FEBRUARY 2016**

**RESOLVED** that the Minutes of the extraordinary meeting of the Council held on 18 February 2016 be received and adopted.

**1075. DECLARATIONS OF INTEREST**

Councillor Mrs P A Channer declared a non-pecuniary interest as a Member of Essex County Council in any item of business that may refer to the County Council.

Councillor A S Fluker declared that in the interest of openness and transparency and in relation to Agenda Item 14A Urgent Business – Repairs to River Defence, The Granaries, Maldon he was a Maldon Harbour Improvement Commissioner.

**1076. PUBLIC QUESTIONS**

There were none.

**1077. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman highlighted a recent meeting of the All Saints Primary School Council held in the Chamber and this being the last meeting of the municipal year he thanked Members for their hard work in the last year. The Chairman referred back to his opening statement in May last year when he asked Members to show pride and respect for each other, and in the District.

The Leader of the Council read a statement following receipt of a letter from the Secretary of State on 6 March 2016 advising that the examination of the whole Local Development Plan had been resumed. A new inspector, Mr Simon Berkley had been appointed and the Leader outlined the work Mr Berkley would be undertaking, along with the decision making process. Members were advised that further updates would be provided once an expected letter from Mr Berkley setting out his initial request for information had been received.

**1078. MINUTES OF SOUTH EASTERN AREA PLANNING COMMITTEE  
- 11 JANUARY 2016**

It was noted that the date of the meeting recorded on the Minutes should refer to 2016 and not 2015.

**RESOLVED** that subject to the above amendment, the Minutes of the meeting of the South Eastern Area Planning Committee held on 11 January 2016 be received and adopted.

**1079. MINUTES OF PLANNING AND LICENSING COMMITTEE  
- 14 JANUARY 2016**

**RESOLVED**

- (i) that the Minutes of the meeting of the Planning and Licensing Committee held on 14 January 2016 be received.

The Council received the Committees recommendation on the following matter.

**Minute 770 – Review of the Template Provided to a Parish or Town Council to provide comments on a Planning Application**

**RESOLVED**

- (ii) that the Parish Trigger will not be invoked if comments made by a Parish / Town Council are not received on the standard template.

**Minute 771 – Review of Delegation Arrangements**

In response to a question, Councillor Mrs P A Channer, Chairman of the Planning and Licensing Committee, advised that this matter had been considered at a recent meeting of the Planning Committee Chairmen and was due to be considered by the Planning Services Improvement Plan Group on 15 April. A report on delegation arrangements would not be brought back to the Planning and Licensing Committee until all issues raised by Members had been discussed.

**RESOLVED**

- (iii) that subject to the above decision, the Minutes of the meeting of the Planning and Licensing Committee held on 14 January 2016 be adopted.

**1080. MINUTES OF COMMUNITY SERVICES COMMITTEE - 19 JANUARY 2016**

**RESOLVED**

- (i) that the Minutes of the meeting of the Community Services Committee held on 19 January 2016 be received.

The Council received the Committees recommendation on the following matter.

### **Minute 801 – Policy for Temporary Placement for Homeless Households**

#### **RESOLVED**

- (i) that the Council approves the draft Policy and that it be reviewed after 12 months.

#### **RESOLVED**

- (ii) that subject to the above decision, the Minutes of the meeting of the Community Services Committee held on 19 January 2016 be adopted.

### **1081. MINUTES OF CENTRAL AREA PLANNING COMMITTEE - 20 JANUARY 2017**

**RESOLVED** that the Minutes of the meeting of the Central Area Planning Committee held on 20 January 2016 be received and adopted.

### **1082. MINUTES OF FINANCE AND CORPORATE SERVICES COMMITTEE - 26 JANUARY 2016**

#### **RESOLVED**

- (i) that the Minutes of the meeting of the Finance and Corporate Services Committee held on 26 January 2016 be received.

Councillor D M Sismey declared an interest in Minute 828 – Treasury Management and Annual Investment Strategy 2016 / 17 advising he would therefore be leaving the meeting for this item.

The Council received the Committees recommendations on the following matters.

### **Minute 826 – Review of Parking Charges**

It was noted that this recommendation was incorporated into the 2016 / 17 Budget and Council Tax report considered by the Council at its meeting on 4 February 2016.

### **Minute 827 – Charging for Preparing, Negotiating and Completing Legal Agreements Relating to Planning Applications**

#### **RESOLVED**

- (ii) that a policy of charging for time taken in the preparation, negotiation and completion of legal agreements where such work is undertaken ‘in house’ and such fees will be based on the hourly rate (including on-costs) of the Section 106 / Community Infrastructure Levy Officer.
- (iii) that the fees and charges for 2016 / 17 be amended to incorporate the change agreed above.



### **Minute 830 – Budget and Council Tax 2016 / 17**

It was noted that this recommendation was incorporated into the 2016 / 17 Budget and Council Tax report considered by the Council at its meeting on 4 February 2016.

### **Minute 831 – Medium Term Financial Strategy**

It was noted that this recommendation was incorporated into the 2016 / 17 Budget and Council Tax report considered by the Council at its meeting on 4 February 2016.

In light of his earlier declaration Councillor Sismey left the chamber at this point and the following Minute was presented by Councillor Mrs H E Elliott, Vice-Chairman of the Finance and Corporate Services Committee.

### **Minute 828 – Treasury Management and Annual Investment Strategy 2016 / 17**

It was noted that this recommendation was incorporated into the 2016 / 17 Budget and Council Tax report considered by the Council at its meeting on 4 February 2016.

Councillor Sismey returned to the chamber.

### **RESOLVED**

- (iv) that subject to the above decision, with the exclusion of Minute numbers 826, 828, 830 and 831, the Minutes of the meeting of the Finance and Corporate Services Committee held on 26 January 2016 be adopted.

### **1083. MINUTES OF AUDIT COMMITTEE - 28 JANUARY 2016**

**RESOLVED** that the Minutes of the meeting of the Audit Committee held on 28 January 2016 be received and adopted.

### **1084. MINUTES OF NORTH WESTERN AREA PLANNING COMMITTEE - 1 FEBRUARY 2016**

**RESOLVED** that the Minutes of the meeting of the North Western Area Planning Committee held on 1 February 2016 be received and adopted.

### **1085. MINUTES OF SOUTH EASTERN AREA PLANNING COMMITTEE - 8 FEBRUARY 2016**

It was noted that the date of the meeting recorded on the Minutes should refer to 2016 and not 2015.

**RESOLVED** that subject to the above amendment, the Minutes of the meeting of the South Eastern Area Planning Committee held on 8 February 2016 be received and adopted.

**1086. MINUTES OF OVERVIEW AND SCRUTINY COMMITTEE  
- 10 FEBRUARY 2016**

**RESOLVED** that the Minutes of the meeting of the Overview and Scrutiny Committee held on 10 February 2016 be received and adopted.

**1087. MINUTES OF CENTRAL AREA PLANNING COMMITTEE  
- 17 FEBRUARY 2016**

**RESOLVED**

- (i) that the Minutes of the meeting of the Central Area Planning Committee held on 17 February 2016 be received.

The Council received the Committees recommendations on the following matter.

**Minute 916 - FUL/MAL/15/01378 – St. Cedd’s House, Princes Road, Maldon**

Members were advised that since consideration of this matter by the Central Area Planning Committee the Applicant had withdrawn the Planning Application and therefore no decision was required by the Council.

**RESOLVED**

- (ii) that with the exception of the recommendation contained in Minute 916, the Minutes of the meeting of the Central Area Planning Committee held on 17 February 2016 be adopted.

**1088. MINUTES OF COMMUNITY SERVICES COMMITTEE - 23 FEBRUARY 2016**

**RESOLVED** that the Minutes of the meeting of the Community Services Committee held on 23 February 2016 be received and adopted.

**1089. MINUTES OF JOINT STANDARDS COMMITTEE - 25 FEBRUARY 2016**

**RESOLVED**

- (i) that the Minutes of the meeting of the Joint Standards Committee held on 25 February 2016 be received.

The Council received the Committees recommendation on the following matter.

**Minute 945 – Councillor Code of Conduct - Review**

This matter was the subject of a separate report on the agenda for this meeting.

**RESOLVED**

- (ii) that with the exception of the recommendation contained in Minute 945 the Minutes of the meeting of the Joint Standards Committee held on 25 February 2016 be adopted.

**1090. MINUTES OF NORTH WESTERN AREA PLANNING COMMITTEE  
- 29 FEBRUARY 2016**

**RESOLVED**

- (i) that the Minutes of the meeting of the North Western Area Planning Committee held on 29 February 2016 be received.

**Minute 951 – Declarations of Interest**

It was noted that the second paragraph should read "...as he *is* a member of Great Totham Parish Council."

**RESOLVED**

- (ii) that subject to the above amendment when confirmed, the Minutes of the meeting of the North Western Area Planning Committee held on 29 February 2016 be adopted.

**1091. MINUTES OF PLANNING AND LICENSING COMMITTEE - 3 MARCH 2016**

**RESOLVED**

- (i) that the Minutes of the meeting of the Planning and Licensing Committee held on 3 March 2016 be received.

The Council received the Committees recommendation on the following matter.

**Minute 970 – Bradwell Legacy Partnership – Terms of Reference and Project Opportunities 2016 / 17**

In response to a query, Councillor Mrs Channer, Chairman of the Planning and Licensing Committee provided the Council with background information regarding how the Planning and Licensing Committee had reached its recommendation and in particular reasoning for the substitute member being outside of the Dengie Peninsular. She moved the recommendation as set out in the Minutes which was duly seconded.

In response to a question, Members were advised that the Bradwell Legacy Partnership was an outside body appointed by the Council which was why there was a recommendation from the Planning and Licensing Committee to the Council.

Following discussions, regarding the proposed substitute being outside of the Dengie Peninsular and the casting vote used by the Chairman in relation to this decision, the Monitoring Officer advised that there was no ultra vires position and the casting vote

was entirely within constitution. She suggested that if Members were concerned regarding the substitute being from outside the Dengie Peninsular this could be taken back to the Bradwell Legacy Partnership for clarification. This was duly agreed.

**RESOLVED**

- (ii) that in accordance with the Bradwell Legacy Partnership (BLP) Terms of Reference, the Council's current representation on the BLP be replaced with the following:
  - Chairman of the Planning and Licensing Committee  
(Substitute: Vice-Chairman of the Planning and Licensing Committee);
  - Councillor R G Boyce MBE CC, as representative from the Dengie Peninsular.
- (iii) that the Bradwell Legacy Partnership be asked to clarify whether the substitute for Councillor Boyce also had to be a representative from the Dengie Peninsular.

**RESOLVED**

- (iv) that subject to the above decisions, the Minutes of the meeting of the Planning and Licensing Committee held on 3 March 2016 be adopted.

**1092. MINUTES OF SOUTH EASTERN AREA PLANNING COMMITTEE  
- 7 MARCH 2016**

**RESOLVED** that the Minutes of the meeting of the South Eastern Area Planning Committee held on 7 March 2016 be received and adopted.

**1093. MINUTES OF FINANCE AND CORPORATE SERVICES COMMITTEE  
- 8 MARCH 2016**

**RESOLVED**

- (i) that the Minutes of the meeting of the Finance and Corporate Services Committee held on 8 March 2016 be received.

The Council received the Committees recommendations on the following matters.

**Minute 1004 – Pay Policy Statement**

**RESOLVED**

- (ii) that the Pay Policy Statement (attached as Appendix 1 to the Minutes of the Finance and Corporate Services Committee) be adopted for the financial year 2016 / 17.

### **Minute 1005 – Customer Strategy**

#### **RESOLVED**

- (iii) that the draft Customer Strategy (attached as Appendix 2 to the Minutes of the Finance and Corporate Services Committee) be approved for consultation.

### **Minute 1009 – Annual Review of Financial Regulations and Contract Procedure Rules**

#### **RESOLVED**

- (iv) that the Financial Regulations and Contract Procedure Rules attached as Appendices 3 and 4 to the Minutes of the Finance and Corporate Services Committee, be approved.

#### **RESOLVED**

- (v) that subject to the above decisions, the Minutes of the meeting of the Finance and Corporate Services Committee held on 8 March 2016 be received.

### **1094. MINUTES OF OVERVIEW AND SCRUTINY COMMITTEE (ACTING AS THE CRIME AND DISORDER COMMITTEE) - 9 MARCH 2016**

#### **RESOLVED**

- (i) that the Minutes of the meeting of the Overview and Scrutiny Committee (acting as the Crime and Disorder Committee) held on 9 March 2016 be received.

### **Minute 1019 – Maldon District Community Safety Partnership Update**

Some concern was raised that this Minute did not reflect the challenges made and the concerns raised in respect of crime figures. Councillor A S Fluker, Chairman of the Overview and Scrutiny Committee (including the Crime and Disorder Committee) agreed with the comments raised, advising that he also had concern and suggested that the Minutes not be adopted but brought back to the next meeting of the Crime and Disorder Committee. It was noted that the next meeting of the Crime and Disorder Committee was not until October and following the Statutory Annual Meeting of the Council it was possible that the Membership of the Committee would have changed. In light of this it was agreed that the Council would not adopt the Minutes and the Chairman of the Committee would liaise with the Monitoring Officer regarding holding a special meeting of the Crime and Disorder Committee to resolve this matter.

#### **RESOLVED**

- (ii) that the Minutes of the meeting of the Overview and Scrutiny Committee (acting as the Crime and Disorder Committee) held on 9 March 2016 not be adopted but referred back to the Crime and Disorder Committee for further review.

#### **1095. MINUTES OF CENTRAL AREA PLANNING COMMITTEE - 16 MARCH 2016**

##### **RESOLVED**

- (i) that the Minutes of the meeting of the Central Area Planning Committee held on 16 March 2016 be received.

##### **Minute 1022 – Apologies for Absence**

It was noted that Councillor Miss A M Beale had not been in attendance and tendered her apologies for this meeting which were not shown in the Minutes. It was agreed that the Minutes would be amended accordingly.

##### **RESOLVED**

- (ii) that subject to the above amendment when confirmed, the Minutes of the meeting of the Central Area Planning Committee held on 16 March 2016 be adopted.

#### **1096. MINUTES OF AUDIT COMMITTEE - 17 MARCH 2016**

##### **RESOLVED**

- (i) that the Minutes of the meeting of the Audit Committee held on 17 March 2016 be received.

##### **Minute 1037 – Quarterly Review of Corporate Risk**

In response to point raised regarding the Risks listed in this Minute it was agreed that Appendix 1 to the report would be attached to these Minutes.

##### **RESOLVED**

- (ii) that subject to the above amendment, the Minutes of the meeting of the Audit Committee held on 17 March 2016 be received.

#### **1097. NOTICE OF MOTION**

The following motion, proposed by Councillor R G Boyce and seconded by Councillor Miss M R Lewis, was received on 16 February 2016.

“That the Maldon District Council, its Members and Staff, and the residents of the District send you Your Majesty, in the 65<sup>th</sup> year of your Reign, loyal greetings and congratulations upon your 90<sup>th</sup> Birthday.”

**RESOLVED** that the motion, as detailed above, be agreed.

**1098. QUESTIONS IN ACCORDANCE WITH PROCEDURE RULE 6 (2) OF WHICH NOTICE HAS BEEN GIVEN**

There were none.

**1099. COUNCILLOR CODE OF CONDUCT - REVIEW**

The Council considered the report of the Monitoring Officer reviewing the Councillor Code of Conduct in the light of consideration by the Joint Standards Committee who recommendations were set out in the report. Appendix 1 to the report highlighted the effect all of the proposed changes to the existing Code of Conduct and Appendix 2 provided an updated version of this document.

The report provided information regarding requirement of the Localism Act to adopt a Code of Conduct. It was noted that the Joint Standards Committee had identified circumstances which whilst they may not amount to a breach of the existing Code of Conduct could be regarded as likely to affect the reputation of the Council. Other Councils incorporated a provision to cover this matter in their Code of Conduct and an example of this was set out in the report.

In response to a question, the Leader of the Council clarified the procedure for dealing with any alleged breaches of the Code of Councillor Conduct.

**RESOLVED** the revised Code of Councillor Conduct (**APPENDIX 1** to these Minutes) be adopted.

**1100. RURAL SERVICES NETWORK**

The Council considered the report of the Director of Resources seeking consideration of whether the Council should remain a member of the Sparsity Partnership for Local Authorities Delivering Rural Services (SPARSE Rural).

It was noted that SPARSE Rural was a sub-group of the Rural Services Network (RSN) and the key strand of its work was to campaign for fairer funding from Government. The report set out the current subscription rate which highlighted that this is the same for both District and County Councils. The report also provided details of the Rural Services Delivery Grant received from the Council.

The Leader of the Council presented the report and proposed that the Council did not continue to subscribe to SPARSE Rural as she did not feel the Council was getting value for money. This was duly seconded and agreed.

**RESOLVED** that the Council does not continue to subscribe to the Sparsity Partnership for Local Authorities Delivering Rural Services (SPARSE Rural).

**1101. QUESTIONS TO THE LEADER OF THE COUNCIL IN ACCORDANCE WITH PROCEDURE RULE 1 (3) (M)**

Councillor R Pratt asked the Leader of the Council if she agreed that there should be a maximum time that meeting recordings are updated to the web. In response, the Leader agreed that there should be a minimum time and she would hope it was done within three days of a meeting. She added that she did not know how feasible this was and made reference to the possibility of live streaming meetings of the Council.

Councillor R G Boyce asked the Leader if in view of the earlier discussion regarding accuracy of Minutes whether the Leader was prepared to meet with him and the Monitoring Officer to discuss the process that happened at that time. After the last meeting he advised that he had emailed a number of questions to the Monitoring Officer to which a response was awaited. The Leader in response, confirmed she was happy to meet with Councillor Boyce.

Councillor B S Beale advised how he had read in the Maldon and Burnham Standard that the South Eastern Area Planning Committee was being held in Burnham. He asked the Leader of the Council if there would be someone at the Town Council offices directing people to Maldon. In response the Leader advised that there would be a notice clearly displayed on the door of the Town Council Offices directing people to Council Chamber at Maldon.

**1102. BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES CONSIDERED BY THE CHAIRMAN TO BE URGENT.**

The Chairman announced that in accordance with Section 100B(4) of the Local Government Act 1972 he had agreed to allow the Director of Planning and Regulatory Services and Director of Customers and Community to raise urgent items of business. The Chairman advised that the report from the Director of Planning and Regulatory Services would be considered in private session.

**1103. REPAIRS TO RIVER DEFENCE, THE GRANARIES, MALDON**

The Council considered the urgent report of Director of Customers and Community updating Members on issues surrounding the permanent repair of a river defence in Maldon. This report had been brought forward with the agreement of the Chairman to mitigate potential flood risk and support the Environment Agency in its efforts.

The report provided background information on Environment Agency (EA) negotiations regarding the reconstruction of a failed private quay frontage that supported the flood defence wall at the Granaries, Maldon. Appendix 1 to the report provided photographs of the affected wall.

Members were advised of the options considered for the repair of the quay and flood defence. It was noted that the EA were setting up a project to deliver the required replacement infrastructure and would be seeking funding partners to help deliver this as the Grant in Aid would not support the total project delivery cost. The Council had been asked to support the investigation of potential funding partnership to deliver the scheme and also hold joint discussions with local key partners.



Councillor R G Boyce proposed an additional recommendation be added to state that the repairs be at no cost to the Council and if the monies were recycled this still be at no net cost to the Council. This was duly seconded and agreed.

**RESOLVED**

- (i) that the contents of this report be noted;
- (ii) that the Chairman of the Planning and Licencing Committee (or his / her substitute) is authorised to represent the Council at joint meetings with the Environment Agency;
- (iii) that the Council fully supports the need for an urgent repair to the defective river defence at the Granaries in Maldon;
- (iv) that progress on the repairs is reported to the Planning and Licensing Committee;
- (v) that the repairs be at no cost to the Council and if grants were applied for and received by the Council to aid the works this project shall still be at no net cost to the Council.

**1104. EXCLUSION OF PUBLIC AND PRESS**

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following urgent item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

**1105. THE EMERGING LOCAL PLAN AND RECENT PLANNING APPEAL DECISIONS**

The Council considered the urgent report of the Director of Planning and Regulatory Services providing Members with an update in relation to advice sought from Counsel in relation to three recent Planning Appeal decisions in Tollesbury, Wickham Bishops and Bradwell-on-Sea (as detailed in the report). It was noted that this urgent report had been brought forward with the agreement of the Chairman as there was a deadline for making any Section 288 application in respect of the Wickham Bishops appeal.

The report set out the advice received from Counsel and the prospects of the Council challenging the decisions by way of an application under Section 288 of the Town and Country Planning Act 1990.

Councillor H M Bass advised that when Wickham Bishops planning applications had been determined by the North Western Area Planning Committee he had declared a non-pecuniary interest as he lived in the same road and therefore made the same declaration in respect of this agenda item. He then proposed that the Council suspend standing orders relating to Rule 22(1) to allow Members to speak for more than three Minutes. This proposal was duly seconded. Upon clarification from another Member,

the Chairman advised that the length of speaking was at his discretion and therefore the proposal of Councillor Bass was not agreed.

A debate ensued and a number of concerns were raised by Members particularly in relation to the potential costs and risk to the Council involved.

Councillor Bass spoke at length in support of making a Section 288 application in respect of the Wickham Bishops appeal decision. He called upon Members to support judicial review in respect of the Wickham Bishops appeal.

Councillor D M Sismey advised that when it came to the Local Development Plan (LDP) he had previously declared an interest with regards to the policies of the LDP but had confirmed with the Monitoring Officer that it was not appropriate for him to declare an interest in respect of this item of business and related planning applications.

Members discussed the report further and in response to a question, the Monitoring Officer provided the Council with an indication of the stages of work required if progressing with a Section 288 application and the approximate costs for the first stage of the process.

In accordance with Procedure Rule No. 13 (3) Councillor Miss M R Lewis requested a recorded vote. This was duly seconded.

Councillor Miss Lewis proposed that the Council accept recommendations 6.1, 6.3 and 6.4 and in respect of the Wickham Bishops appeal that the Council instruct Officers to make a Section 288 application.

The Chairman put the recommendation of Councillor Miss Lewis and the voting was as follows:

For the recommendation:

Councillors H M Bass, Miss A M Beale, Mrs P A Channer, M F L Durham, J V Keyes, Miss M R Lewis, M R Pearlman and Mrs M E Thompson.

Against the recommendation:

Councillors Mrs B F Acevedo, M S Beale, R G Boyce, A T Cain, R P F Dewick, Mrs H E Elliott, A S Fluker, Mrs B D Harker, B E Harker, M S Heard, R Pratt, N R Pudney, S J Savage, Rev. A E J Shrimpton, D M Sismey and Miss S White.

Abstention:

Councillor P G L Elliott.

The motion was therefore declared lost.

The Chairman then put the Council that recommendations 6.1, 6.3 and 6.4 be agreed and that in respect of recommendation 6.2 that the Council agrees that no Section 288 application be made. This was agreed.

**RESOLVED**

- (i) that no further action be taken in respect of the three appeal decisions referred to in the report and in respect of the Bradwell-on-Sea appeal the position as advised be noted;
- (ii) that the Council notes that the Secretary of State has no power to intervene and overturn this consent / permission once the decision letter has been issued.

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

P G L ELLIOTT  
CHAIRMAN

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**MINUTES of  
NORTH WESTERN AREA PLANNING COMMITTEE  
4 APRIL 2016**

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**PRESENT**

Chairman	Councillor H M Bass
Councillors	M F L Durham, J V Keyes, A K M St. Joseph, Mrs M E Thompson and Miss S White
Ex-Officio Non-Voting Member	Councillor Mrs P A Channer, CC

**1053. CHAIRMAN'S NOTICES**

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

**1054. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors J P F Archer and E L Bamford.

**1055. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the North Western Area Planning Committee held on 29 February be approved and confirmed.

**1056. DISCLOSURE OF INTERESTS**

Councillor J V Keyes declared a non-pecuniary interest as he was a Member of Great Totham Parish Council.

Councillor Mrs P A Channer CC declared a non-pecuniary interest as she was a Member of Essex County Council who was consulted on highways, education and other matters pertaining to planning applications.

**1057. MEMBERS' BRIEFING**

Councillor Mrs M E Thompson arrived at this point in the meeting.

The Interim Development Management and Enforcement Manager gave a presentation to the Committee regarding the use of Planning Conditions. He set out and explained

the six tests which must be met for each condition. Members were advised that conditions must only be imposed if there is a definite planning reason for them.

**1058. FUL/MAL/15/00853 - ORCHARD HOUSE, LANGFORD ROAD, WICKHAM BISHOPS**

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<b>Application Number</b>	<b>FUL/MAL/15/00853</b>
<b>Location</b>	Orchard House, Langford Road, Wickham Bishops
<b>Proposal</b>	Demolition of existing office and storage building and erection of a single dwelling house & double detached garage.
<b>Applicant</b>	Mr. Mark Sherriff
<b>Agent</b>	Mr. Mike Smith - Metcalff Briggs Surveyors
<b>Case Officer</b>	Hilary Baldwin, TEL: 01621 875730
<b>Parish</b>	WICKHAM BISHOPS
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

Following the Officer's presentation of the report, Peter Briggs, the Agent, addressed the Committee.

Members debated this application and attention was drawn to the long planning history relating to this site. There were some concerns raised that the site was not suitable to be used as an employment site due to its remote location and difficulties with access. Other comments raised related to the impact on the neighbouring property and the buildings currently on-site which were considered to be of very little architectural merit. Members were of the view that if this application was approved then the site would be improved.

In response to a question, the Interim Development Management and Enforcement Manager advised Members that Maldon District Council (MDC) must determine applications in accordance with material considerations.

Councillor M F L Durham, a Ward Member, proposed that this application be approved contrary to Officers' recommendation and this proposal was duly seconded and upon a vote the motion was carried. In response to this, the Development Control Officer outlined a number of suggested conditions to be attached to the approval, which were agreed.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice
- 3 No development shall take place until written details and samples of all materials to be used in the construction of the external surfaces of the development hereby

permitted have been submitted to an approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.

- 4 No works or development shall take place until full details of both hard and soft landscape works have been submitted and approved in writing by the Local Planning Authority. These details shall include the layout and materials of all hard surfaced areas. Details of soft landscape works shall include planting plans, written specification (including cultivation and other operations associated with plant and grass establishment), schedules of plant noting species, plant size d and proposed numbers/densities, where appropriate and an implementation programme.
- 5 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railing and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be construction prior to the first occupation of the development to which it relates and be retained as such thereafter.
- 6 Notwithstanding the details submitted with the application, no development shall commence until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:
  - (i) a survey of extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:
    - Human health,
    - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - Adjoining land,
    - Groundwaters and surface waters,
    - Ecological systems
    - Archaeological sites and ancient monuments;
  - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment

Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers'. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

- 7 No development shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

- 8 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.
- Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.
- 9 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.
- 10 Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.
- 11 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 ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the local planning authority.
- 12 Prior to the first occupation of the dwelling hereby approved, the first floor windows in the northern side elevation shall be glazed with opaque glass and of a non-openable design with the exception of a top hung fanlight and shall be retained as such thereafter.
- 13 Prior to the first occupation of the dwelling hereby approved the existing buildings on the site as shown on Drawing No 5171/01 A, dated 25th March 2015 shall be demolished and the resulting material removed from the site.

#### **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. Furthermore, Members of the planning committee which took the decision to grant planning permission as the proposal has been considered acceptable.



**1059. FUL/MAL/15/00868 - LAND REAR OF IMPSCAMP, PURLEIGH GROVE, COLD NORTON**

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<b>Application Number</b>	<b>FUL/MAL/15/00868</b>
<b>Location</b>	Land Rear Of Impscamp, Purleigh Grove, Cold Norton
<b>Proposal</b>	Variation of condition 2 on approved planning permission FUL/MAL/14/01039 (Amended plans to planning application FUL/MAL/13/01118 - permission given for single storey dwelling and cart lodge garage, amended plans for one and half storey dwelling and cart lodge garage) Alterations of size of windows & adding windows and removing 1 window. Alteration of position of window, adding small entrance porch & staircase to garage.
<b>Applicant</b>	Mr Ian Kirk
<b>Agent</b>	
<b>Target Decision Date</b>	03 March 2016
<b>Case Officer</b>	Hilary Baldwin
<b>Parish</b>	Cold Norton
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan Not Delegated to Officers

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice
- 3 The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended ), or any order revoking and re-enacting that Order with or without modification, no development shall be carried out within Schedule 2, Part 1, Class A, B, C, D and E to those Orders.
- 5 No works or development shall take place until full details of both hard and soft landscape works have been submitted and approved in writing by the Local Planning Authority. These details shall include the layout and materials of all hard surfaced areas. Details of soft landscape works shall include planting plans, written specification (including cultivation and other operations associated with plant and grass establishment), schedules of plant noting species, plant size d and proposed numbers/densities, where appropriate and an implementation programme.
- 6 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programmed agreed with the Local Planning Authority; any trees or plants which within a five year period from the completion of the development dies, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and species.

- 7 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railing and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be construction prior to the first occupation of the development to which it relates and be retained as such thereafter.
- 8 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) the garage hereby permitted shall be used only for the parking of a motor car in connection with the residential use of the property.

### **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

### **1060. FUL/MAL/15/01283 - WILLOWBROOK FARM, THE STREET, LITTLE TOTHAM**

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<b>Application Number</b>	<b>FUL/MAL/15/01283</b>
<b>Location</b>	Willowbrook Farm, The Street, Little Totham
<b>Proposal</b>	Retain barn, garage and associated hardstanding and track
<b>Applicant</b>	Mr. Neil Shakespeare
<b>Agent</b>	Mr. Stewart Rowe - The Planning & Design Bureau Ltd
<b>Target Decision Date</b>	08 April 2016
<b>Case Officer</b>	Hilary Baldwin
<b>Parish</b>	Little Totham
<b>Reason for Referral to the Committee / Council</b>	Major Application

In response to a question, the Interim Development Management and Enforcement Manager confirmed that if the existing pillars were used to form an entrance to the site then this would be in breach of planning permission, as the additional entrance had been removed from the application.

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

- 1 The garage hereby permitted shall only be used for the private parking of motor vehicles in connection with the residential use of the property known as Willowbrook House and not for any commercial or business purposes.

- 2 The barn hereby permitted shall only be used for those purposes incidental to the residential use of the property known as Willowbrook House and not for any commercial or business purposes.

**POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant/Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**1061. FUL/MAL/15/01287 - THE OLD RECTORY, CHURCH STREET, GOLDHANGER**

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<b>Application Number</b>	<b>FUL/MAL/15/01287</b>
<b>Location</b>	The Old Rectory, Church Street, Goldhanger
<b>Proposal</b>	Erection of Stables and grazing of land by horses.
<b>Applicant</b>	Mr & Mrs Charles Willis
<b>Agent</b>	Mr David Fenton
<b>Target Decision Date</b>	12.04.2016
<b>Case Officer</b>	Hilary Baldwin
<b>Parish</b>	<b>GOLDHANGER</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application Parish Trigger

Following the Officer's presentation of the report, Members debated this application. The Interim Development Management and Enforcement Manager advised the Committee that whilst the Planning Department regularly supported schemes for stables throughout the District, this application was recommended for refusal on the basis of scale and bulk. Some Members were of the opinion that provided the stables were conditioned to be used in association with the Old Rectory, they were satisfied with the application.

Councillor Mrs M Thompson proposed that the Officers' recommendation of refusal be agreed. Upon a vote being taken the motion was declared lost. Councillor Miss S White then proposed approval of this application contrary to the Officers' recommendation. This was duly seconded and upon a vote the motion was carried. In response to the approval, the Development Control Officer outlined a number of conditions to be applied which were agreed. Members also agreed that approval of the

application should be subject to its use being restricted to the Old Rectory, Church Street, Goldhanger.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice
- 3 No development shall take place until written details and samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to an approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.
- 4 No works or development shall take place until full details of both hard and soft landscape works have been submitted and approved in writing by the Local Planning Authority. These details shall include the layout and materials of all hard surfaced areas. Details of soft landscape works shall include planting plans, written specification (including cultivation and other operations associated with plant and grass establishment), schedules of plant noting species, plant size d and proposed numbers/densities, where appropriate and an implementation programme.
- 5 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railing and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be construction prior to the first occupation of the development to which it relates and be retained as such thereafter.
- 6 All external joinery shall be in timber with a painted finish and shall be retained as such thereafter.
- 7 The stables hereby permitted shall not be used unless and until details of the arrangements for the storage, drainage and disposal of manure, bedding and liquid animal wastes have been submitted to and approved in writing by the local planning authority. All such wastes shall be stored and disposed of in accordance with the scheme as approved.
- 8 There shall be no burning of animal or stable wastes anywhere on the site as shown edged in red on the plans which are attached to and form part of this permission.
- 9 No floodlighting or other external form of illumination of the site shall be undertaken.
- 10 Prior to the commencement of the development details of the surface water and 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.
- 11 No ménage, riding arena, hardstanding or similar finished surface shall be constructed within the.
- 12 No jump equipment or other form of riding obstacle shall be placed upon the land, nor shall any caravan or similar chattel be stationed on the site without the prior written approval of the local planning authority.
- 13 The development hereby permitted shall be used solely for the benefit of the owners/occupiers of The Old Rectory, Church Street, Goldhanger. No business or commercial use, including for the purposes of livery or any riding school activity, shall take place at the site.

## **POSITIVE AND PROACTIVE STATEMENT**

**Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. Furthermore, Members of the planning committee which took the decision to grant planning permission as the proposal has been considered acceptable.

### **1062. FUL/MAL/15/01340 - LAND REAR OF GREENVALE, CHELMSFORD ROAD, PURLEIGH**

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<b>Application Number</b>	<b>FUL/MAL/15/1340</b>
<b>Location</b>	Land Rear Of Greenvale, Chelmsford Road, Purleigh, Essex
<b>Proposal</b>	Sub-division to Plot 3, incorporating minor amendments to approved property design from approved application planning application APP/X1545/A/132194523 + FUL/MAL/12/00929, and the creation of 1 no. additional dwelling.
<b>Applicant</b>	Mr Paul Brand
<b>Agent</b>	Mr John Allum
<b>Target Decision Date</b>	14.03.2016
<b>Case Officer</b>	Yee Cheung
<b>Parish</b>	Purleigh
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan 2005

Following the Officer's presentation of the report, Robert Steed, the Agent, addressed the Committee.

In response to a question from Members, the Interim Development Management and Enforcement Manager advised that when the appeal was allowed on this site, the Planning Inspector did not require affordable housing, the Members could impose this requirement if they were so minded.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.

- 3 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.
- 4 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme. The soft landscape works shall be carried out as approved within the first available planting season following the commencement of development. If within a period of two years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written approval to any variation.
- 5 No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings hereby permitted are occupied. Development shall be carried out in accordance with the approved details.
- 6 Prior to the commencement of the development details of the surface water and 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.
- 7 The detached garage for Plot 3a and Plot 3b hereby permitted shall only be used for those purposes incidental to the use of the dwelling house to which it relates and not for any commercial or business purpose or as annexe accommodation.
- 8 The development hereby permitted shall be carried out in accordance with the Ecological information dated 27 January 2016 and Drawing No: F169/10 Revision C dated 4 February 2016 submitted with the application.
- 9 Prior to the first occupation of the development hereby permitted, the first floor window in the south elevation of Plot 3a serving the bathroom and the first floor window in the north elevation of Plot 3b serving the bathroom shall be glazed with opaque glass and of a non-openable design with the exception of a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.

#### **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**1063. HOUSE/MAL/16/00016 - AVON COTTAGE, 14 SCHOOL ROAD, WICKHAM BISHOPS**

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<b>Application Number</b>	<b>HOUSE/MAL/16/00016</b>
<b>Location</b>	Avon Cottage, 14 School Road, Wickham Bishops
<b>Proposal</b>	Rear one and a half storey extension
<b>Applicant</b>	Mr Steve Hookings
<b>Agent</b>	N/A
<b>Target Decision Date</b>	08.04.2016
<b>Case Officer</b>	Kara Elliott
<b>Parish</b>	Wickham Bishops
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications.
- 3 The external surfaces of the development hereby approved shall be constructed of materials and of a finish which match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.

**POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**1064. HOUSE/MAL/16/00019 - 6 STATION COTTAGES, STATION APPROACH, NORTH FAMBRIDGE**

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<b>Application Number</b>	<b>HOUSE/MAL/16/00019</b>
<b>Location</b>	6 Station Cottages, Station Approach, North Fambridge
<b>Proposal</b>	Side and rear single storey extensions.
<b>Applicant</b>	Mr & Mrs R Morris
<b>Agent</b>	Mr Ashley Robinson
<b>Target Decision Date</b>	07.03.16
<b>Case Officer</b>	Emily Hall
<b>Parish</b>	North Fambridge
<b>Reason for Referral to the Committee / Council</b>	Previous Committee Decision

Following the Officer's presentation of the report, Ashley Robinson, the Agent, addressed the Committee.

During the discussion, the view was expressed by some Members that the previous reasons for refusal had been addressed. Councillor Miss S White, a Ward Member, proposed approval of this application contrary to Officers' recommendation. This was duly seconded and upon a vote the motion was carried. The Development Control Officer suggested a number of conditions to be applied which were agreed.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
- 3 The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application.

#### **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. Furthermore, Members of the planning committee which took the decision to grant planning permission as the proposal has been considered acceptable.

#### **1065. FUL/MAL/16/00026 - VAULTY MANOR, GOLDHANGER ROAD**

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members' Update circulated at the meeting.



<b>Application Number</b>	<b>FUL/MAL/16/00026</b>
<b>Location</b>	Vaulty Manor, Goldhanger Road, Heybridge
<b>Proposal</b>	Change of use (of the house on the estate site) from (C3) private dwelling house to (C1) hotel/guest house
<b>Applicant</b>	Mr Colin Downie - Osea Campsite Ltd
<b>Agent</b>	Geoffrey Vale - Geoffrey Vale Chartered Architect
<b>Target Decision Date</b>	15.04.2016
<b>Case Officer</b>	Rebecca Greasley
<b>Parish</b>	<b>HEYBRIDGE EAST AND GOLDHANGER</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

The Officer presented the report to the Committee and gave a verbal update that this application had also been submitted to the Central Area Planning Committee as the site was located in two parishes. As a consequence of this the recommendations of both Committees would be submitted to the Planning and Licensing Committee for determination.

Councillor Mrs P A Channer declared that as she was Chairman of the Planning and Licensing Committee she would not take part in any discussion on this item.

**RESOLVED** that the Planning and Licensing Committee be **RECOMMENDED** to **APPROVE** this application subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications.

#### **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

#### **1066. FUL/MAL/16/00088 - GUYS FARM LODGE, MANOR ROAD, WOODHAM WALTER**

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members' Update circulated at the meeting.

<b>Application Number</b>	<b>FUL/MAL/16/00088</b>
<b>Location</b>	Guys Farm Lodge, Manor Road, Woodham Walter
<b>Proposal</b>	Demolition of bungalow and the construction of a 4 bedroom house
<b>Applicant</b>	Mr Nigel Cornwell
<b>Agent</b>	Mr Tony Rymill
<b>Target Decision Date</b>	29 March 2016
<b>Case Officer</b>	Hilary Baldwin
<b>Parish</b>	Woodham Walter
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

The Officer presented the report and drew attention to the Members' Update and advised that the matters raised were not planning consideration. Following this, Tony Rymill, the Agent, addressed the Committee.

In response to a question, the Chairman advised that the application site was not a conservation area.

In response to a question regarding whether the conditions proposed covered the matters raised by the Highways Authority, the Development Control Officer confirmed that the conditions were correct for this application.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice
- 3 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning.
- 4 Within 3 months following the first occupation or connection to utility services, whichever is the sooner, of the dwelling hereby approved the existing dwelling on the site shall be demolished and the resulting material removed from the site.
- 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 extensions shall be erected within the site without planning permission having been obtained from the local planning authority.
- 6 No works or development shall take place until full details of both hard and soft landscape works have been submitted and approved in writing by the Local Planning Authority. These details shall include the layout and materials of all hard surfaced areas. Details of soft landscape works shall include planting plans, written specification (including cultivation and other operations associated with plant and grass establishment), schedules of plant noting species, plant size d and proposed numbers/densities, where appropriate and an implementation programme.
- 7 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railing and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be construction prior to the first

- occupation of the development to which it relates and be retained as such thereafter.
- 8 Prior to the commencement of the development details of the surface water and foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.
  - 9 No unbound material shall be used in the surface treatment of the vehicular access within 6m of the highway boundary.
  - 10 Prior to commencement/occupation of the development hereby approved, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2 metres by 25 metres to the north west and 2 metres by 25 metres to the south east, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

### **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

#### **1067. HOUSE/MAL/16/00156 - MALLION HOUSE, HACKMANS LANE, PURLEIGH**

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<b>Application Number</b>	<b>HOUSE/MAL/16/00156</b>
<b>Location</b>	Mallion House, Hackmans Lane, Purleigh
<b>Proposal</b>	New front first floor extension and the creation of new front and rear dormer windows
<b>Applicant</b>	Mr & Mrs M Bott
<b>Agent</b>	Mr Lewis Cook - Form Architecture Ltd.
<b>Target Decision Date</b>	09 April 2016
<b>Case Officer</b>	Hilary Baldwin
<b>Parish</b>	Purleigh
<b>Reason for Referral to the Committee / Council</b>	Previous Committee Decision

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice

- 3 The external surfaces of the development hereby approved shall be constructed of materials and of a finish which match those of the existing dwelling.

**POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**1068. FUL/MAL/16/00191 - 7 CHURCH CORNER, HERBAGE PARK ROAD, WOODHAM WALTER**

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<b>Application Number</b>	<b>FUL/MAL/16/00191</b>
<b>Location</b>	7 Church Corner Herbage Park Road Woodham Walter Maldon
<b>Proposal</b>	Renewal of consent Ref. FUL/MAL/13/00101 for demolition of workshop, construction of single storey dwelling and widening of existing vehicular access
<b>Applicant</b>	Mr Derek Pye
<b>Agent</b>	N/A
<b>Target Decision Date</b>	21.04.2016
<b>Case Officer</b>	Yee Cheung
<b>Parish</b>	Woodham Walter
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan 2005

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice
- 3 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.
- 4 No works or development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the Local Planning Authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be

planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant that tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

- 5 Prior to the commencement of the development details of the surface water and 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.
- 6 Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the development onto the highway. The approved scheme shall be undertaken and completed prior to the first use of the access and shall be retained as such thereafter.
- 7 Prior to first occupation of the development a 1.5m x 1.5m pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.
- 8 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.
- 9 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

#### **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

#### **1069. FUL/MAL/16/00215 - 12 GOAT LODGE ROAD, GREAT TOTHAM**

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<b>Application Number</b>	<b>HOUSE/MAL/16/00215</b>
<b>Location</b>	12 Goat Lodge Road Great Totham Essex Cm9 8bt
<b>Proposal</b>	Two Storey Extension To The Rear
<b>Applicant</b>	Mr M Crisell
<b>Agent</b>	W.G Goodall
<b>Target Decision Date</b>	22.04.2016
<b>Case Officer</b>	Spyros Mouratidis
<b>Parish</b>	<b>GREAT TOTHAM</b>
<b>Reason for Referral to the Committee / Council</b>	PARISH TRIGGER
<b>Case Officer</b>	Yee Cheung
<b>Parish</b>	Woodham Walter
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan 2005

Following the Officer's presentation of the report, Mr Mark Crisell, the Applicant, addressed the Committee.

Members debated this application and pointed out that the Parish Council and neighbours had no objections to this application. The Interim Development Management and Enforcement Manager advised Members that lack of public objection was not a reason to approve a scheme and that it was the Council's role to assess any scheme so that it did not have any detrimental impact.

Councillor J V Keyes, a Ward Member, proposed approval of this application contrary to Officers' recommendation. This was duly seconded and upon a vote the motion was carried and appropriate conditions to be applied were approved.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
- 3 The external surfaces and fenestration of the development hereby approved shall be constructed of materials and finish to match those of the existing dwelling and retained as such thereafter
- 4 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 as amended (or any Order amending, revoking or re-enacting that Order) no window or other form of opening shall be constructed to the side elevations of the extension hereby permitted without planning permission having been obtained from the local planning authority.

#### **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including

planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## **1070. OTHER AREA PLANNING AND RELATED MATTERS**

### **(i) Appeals Lodged:**

It was noted from the Agenda and Members' Update that the following appeals had been lodged with the Planning Inspectorate:

Appeal Start Date: 23/02/2016

**Application Number: FUL/MAL/15/00716 (APPX/1545/W/15/3137350)**

Site: 12 Colchester Road - Great Totham

Proposal: Proposed 3No. Dwellings and associated car parking. Revised window configuration.

Appeal by: Mr David Clay

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 29/02/2016

**Application Number: FUL/MAL/15/00477 (APP/X1545/W/15/3141230)**

Site: Strelley Barn - Post Office Road - Woodham Mortimer

Proposal: New build single storey dwelling in grounds of existing residential barn conversion.

Appeal by: Mr Roger Baxter

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 15/03/2016

**Application Number: HOUSE/MAL/15/00878 (APP/X1545/D/16/3145653)**

Site: 26 Walden House Road - Great Totham

Proposal: Front dormers and first floor rear extension

Appeal by: Tom Holmes

Appeal against: Refusal

Appeal procedure requested: Householder Appeal Service (HAS)

Appeal Start Date: 17/03/2016

**Application Number: FUL/MAL/15/00628 (APP/X1545/W/16/3144291)**

Site: Roundbush - Colchester Road - Great Totham

Proposal: Erection of a detached residence and change of use of former agricultural outbuilding as a private garage.

Appeal by: Mr Bernard Keyes

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 17/03/2016

**Application Number: OUT/MAL/15/00505 (APP/X1545/W/16/3144899)**

Site: Land Adjacent To 56 Top Road - Tolleshunt Knights

Proposal: Outline planning application for the construction of one live/work detached dwelling with associated garaging and off-street parking

Appeal by: Mr P Kelly  
Appeal against: Refusal  
Appeal procedure requested: Written Representations

Appeal Start Date: 11/2/2016  
Enforcement Notice Reference Number: ENF/13/00242/CU  
**Appeal Reference Number: APP/X1545/C/16/3142293**  
Site: Bakers Nursery Bakers Lane Tolleshunt Major  
Alleged Breach of Planning Control: Without planning permission the change of use of the land for the stationing of a mobile home

Appeal by: Mr J Patrick  
Grounds of Appeal:

Ground A

*That planning permission should be granted for what is alleged in the notice*

Ground B

*that the breach of control alleged in the enforcement notice has not occurred as a matter of fact*

Ground D

*that, at the time of the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice*

Ground F

*that the steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections*

Ground G

*that the time given to comply with the notice is too short.*

Appeal procedure requested: Public Inquiry

Appeal Start Date: 17/03/2016  
**Application Number: OUT/MAL/15/00543 (APP/X1545/W/15/3141399)**  
Site: Washfields Post Office Lane Little Totham  
Proposal: Outline application for 2 new dwellings (2/3 bedroom) using existing access to property off post office lane with all matters reserved.  
Appeal by: Mr & Mrs Nicholas & Victoria Phillips  
Appeal against: Refusal  
Appeal procedure requested: Written Representations

**(ii) Appeal Decisions:**

It was noted from the agenda and Members' Update that the following appeal decisions had been received from the Planning Inspectorate.

**OUT/MAL/15/01010 (Appeal Ref: APP/X1545/W/15/3136955)**

Proposal: Outline application for the erection of a detached dwelling with access to be determined

Address: Rainbow Cottage - Kelvedon Road - Wickham Bishops

**APPEAL ALLOWED – 7 March 2016**

DECISION LEVEL: Delegated

**OUT/MAL/14/01202 (Appeal Ref: APP/X1545/W/15/3136324)**

Proposal: Outline application for up to 24 No. village houses.

Address: Land North Of 48 Woodrolfe Road - Tollesbury



**APPEAL ALLOWED– 7 March 2016**

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

**OUT/MAL/15/00461 (Appeal Ref: APP/X1545/W/15/3136955)**

Proposal: Outline application for the erection of a detached dwelling with access to be determined

Address: Rainbow Cottage - Kelvedon Road - Wickham Bishops

**APPEAL ALLOWED – 7 March 2016**

DECISION LEVEL: Delegated

**WTPO/MAL/15/00608 (Appeal Ref: APP/TPO/X1545/4938)**

Proposal: TPO 4/04 T7 - Installation of a root barrier.

Address: Domus - Colchester Road - Great Totham

**APPEAL PART ALLOWED & PART DISMISSED (Please see attached appeal decision for full details) – 15 March 2016**

DECISION LEVEL: Delegated

**14/00215/CU (Appeal Ref: APP/X1545/C/15/3138510)**

Land At Corner Of Fambridge Road And St Stephens Road - Cold Norton

Appeal against: Without planning permission the material change of use of the land from agricultural to use for the siting of a caravan for residential purposes

**APPEAL ON GROUND (G) IS ALLOWED – It is directed that the enforcement notice be varied by the deletion of 2 calendar months and the substitution of 9 calendar months as the period for compliance. Subject to this variation the enforcement notice is upheld - 16 March 2016**

**OUT/MAL/15/00267 (Appeal Ref: APP/X1545/W/15/3133309)**

Proposal: Outline planning application with some matters reserved for the residential development of 14 dwellings, garages and associated works.

Address: Land East Of Malone Cottage - Maypole Road - Wickham Bishops

**APPEAL ALLOWED & COSTS REFUSED – 8 March 2016**

DECISION LEVEL: Committee (overturned Officer recommendation to approve)

The following item has been added in error to the agenda and should be disregarded.

**OUT/MAL/15/01010 (Appeal Ref: APP/X1545/W/15/3136955)**

Proposal: Outline application for the erection of a detached dwelling with access to be determined

Address: Rainbow Cottage - Kelvedon Road - Wickham Bishops

**APPEAL ALLOWED – 7 March 2016**

DECISION LEVEL: Delegated

There being no further items of business the Chairman closed the meeting at 9.22 pm

H M BASS  
CHAIRMAN

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**MINUTES of  
SOUTH EASTERN AREA PLANNING COMMITTEE  
11 APRIL 2016**

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**PRESENT**

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

**1106. CHAIRMAN'S NOTICES**

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

**1107. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor P G L Elliott.

**1108. MINUTES OF THE LAST MEETING**

**RESOLVED**

- (i) that the Minutes of the South Eastern Area Planning Committee held on 7 March 2016, be received.

**Minute 3 - Minutes**

Councillor A S Fluker said that comments attributed to him in the second paragraph of the Minute would read better with the words “he declared” instead of the words “was in the practice of declaring”.

**RESOLVED**

- (ii) that subject to the above amendment, the Minutes of the South Eastern Area Planning Committee held on 7 March 2016 be approved and confirmed.

## **1109. DISCLOSURE OF INTEREST**

Councillor R P F Dewick declare non-pecuniary interests in relation to Agenda Item 11 as he knew the applicant and agenda item 15 on the basis that he had carried out work at the application site in the past.

Councillor Mrs P A Channer declared a non-pecuniary interest in any item relating to Essex County Council (ECC) as she was a Member of ECC who was consulted on education, highways and other matters. She also declared a non-pecuniary interest in Agenda Items 11 and 13 as she knew the agent in each case.

Councillor R Pratt declared a non-pecuniary interest in Agenda Item 13 as he was a close friend of a volunteer, had bought a dog from the establishment, and would leave the meeting when this item was considered.

Councillor Mrs H E Elliott declared that she knew the applicants in connection with Agenda Items 4 and 6, and a non-pecuniary interest in Agenda Item 13 as she knew some of the volunteers, and in the interests of openness and transparency would leave the meeting for consideration of this item.

Councillor A S Fluker declared in the interests of openness and transparency that he knew the applicants in connection with Agenda Items 6 and 12, he knew the applicant and agenda on Agenda Item 11, he knew the applicant and had bought a dog from the establishment in connection with Agenda Item 13, and knew some of the objectors in connection with Agenda Item 14.

Councillor Mrs B F Acevedo declared that she knew the applicant in connection with Agenda Item 13 and lived close to the application site for Agenda Item 15.

Councillor N R Pudney declared that he knew some objectors and also knew the applicant in connection with Agenda Item 14.

Councillor Mrs Channer further declared that she knew the applicant in connection with Agenda Item 6 and was a patient at the surgery of the applicant in connection with Agenda Item 14.

Councillor B S Beale declared that he knew the agent in connection with Agenda Item 11.

## **1110. MEMBERS' BRIEFING**

The Committee received a briefing from Officers on the use of planning conditions. Reference was made to the Government Guidance on the use of conditions in connection with the grant of planning permission and the tests that had to be applied.

**1111. FUL/MAL/16/00118 - AA DOG RESCUE, OLDFIELD LODGE, BURNHAM ROAD, LATCHINGDON**

With the agreement of the Committee, the Chairman brought forward this item for early consideration due to the large public attendance. In line with their earlier declarations, Councillors Mrs H E Elliott and R Pratt left the meeting.

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members' Update circulated at the meeting.

Following the Officer presentation, Ms M Jackson, an objector, and Mr D Wallis, the agent, addressed the Committee.

<b>Application Number</b>	<b>FUL/MAL/16/00118</b>
<b>Location</b>	AA Dog Rescue Oldfield Lodge Burnham Road Latchingdon
<b>Proposal</b>	Retrospective application for change of use of buildings to dog centre and equestrian.
<b>Applicant</b>	Miss Charlene Nathan
<b>Agent</b>	Mr David Wallis - Smart Planning Ltd
<b>Target Decision Date</b>	30 March 2016
<b>Case Officer</b>	Nigel Hebden, TEL: 01621 875741
<b>Parish</b>	<b>LATCHINGDON</b>
<b>Reason for Referral to the Committee / Council</b>	Previous Committee Decision

The view was expressed from within the Committee that there appeared to have been little progress in dealing with the noise issue since the last deferment and that it was unlikely that the requirements of a noise mitigating planning condition would be met. It was also stated that the use was still having a detrimental effect on the amenities of neighbouring residents.

Concern was however expressed for the future welfare of the number of dogs currently kept at the establishment and it was suggested that the applicant be given one further opportunity to resolve the noise issue. Councillor A S Fluker proposed that consideration of the application be deferred, and this was seconded by Councillor Mrs P A Channer.

Debate ensued, and it was noted that the enforcement notice against the unauthorised use, currently the subject of appeal, gave a compliance period of six months. Officers advised that a Noise Abatement Notice had been served, and explained the noise level monitoring and mitigation issues between the Council and the applicant's noise consultant.

The proposal for deferment standing in the name of Councillor A S Fluker was then put to the meeting and upon a vote being taken was declared lost. The Chairman then put to

the meeting the recommendation of refusal of the Officers and upon a vote taken this was agreed.

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

- 1 The application relates to the continuation of the use of the land as a dog rescue centre. From the information provided the Council concludes that the use causes harm by way of noise and general disturbance to the occupiers of nearby residential properties to the detriment of their standard of accommodation and that the mitigation measures proposed by the applicant will not alleviate this situation. Therefore, the development does not comply with the requirements of policies BE1, CC19 and CON5 of the adopted Maldon District Replacement Local Plan, policies D1 and D2 of the submission Local Development Plan and para 123 of the National Planning Policy Framework.

### **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant / Agent. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal – which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

Councillors Mrs Elliott and Pratt then returned to the meeting.

## **1112. FUL/MAL/1500932 - CARAVAN 130 AND CARAVAN B44 AT ST LAWRENCE CARAVAN SITE, MAIN ROAD, ST LAWRENCE**

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members' Update circulated at the meeting.

<b>Application Number</b>	<b>FUL/MAL/15/00932</b>
<b>Location</b>	Caravan 130 And Caravan B44 At St Lawrence Caravan Site, Main Road, St Lawrence
<b>Proposal</b>	Proposed use of 2 existing static holiday caravans for use as permanent residential warden's caravan.
<b>Applicant</b>	Mr Gary Duce - St. Lawrence Caravans Ltd
<b>Agent</b>	Mr Philip Jones - Savills (UK) Ltd
<b>Target Decision Date</b>	12.04.2016
<b>Case Officer</b>	Rebecca Greasley
<b>Parish</b>	<b>ST LAWRENCE</b>

<b>Reason for Referral to the Committee / Council</b>	Parish Trigger
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Following the Officer presentation Mr Philip Jones the Agent addressed the Committee.

The view was expressed that despite the site being in a flood zone the risk of flooding was low, and the owner had accepted the risk having regard to the need to provide site security.

It was noted that the site was open for ten months of the year, the period having been extended in 2014. The recommendation of refusal reflected the flood risk concerns of the Environment Agency and was made in the interests of public safety, for both current and future occupiers of the site.

It was proposed by Councillor R G Boyce and seconded by Councillor Mrs P A Channer that the recommendation of refusal by the Officers be not accepted and that the application be approved. Upon a vote being taken, this was agreed and the Director of Planning and Regulatory Services was authorised to settle the planning conditions in consultation with the Ward Members.

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

- 1 The use of the two caravans for permanent residential occupation hereby permitted shall be used by staff members only.
- 2 The Emergency Flood Evacuation Plan that forms part of this permission shall be made available to all users of the site at all times throughout the lifetime of this permission.
- 3 Within 3 months of the date of this decision, a site-specific flood risk assessment shall be submitted to, and agreed in writing by the local planning authority. The flood risk assessment must demonstrate that the site will be safe for its lifetime taking account the vulnerability of its users, without increasing flood risk elsewhere, and where possible will reduce risk overall.

#### **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. Furthermore, Members of the planning committee which took the decision to grant planning permission considered the proposal to be acceptable.

### 1113. FUL/MAL/15/01328 - 12 THE PLOVERS, ST LAWRENCE

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<b>Application Number</b>	<b>FUL/MAL/15/01328</b>
<b>Location</b>	12 The Plovers St Lawrence Essex CM0 7PE
<b>Proposal</b>	Change of use from holiday home to residential dwelling
<b>Applicant</b>	Mrs Maureen Delasalle
<b>Agent</b>	N/A
<b>Target Decision Date</b>	15 April 2016
<b>Case Officer</b>	Kara Elliott, TEL: 01621 875860
<b>Parish</b>	<b>ST LAWRENCE</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan

Following the Officer presentation, Mr Stephen Delaselle, the son of the applicant, addressed the Committee.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 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 development pursuant to the provisions of Class A, B, C, E of Part 1, Schedule 2 shall be undertaken without planning permission having been obtained from the Local Planning Authority.

#### **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



#### 1114. FUL/MAL/15/01363 - WYCKE FARM, MAIN ROAD, MUNDON

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<b>Application Number</b>	<b>FUL/MAL/15/01363</b>
<b>Location</b>	Wycke Farm Main Road Mundon Essex
<b>Proposal</b>	Single detached dwelling with double garage and stable block.
<b>Applicant</b>	Mr C Wilson
<b>Agent</b>	Mr J Crsip - Arcady Architects Ltd
<b>Target Decision Date</b>	14 April 2016
<b>Case Officer</b>	Nigel Hebden, TEL: 01621 875741
<b>Parish</b>	<b>MUNDON</b>
<b>Reason for Referral to the Committee / Council</b>	Previous Committee Decision Parish Trigger

Following the Officer presentation Mr J Crisp, the agent, addressed the Committee.

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

- 1 The site lies within an unsustainable location. Therefore, the erection of new residential development, remote from community services and essential support facilities, and inaccessible by a range of transport, would be contrary to the 'presumption in favour of sustainable development' contained in the National Planning Policy Framework and to policy T1 of the adopted Maldon District Replacement Local Plan.
- 2 The proposed development by reason of its nature, design, scale and siting within a predominantly rural area, would have an adverse impact on the character, appearance and intrinsic beauty and quality of the rural landscape and the setting of the adjacent public footpath. As such the proposal would be contrary to the requirements of policies S2, H1, BE1 and CC6 of the Maldon District Replacement Local Plan, and policies S1, D1 and N2 of the Maldon District Local Development Local Plan and core planning principles and guidance contained in the National Planning Policy Framework.

#### **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant/Agent. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal which may lead to the submission of a more acceptable proposal in the future. The Local Planning

Authority is willing to provide pre-application advice in respect of any future application for a revised development.

**1115. HOUSE/MAL/16/00010 - 57 NIPSELLS CHASE, MAYLAND**

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<b>Application Number</b>	<b>HOUSE/MAL/16/00010</b>
<b>Location</b>	57 Nipsells Chase Mayland Essex CM3 6EH
<b>Proposal</b>	Erection of rear single storey 25sqm flat roof extension. Demolition of existing porch. Extension of front single storey 1.75sqm porch. Replacement of existing garage door with window to create new ground floor bedroom
<b>Applicant</b>	Mr Stephen Denner
<b>Agent</b>	Mr Mark Amos
<b>Target Decision Date</b>	10 March 2016
<b>Case Officer</b>	Emily Hall, TEL: 01621 875744
<b>Parish</b>	<b>MAYLAND</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

Following the Officer presentation Mr Mark Amos, the agent, addressed the Committee.

Some concerns were expressed within the Committee as to potential loss of outlook and overbearing effect of the proposed extensions, particularly to the front. The Officer recommendation was however agreed.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
- 3 With the exception of the flat roof, which shall be constructed in accordance with the details as set out in the application, the external surfaces of the development hereby approved shall be constructed of materials and of a finish to match the existing dwelling.
- 4 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.
- 5 The flat roof of the development hereby permitted shall not be used at any point as a balcony, for sitting out on or for amenity space.

## **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

### **1116. FUL/MAL/16/00055 - LAND NORTH WEST OF STITCHES FARM, LOWER CHASE, ALTHORNE**

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<b>Application Number</b>	<b>FUL/MAL/16/00055</b>
<b>Location</b>	Land North West Of Stitches Farm Lower Chase Althorne Essex
<b>Proposal</b>	Re-siting of an Agricultural Workers Dwelling approved at FUL/MAL/14/01008
<b>Applicant</b>	Stuart Davis Ltd
<b>Agent</b>	Ms C Legg - Smart Planning Ltd
<b>Target Decision Date</b>	15 April 2016
<b>Case Officer</b>	Kara Elliott, TEL: 01621 875860
<b>Parish</b>	<b>ALTHORNE</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

Following the Officer presentation Ms C Legg, the agent, addressed the Committee. Concern was expressed within the Committee at the impact this proposal would have on the open countryside, and that this was a totally unsuitable location. Officers confirmed that this proposal was identical to that already approved in a nearby location, and the fact that this was the subject of recent appeal decision was a material consideration. In reply to a question, the Committee was advised that sustainability was relevant to proposals for agricultural dwellings and was reflected in the relevant policy.

It was proposed by Councillor R G Boyce and seconded by Councillor M W Helm that the Officer recommendation of approval be not accepted and that the application be refused based on the remoteness and impact of the development in the open countryside due to its size, scale and bulk. Upon being put to the meeting and a vote taken this was agreed.

Councillors R G Boyce, Mrs P A Channer and A S Fluker asked their objection to this application be recorded.

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

- 1 The siting, scale, bulk and size of the proposed dwelling would have a significant and material detrimental effect on the character and appearance of the streetscene and open countryside setting, particularly in views afforded from the north across the site. In failing to contribute to the protection and enhancement of the natural environment the proposed development is in conflict with adopted policies BE1, CC6 of the adopted Replacement Local Plan, D1 of the emerging Local Development Plan and core planning principles and guidance contained in the National Planning Policy Framework.

**POSITIVE AND PROACTIVE STATEMENT**

**Town and Country Planning (Development Management Procedure) (England) Order 2015**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal. Furthermore, Members of the planning committee which took the decision to refuse planning permission have been asked to consider whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant/Agent. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

**1117. OUT/MAL/16/00107 - LAND EAST OF BROOK LANE, ASHELDHAM**

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members' Update circulated at the meeting.

<b>Application Number</b>	<b>OUT/MAL/16/00107</b>
<b>Location</b>	Land East Of Brook Lane Brook Lane Asheldham Essex
<b>Proposal</b>	Construction of four 2 bedroom bungalows
<b>Applicant</b>	Mr David Hall
<b>Agent</b>	Mr Anthony Cussen - Cussen Construction Consultants
<b>Target Decision Date</b>	28 March 2016
<b>Case Officer</b>	Nigel Hebden, TEL: 01621 875741
<b>Parish</b>	<b>ASHELDHAM</b>
<b>Reason for Referral to the Committee / Council</b>	Applicant Related to Member of Staff Previous Committee Decision

Councillors M W Helm and Mrs H E Elliott declared non-pecuniary interests in this application as they knew the agent.

Following the Officer's presentation Mr Anthony Cussen, the agent, addressed the Committee.

It was noted from the Members' Update that an additional reason for refusal was being recommended based on the objection from Historic England, and that a response from the Parish Council was still awaited.

In the debate that followed Members were mindful of the most recent appeal decision and the reasons for refusal, the potential impact of the scale of this proposal on the Hill Fort (a Heritage Asset), and sustainability issues.

The Committee agreed with the Officer recommendation of refusal together with the additional reason referred to above.

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

- 1 The site is in a sensitive rural location outside of the defined settlement boundary where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Local Development Plan to meet the objectively assessed needs for housing in the District. Further, the erection of four new dwellings in this location would result in an inappropriate form of development with associated paraphernalia and activities, into the open countryside setting and would have an urbanising effect on this otherwise rural area. The proposal would, therefore, cause demonstrable harm to and adversely impact upon the natural beauty, tranquillity, amenity and traditional quality of the landscape setting and fail to make a positive contribution to the locality, falling short of meeting the environmental strand of the principles of sustainable development. The proposal is, therefore, contrary to policies S2, BE1 and CC6 of the adopted Maldon District Replacement Local Plan, policies S8 and D1 of the submission Local Development Plan and core planning principles and guidance contained in the National Planning Policy Framework.
- 2 The proposed development by reason of its extent and location would adversely affect the setting of a scheduled ancient monument (Asheldham Hillfort) which would result in harm to its significance contrary to the requirements of policy BE17 of the Maldon District Replacement Local Plan, policy D3 of the Maldon District local development Plan and guidance contained within the National Planning Policy Framework.

### **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant/Agent. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

# **1118. HOUSE/MAL/16/00108 - 23 RAMSEY CHASE, LATCHINGDON**

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<b>Application Number</b>	<b>HOUSE/MAL/16/00108</b>
<b>Location</b>	23 Ramsey Chase Latchingdon Essex CM3 6JT
<b>Proposal</b>	2 storey side and single storey front extension
<b>Applicant</b>	Mr & Mrs D Reece-Ford
<b>Agent</b>	Blue Door Solutions
<b>Target Decision Date</b>	06 April 2016
<b>Case Officer</b>	Kara Elliott, TEL: 01621 875860
<b>Parish</b>	<b>LATCHINGDON</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

Following the Officer presentation Mrs Reece-Ford, the applicant, addressed the Committee.

The general view within the Committee was that this proposal was acceptable given the size of the plot and the minimal difference to the appearance of the property or impact on the street scene. The Chairman put to the Committee the Officer recommendation of refusal and on vote being taken this was not accepted. Upon the proposition of Councillor R G Boyce (a Ward Member) and seconded by Councillor N R Pudney, and a vote taken, the Committee agreed to approve the application subject to suitable conditions which would include the provision of obscured glazing to certain windows and a restriction on the creation of any additional windows.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
- 3 The external surfaces of the extension hereby approved shall be constructed of materials and of a finish which match those of the existing building.
- 4 Prior to the first occupation of the extension hereby permitted, the first floor windows in the south and west elevations of the extension shall be glazed with opaque glass and of a non-openable design and shall be retained as such thereafter.
- 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 new windows shall be constructed within the extension without planning permission having been obtained from the local planning authority.

## **POSITIVE AND PROACTIVE STATEMENT**

**Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. Furthermore, Members of the planning committee took the decision to grant planning permission as the proposal has been considered acceptable.

### **1119. OUT/MAL/16/00120 - LAND REAR OF 60A MALDON ROAD, BURNHAM-ON-CROUCH**

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<b>Application Number</b>	<b>OUT/MAL/16/00120</b>
<b>Location</b>	Land To The Rear Of 60A Maldon Road Burnham-On-Crouch Essex
<b>Proposal</b>	Outline planning permission for proposed demolition of No.58 Maldon Road and the erection of 6 No.residential units. with ancillary works including new vehicular and pedestrian access off Maldon Road and Estate Road (Resubmission)
<b>Applicant</b>	Dr Hamid Latif
<b>Agent</b>	Mr David Devries
<b>Target Decision Date</b>	3 May 2016
<b>Case Officer</b>	Nigel Hebden, TEL: 01621 875741
<b>Parish</b>	<b>BURNHAM NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Previous Committee Decision Major Development

Councillor R P F Dewick said that although he did not know the applicant he had carried out work on this site in the past, but this did not amount to an interest.

Councillor R G Boyce declared a non-pecuniary interest as he noted that his brother was listed as having made a supporting representation.

Councillor R Pratt said that he knew Town Councillor Wendy Stamp, who had registered to speak, as she was a fellow Burnham on Crouch Town Councillor. It was however clarified that Mrs Stamp was speaking as a local resident and not as a Town Councillor.



Following the Officer presentation Mrs Wendy Stamp, an objector, and Mr Ian Parsons, a supporter, addressed the Committee.

Concern was expressed within the Committee that this proposal represented backland development with an inappropriate access onto Maldon Road. It was further submitted that this land was valuable open space and would add to the intensification of housing in this locality given the nearby strategic allocation site included in the Local Plan.

The Committee was advised that the applicant had not submitted a s.106 agreement to deal with the potential mitigation of this proposal and therefore this could be added to the reasons for refusal. This was agreed.

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

- 1 The proposed development would result in a contrived, isolated and backland form of residential development that would not respect the existing pattern of development or urban grain. Furthermore, the development would have an urbanising effect on the rural character of the area and would result in an unwelcome visual intrusion into the open and undeveloped countryside, to the detriment of the character and appearance of the area contrary to policies S2, CC6 and BE1 of the adopted Maldon District Replacement Local Plan and policies D1 and N2 of the emerging Local Plan and core planning principles and guidance contained in the National Planning Policy Framework.
- 2 In the absence of a signed legal agreement the development makes no contribution to affordable housing or school transport, which would be required with respect to mitigating the wider impacts of the development on local infrastructure and townscape. As such the proposal is considered to be contrary to policy PU1 of the adopted Maldon District Replacement Local Plan, policies H1 and I1 of the Maldon District Local Development Plan, and the National Planning Policy Framework.

#### **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

#### **1120. FUL/MAL/16/00147 - HIGH HOUSE FARM, OLD HEATH ROAD, SOUTHMINSTER**

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members' Update circulated at the meeting.



<b>Application Number</b>	<b>FUL/MAL/16/00147</b>
<b>Location</b>	High House Farm Old Heath Road Southminster Essex
<b>Proposal</b>	Vary condition 4 of approved application FUL/MAL/15/00034
<b>Applicant</b>	Mr R Hollingsbee
<b>Agent</b>	Miss L Hawksworth - Smart Planning Ltd
<b>Target Decision Date</b>	16 May 2016
<b>Case Officer</b>	Rebecca Greasley, TEL: 01621 875805
<b>Parish</b>	<b>SOUTHMINSTER</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

It was noted that it had been confirmed by the agent that the proposed site plan had been submitted in error. It was therefore requested that consideration be deferred to enable this to be rectified.

**RESOLVED** that consideration of this application be **DEFERRED** due to the submission of an incorrect site plan.

#### **1121. HOUSE/MAL/16/00148 - 3 HILLSIDE ROAD, BURNHAM-ON-CROUCH**

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<b>Application Number</b>	<b>HOUSE/MAL/16/00148</b>
<b>Location</b>	3 Hillside Road Burnham-On-Crouch Essex CM0 8EY
<b>Proposal</b>	Proposed extension, internal alternations and loft conversion plus construction of proposed garage.
<b>Applicant</b>	Mr Attie Van Belkum
<b>Agent</b>	Adam McLatchie
<b>Target Decision Date</b>	6 April 2016
<b>Case Officer</b>	Emily Hall, TEL: 01621 875744
<b>Parish</b>	<b>BURNHAM SOUTH</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

It was noted that this application had been **WITHDRAWN** by the applicant.

#### **1122. HOUSE/MAL/16/00206 - 6 RAMBLERS WAY, BURNHAM-ON-CROUCH**

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<b>Application Number</b>	<b>HOUSE/MAL/16/00206</b>
<b>Location</b>	6 Ramblers Way Burnham-On-Crouch Essex CM0 8LR
<b>Proposal</b>	Rear two storey extension: with internal alterations to form granny annexe
<b>Applicant</b>	Mr & Mrs S Braisted
<b>Agent</b>	Clark Partnership
<b>Target Decision Date</b>	18 April 2016
<b>Case Officer</b>	Emily Hall, TEL: 01621 875744
<b>Parish</b>	<b>BURNHAM SOUTH</b>
<b>Reason for Referral to the Committee</b>	Previous Committee Decision Parish Trigger

Following the Officer presentation Mrs C Braisted, the applicant, addressed the Committee.

Members were generally of the view that the proposed extension was not that big, there was no demonstrable harm, and that the neighbour had no objection. It was proposed by Councillor R Pratt, and seconded by Councillor M W Helm, that this application be approved contrary to the Officer recommendation. Upon being put to the vote this was agreed with it being left to Officers to apply suitable conditions including the requirement for obscured glazing to appropriate windows.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
- 3 The external surfaces of the extension hereby approved shall be constructed of materials and of a finish which match those of the existing building.
- 4 Prior to the first occupation of the extension hereby permitted, the rooflight in the southwest roofslope shall be glazed with opaque glass and of a non-openable design and shall be retained as such thereafter.
- 5 The annexe hereby permitted shall be occupied only as an annexe for purposes ancillary to and in conjunction with the use of the existing property as a single dwelling house and not as a separate or independent unit of residential accommodation.

#### **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. Furthermore, Members of the planning committee took the decision to grant planning permission as the proposal has been considered acceptable.

## 1123. OTHER AREA PLANNING AND RELATED MATTERS

The Committee considered the report of the Director of Planning and Regulatory Services and Members' Update on the following matters:

### (i) Appeals Lodged:

It was noted that the following appeals had been lodged with the Planning Inspectorate:

Appeal Start Date: 04/03/2016

**Application Number: HOUSE/MAL/15/01010 (APP/X1545/D/16/3145083)**

Site: 11 The Spinnaker – St Lawrence

Proposal: Open sided decking area with a roof (4.8x5.2), hand rails and spindles

Appeal by: Mr Colin Day

Appeal against: Refusal

Appeal procedure requested: Householder Appeals Service (HAS)

Appeal Start Date: 2/3/2016

**Application Number: COUPA/MAL/15/01193 (APP/X1545/W/16/3145035)**

Site: Sparrow Wycke Farm Main Road Mundon

Proposal: Prior approval of proposed Change of Use of Agricultural Building to a Dwellinghouse (Use calls C3), and for associated operational development.

Appeal by: Clive Gande

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 10/03/2016

**Enforcement Notice Reference Number: ENF/14/00142/BC**

**Appeal Reference Number: APP/X1545/C/16/3145308**

Site: Roman Farm - Old Heath Road - Southminster

Alleged Breach of Planning Control: Without planning permission the unauthorised change of use of part of the agricultural building from an agricultural barn to a residential dwelling.

Appeal by: Mr M Roman

Grounds of Appeal: That, at the time of the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice, the steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections, that the time given to comply with the notice is too short.

Appeal procedure requested: Public Inquiry

Appeal Start Date: 04/04/2016

**Application Number: FUL/MAL/15/01046 (APP/X1545/W/16/3142883)**

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

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

Appeal by: Mr S Latif

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 07/04/2016

**Application Number: HOUSE/MAL/16/00014 (APP/X1545/D/16/3146541)**

Site: Nuthouse - 4 Maldon Road - Burnham On Crouch

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

Appeal by: Mrs Jane Smerald

Appeal against: Refusal

Appeal procedure requested: Householder Appeal Service (HAS)

**(ii) Appeal Decisions:**

It was noted from the Members' Update that the following appeal decisions had been received from the Planning Inspectorate:

**FUL/MAL/15/00706 (Appeal Ref: APP/X1545/W/15/3139455)**

Proposal: Construction of single storey dwelling

Address: Land South East Of Down Hall - Downhall Road - Bradwell On Sea

**APPEAL DISMISSED – 17 March 2016**

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

**1124. DELEGATED PLANNING APPLICATIONS**

The Committee received and noted the list of decisions on planning applications taken by the Director of Planning and Regulatory Services under delegated powers, circulated at the meeting for the period 7 March 2016 – 10 April 2016.

There being no further items of business the Chairman closed the meeting at 10.17 pm.

R P F DEWICK  
CHAIRMAN



**MINUTES of  
COMMUNITY SERVICES COMMITTEE  
12 APRIL 2016**

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**PRESENT**

Chairman	Councillor R Pratt
Vice-Chairman	Councillor Mrs B D Harker
Councillors	Miss A M Beale, I E Dobson, M F L Durham, M S Heard, J V Keyes and Miss S White
Ex-officio non-voting Member	Councillors B S Beale MBE and Miss M R Lewis

**1125. CHAIRMAN'S NOTICES**

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

**1126. APOLOGIES FOR ABSENCE**

An apology for absence had been received from Councillor Miss A M Beale.

**1127. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Community Services Committee held on 23 February 2016, be approved and confirmed.

**1128. DISCLOSURE OF INTEREST**

There were none.

**1129. PUBLIC PARTICIPATION**

Ms Rosaline Oakley and Mrs Lesley Chipperfield addressed the Committee in relation to Agenda Item 20 – Cemeteries Task and Finish Group Update.

## 1130. CHAIRMAN'S GOOD NEWS ANNOUNCEMENTS

The Chairman referred to the following items:

- **Community Protection:**

The Council now has a new team The Community Protection Team. This team brought together the many environmental enforcement roles such as waste and street scene functions, car parking services, Rangers and the dog warden role. This will increase resilience and effectiveness through joint working opportunities within the team.

The Community Protection Team undertakes monitoring and environmental enforcement on behalf of several parishes and town councils within the district. The Chairman announced that North Fambridge and Tollesbury have recently employed the Community Protection Officers to take on this role.

- **Housing:**

- New Homes - Completion of nine new affordable homes in Tillingham by Chelmer Housing Partnership – including two bungalows and two shared-ownership homes, all will be prioritised to people from the Parish, following a housing needs survey carried out to identify the need for affordable housing in the village.
- Empty Homes – The Council has met its target for bringing empty 90 homes back into use for 2015 / 16 despite a slow beginning as the Council adjusted to the effects of introducing a new definition and criteria for the way it counts and defines properties that come back as a result of the intervention of the Council.
- Disabled Facilities Grants – By making best use of the Council's powers to gain contributions towards the cost of works from landlords and housing associations the Council's Home Improvements Team has managed to spend a record amount of money whilst staying within existing budget to help improve and adapt homes for more people than ever before during the last financial year and has now received even more funding for the current year to enable it to continue to expand this area of work.

## 1131. ALL SAINTS PRIMARY SCHOOL TASK AND FINISH WORKING GROUP

The Director of Customers and Community outlined the purpose of the All Saints' Primary School Task and Finish Working Group (the Working Group) working with All Saints' Primary School to review features and facilities within the Promenade Park, Maldon. The School had held a School Council meeting in the Council Chamber and pupils from the School Council had been invited to provide an update to the Committee.

Joe Cole, Chairman of All Saints' Primary School Council and Toby Walton, Vice-Chairman of All Saints' Primary School Council addressed the Committee. A copy of their presentation is attached at **APPENDIX 1** to these Minutes. The School had generated 11 and these had been narrowed down to the following four (in order of popularity):

- an arcade – allowing friends of all ages to gather at the promenade with a sense of independence;
- dog facilities – allowing dog owners to use a wider range of activities for the dogs as well as having the helpful dog drinking points;
- an indoor area – this would have drinks and snack, tables and chairs with a soft play area for children;
- swimming facilities – to promote a healthy lifestyle.

The Chairman thanked Joe and Toby for their informative presentation.

In response to a question regarding the Adventure Golf and whether this was something they might use, the School Councillors advised that this was something they would use as it would be fun for all people including kids and would be good interaction for the family to get together and enjoy golf.

In response to a question, the School Councillors clarified that they saw the indoor area as providing snacks, baguettes, paninis etc.

The Chairman congratulated and thanked the School Councillors, teachers and Officers for the time they had given to this Working Group.

## **1132. DRAPERS FARM SPORTS CLUB LEASE**

The Committee considered the report of the Director of Customers and Community seeking Members views on whether the Council should renew its lease with Drapers Farm Sports Club ahead of its expiration in 2017.

The report provided background information regarding the long standing lease the Council had with the Drapers Farm Sports Club (DFSC) and it was noted that this was due to expire in April 2018. The lease made provision for the DFSC to request an extension of the agreement for a further 35 years on the same terms. The DFSC had advised the Council that it wished to extend the lease.

The Leisure and Community Development Manager advised of a number of amendments required to the lease to ensure matters such as ground maintenance were done correctly and provision was made for the sports being used.

Councillor Miss M R Lewis the Council's representative on the DFSC provided the Committee with further background information regarding the Club, its use, funding and urged the Committee to accept the recommendations set out in the report. She requested that the Council consider issuing a letter of intent. This was duly agreed.

In response to a question, the Director of Customers and Community confirmed that details of the DFSC aspiration and expansion needs along with ensuring that car parking was catered for could be included.

## RESOLVED

- (i) that Officers are authorised to negotiate with the Drapers Farm Sports Club ahead of the expiration of their existing lease to:
  - (a) clarify the requirements on the Council in terms of grounds maintenance; and
  - (b) explore the potential for a clause that allows the club to expand into new land if it became available in the future.
- (ii) that the Committee receives a further report on the outcomes of negotiations;
- (iii) that a letter of intent to extend the lease with Drapers Farm Sports Club be issued by the Council.

### 1133. WASTE CONTRACT UPDATE

The Committee considered the report of the Director of Customers and Community updating Members on the mobilisation of the new waste and recycling collection service.

The Director of Customers and Community introduced Ms Carol Love, Waste and Street Scene Manager to the Committee.

The report provided an update in relation to a number of activities in preparation for the new service. The Waste and Street Scene Manager provided Members with further updates which had taken place since the production of the report:

- **Container Procurement** – The Council had received stock of the larger bins for flats, black sacks, food caddies with everything else being on track to arrive at the Blackwater Trading Estate week commencing 25 April 2016.
- **Container distribution** – A distribution site at Blackwater Trading Estate had been secured for a two month period starting 18 April and Jett Distribution (a distribution company) had been appointed to deliver the bins, recycling sacks, food bin liners and information packs to residents. Preparation of the new site was due to take place week commencing 18 April and Jett Distribution would be on site the week after this to off load the storage containers.
- **Staffing** – A fully trained team of staff were now in place dealing with customer enquiries both over the telephone and face to face. These staff were also visiting customers who felt they needed more help etc. It was noted that the Customer Contact Centre had seen an increase in calls with particular requests from customers following receipt of the information letter for smaller bins.
- **Collaborative Organisational Resource Environment (Core)** – The Council and Suez had created bespoke software to facilitate communications between both the Council and Suez. Suez had been carrying out training for staff with positive feedback and the system was due to go live the week commencing 18 April 2016.



- **New Routes** – New routes had been compiled in consultation with staff following the change from June 2016 to a four day working week. A map would be distributed to Members and made available on the website detailing these.
- **Further work** – A calendar of information had been finalised and would be delivered with new bins along with stickers for each bin. A number of events had been planned (some had taken place) to engage with local residents and Appendix 1 to the report provided a list of these. Members would shortly receive an update which would include the information booklet, sample of the calendar, updated Frequently Asked Questions etc.
- **Depot works** – Members were advised that works were nearly completed. Suez would be holding employee consultation forums to which a Member of the Council would attend to receive feedback as well as provide feedback to the crews.

In response to questions, the Waste and Street Scene Manager informed Members that there had been few letters of complaint but that the Council had responded to any such letters. It was requested that if a complaint was raised that this be copied to all Members for information and in response the Director of Customers and Community advised that he would arrange for a file of any such letters to be placed in the Members' Room.

**RESOLVED** that the progress of the new waste and recycling collection service be noted.

#### 1134. **MARKETS UPDATE**

The Committee considered the report of the Director of Customers and Community updating Members on current arrangements for Markets within the District and to set out a proposal regarding future market provision.

Details of the three markets that the Council currently provided were set out in the report along with an update for each market, with the following information provided:

- **Butt Lane Market** – It was noted that planning permission for this market ran out on 31 August 2016. Whilst the Thursday market was growing the Saturday market only had a few regular stalls. Members were asked to consider ceasing arrangements for a Saturday market in Butt Lane Car Park, noting that should a viable business case be brought in the future this decision could be re-visited.
- **High Street, Burnham-on-Crouch** – A tendering process had been undertaken and a permanent contractor appointed.
- **Promenade Park Bank Holiday Markets** – The contract for this market was due to expire in summer 2016. Members were asked to consider expanding the market to additional Sundays throughout the year which had the potential to attract more visitors to Maldon and the Promenade Park.

Councillor M S Heard proposed that recommendation (iii) in respect of the Butt Lane Saturday Market be amended to limit the size of the Saturday market to three stalls.

Members discussed the Butt Lane Saturday market and some concern was raised in respect of the proposal from Councillor Heard and limiting the number of stalls. In response to a question regarding the classification of a market (in respect of the number of stalls), the Director of Customers and Community advised that he would speak to the external operators regarding this.

Following further discussion the proposition in the name of Councillor Heard was not supported.

The Director of Customers and Community suggested that recommendation (iii) be amended, deleting all words after Thursday and an additional recommendation be added that Officers enter into negotiation for a lease for single trading unit at Butt Lane Car Park. In response to a question in respect of the number of car parking spaces therefore required on a Saturday, the Leisure and Community Development Manager advised that three should be sufficient. The revised recommendation with inclusion of three car parking spaces was agreed.

#### **RESOLVED**

- i) that Committee notes the update on Market provision;
- ii) that the Committee requests Officers to include Sunday Markets as an option in the tendering process for the 2017 / 18 Promenade Park Markets Tender;
- iii) that the Committee requests Officers tender for a two year contract for a Maldon Market on a Thursday;
- iv) that Officers enter into negotiation for a lease for single trading unit at Butt Lane Car Park on a Saturday.
- v) that Planning Permission is sought Maldon Market for the next two years in the Butt Lane Car Park on a Thursday.

#### **1135. DEMENTIA ACTION ALLIANCE GROUP**

The Committee considered the report of the Director of Customers and Community seeking Members' support to form a Dementia Action Alliance Group (DAAG) in order for the District to be recognised as a Dementia Friendly Community (DFC). The report also sought for a Member to be nominated from this Committee to represent the Council on the DAAG.

The report provided background information to the Alzheimer Society's five year strategy and providing some detailed findings from people with dementia which covered their experiences of living in their community and the changes that they would like to see in place. Members were asked to consider the formation of a Dementia Action Alliance Group which would help create a Dementia Friend Environment along with helping people in the community who suffer from dementia.

The Chairman introduced the Committee to Alice Burlington, Community Safety Development Officer.

The Community Safety Development Officer advised that the Dementia Alliance Action Group would work as an information group for partner agencies as well as being task driven. In response to a question, it was confirmed that funding would be required and the Officer highlighted existing budgets along with external funding that may be available.

The recommendations as set out in the report were agreed and Councillor Mrs B D Harker with Councillor M F L Durham as her named substitute was appointed at the Council's representative for the Maldon District Dementia Action Alliance.

## **RESOLVED**

- (i) that Members note the contents of the report.
- (ii) that the Committee request Officers to form a Dementia Action Alliance Group for the Maldon District.
- (iii) that the Councillor Mrs B D Harker be appointed as the Council's representative for the Maldon District Dementia Action Alliance with Councillor M F L Durham as her named substitute.

Councillor Miss S White joined the meeting during this item of business.

## **1136. AFFORDABLE RURAL HOUSING**

The Committee considered the report of the Director of Planning and Regulatory Services proposing changes to the approach taken by the Council for developing affordable housing in rural areas in particular the role of the Rural Community Council for Essex (RCCE).

The report provided a detailed update regarding the following:

- **Rural Housing Task Group** – Established in 2009 to encourage closer working between the RCCE, local parishes and partnership housing associations the Group had been an effective but required considerable support in terms of Officer and Member time on occasions.
- **Allocated Sites** - An increase in the number of allocated sites had added to the workload of the Council's Strategic Housing Service which questioned the feasibility of supporting this new work-stream whilst maintaining a programme of rural housing. It was noted that priority was given to supporting delivery of the Local Development Plan which may through its rural allocation of homes achieve or exceed the supply of affordable housing in more rural parts of the District.
- **Policy H5** (of the submitted Local Development Plan) – This allowed for the development of homes for sale on exception sites and Officers would continue to provide support in response to these opportunities.
- **Future of the Rural Housing Task Group** – Taking into account the need to make best use of resources, linked to outcomes, the report suggested that the Rural Housing Task Group cease to operate and the Council withdraws from its formal partnering with the work of the RCCE's Rural Housing Enabler, saving

£1,000 per year. Members were advised that the Strategic Housing Service would continue to support local parishes and also promote the RCCE but no longer make a financial contribution towards their post of a rural housing enabler.

The Director of Customers and Community advised that if the Committee were mindful to agree the recommendation as set out in the report they would need to make a recommendation to the Council as the Rural Housing Task Group was appointed by the Council. This was noted.

**RECOMMENDED** that the cessation of the Rural Housing Task Group be approved and notice be given to the Rural Community Council for Essex that the Council will no longer financially contribute or directly benefit from the work of their Rural Housing Enabler.

#### **1137. CONSULTATION ON FIRE AND RESCUE SERVICES - LEADING THE WAY TO A SAFER ESSEX 2016 - 2020**

The Committee considered the report of the Director of Customers and Community updating the Committee on a second stage consultation with Essex County Fire and Rescue Service (ECFRS) into the future provision of Fire and Rescue Services in Essex, Southend and Thurrock. The consultation was attached as Appendix 1 to the report.

It was noted that the options proposed in this second stage consultation contained a proposal to remove the Pinzgauer 6 x 6 Fire Appliance from Burnham-on-Crouch. The report advised that loss of this appliance would be a serious loss to the area reducing the capability and effectiveness of fire cover. The Council believed the existing capability should be retained and this had been included in the Council's proposed response to the consultation set out in the report.

The Director of Customers and Community outlined the fire appliance which had been identified for replacement advising that the ECFRS document was not clear if the Burnham-on-Crouch (BOC) appliance would be replaced in the future. It was noted that the BOC appliance required a specialist driver which it was understood had inhibited its use. Further comments were raised regarding the need for such a vehicle, particularly in respect of accessing farms and other rural areas. The Director of Customers and Community advised that he would ensure that this was covered in the response to the consultation.

Councillor R Pratt advised that as a BOC Ward Member he had been lobbied by South Woodham Ferrers Fire Service (who were drawn on to cover the District) regarding its change of crewing arrangements which in his opinion would affect the District, particularly the Dengie peninsular. A number of concerns were raised regarding this change, particularly:

- the sharing of services with Chelmsford;
- the reduced service (day time cover only);
- the impact such changes would have to response times, particularly those in the more remote parts of the District.

- whether the vehicle at BOC could be replaced as two appliances could assist with cover.

In response the Director of Customers and Community suggested that the second bullet point of recommendation (ii) be amended to request that ECFRS look at other partnership arrangements to resume cover to the District and that the Council include in its response that the current level of fire cover should be retained in BOC. This was agreed along with the addition of a further point regarding the fire appliance at Burnham-on-Crouch.

## **RESOLVED**

- (i) that the proposals for future Fire Service provision as set out within the document 'Leading the Way to a Safer Essex 2016-2020' (Appendix 1 to the report), be considered;
- (ii) that the Council's proposed response to the Essex County Fire and Rescue Service consultation, as set out below, be agreed.
  - Maldon District Council has reviewed the three options contained within the second stage of consultation. The Council is concerned at the proposed loss of the Pinzgauer 6x6 Fire Appliance from Burnham on Crouch. The Burnham-on-Crouch Fire Station (along with Tillingham) provides fire cover for the Dengie Peninsula. The appliance serves a relatively remote and predominantly rural community. The existing appliance has the capability to reach remote areas (including farmland) away from the highway. The loss of this capability is of serious concern to the Council and Essex County Fire and Rescue Service are urged to maintain this capability within the Maldon District.
  - The Council believes due to the remoteness of the area if the specialist fire engine was removed from Burnham-on-Crouch and not replaced like for like a second 'normal' appliance should be stationed at Burnham-on-Crouch.
  - In addition, the Council is concerned over the impact of the change of crewing arrangements at South Woodham Ferrers upon the Dengie Peninsular. The change from 'day crew' to 'on call' may reduce availability of fire cover for the Maldon District if crews were not available to respond.

## **1138. BUSINESS PLAN 2016 / 17 - DIRECTORATE OF CUSTOMERS AND COMMUNITY INCLUDING PRESENTATION ON HEALTH AND WELLBEING**

The Committee considered the report of the Director of Customers and Community seeking Members' approval of the Level 1 Business Plan 2016 / 17 for the Directorate of Customers and Community (attached as Appendix 1 to the report).

The report reminded Members that the existing Corporate Plan for the period 2015 – 2019 was agreed in February 2015. The Plan was a strategic document that set out the

vision and corporate goals that the Council had agreed to focus on over the four year period along with a suite of high level outcomes associated with each goal.

The Level 1 Business Plan contained information regarding all Directorates of the Council to avoid duplication which had occurred in previous years when reporting business plans. Members particular attention was drawn to pages 5 – 22 which provided the priorities and targets within the Customers and Community Directorates for the next 12 months.

The Director of Customers and Community gave a short presentation to Members highlighting some of the work undertaken by his team along with the Public Health Priorities for Maldon during 2016 / 17. It was noted that the proposed main priorities for Maldon during 2016 / 17 were obesity (child and adult), older adult's health and education. In response to the presentation, some concerns were raised regarding the statistics detailing child poverty in the District being above the national average and Community Agents. The Director of Customers and Community agreed to circulate a copy of the presentation to all Members.

**RESOLVED** that the part of the Business Plan for the Directorate of Customers and Community for 2016 / 17 (Appendix 1 to the report pages 5 - 22) be agreed.

#### **1139. CUSTOMER STRATEGY**

The Committee received the report of the Director of Customers and Community presenting the Draft Customer Strategy (attached at Appendix 1 to the report) approved by the Council on 7 April 2016 and seeking comments from Members.

It was noted that the proposed draft Customer Strategy together with the approved IT Strategy would shape the way in which the Council delivered services to its customers for the next four years, setting a clear vision for customers, staff and partners. A customer and stakeholder consultation on the draft Customer Strategy would take place before the final Strategy was brought back for final approval by Members.

In response to a number of questions, the Customers Manager outlined the different ways used to record customer numbers and advised that that new system was also being implemented.

Members were invited to advise the Customers Manager of any comments they may have on the Draft Customer Strategy.

#### **RESOLVED**

- (i) that Members' note the contents of the report;
- (ii) that Members comments are invited to feed into the final Customer Strategy.

#### **1140. ESSEX COUNTYWIDE TRAVELLER COMMITTEE AND TRAVELLER UNIT**

The Committee considered the report of the Director of Planning and Regulatory Services advising Members of changes to the Essex Countrywide Traveller Committee Agreement and seeking approval to renew the Council's membership arrangements.

It was noted that the Essex Countrywide Traveller Unit provided an innovative and effective control over unauthorised encampments with the added benefit of outreach work aimed at improving the health and wellbeing of the traveller community. The original three year agreement signed by the Council had now expired and a new agreement drawn up by Essex County Council. Members were asked to consider agreeing the proposed renewal of this under the updated agreement arrangement (attached as Appendix 1 to the report).

A number of concerns were raised regarding the proposal, in particular there being no proportionality in the proposed costs as it was felt some Authorities would have greater need and be of a larger area than others.

The Environmental Health and Licensing Manager advised that other Councils had a cabinet Member on the Essex Countrywide Traveller Committee all of which had signed up to maintain the unit and therefore it was unlikely that any further changes would be agreed at this point.

In response to a question, the Environmental Health and Licensing Manager advised that between 2013 and 2015 there had been nine unauthorised encampments in the Maldon District which were reported to the unit, investigated by them and where appropriate enforcement action taken.

Following further debate the Chairman put the recommendation as set out in the report which was agreed.

In response to a request, it was agreed that Members would be provided with information regarding the usage of the unit, the use of monies involved, a list of those two sites within Maldon referred to and those sites where involvement was not agreed.

**RECOMMENDED** that the Council's membership of the Essex Countrywide Traveller Committee be renewed through the signing of the Essex Countrywide Traveller Committee Agreement 2015 (as set out in **APPENDIX 2** to these Minutes).

Councillor J V Keyes left the meeting during this item of business and did not return.

#### **1141. COASTAL COMMUNITY TEAMS**

The Committee received the following reference from the Planning and Licensing Committee held on 3 March 2016:

*"that the Community Services Committee be asked to consider that the Chairman and Vice-Chairman of the Community Services Committee or his / her substitute be nominated to join the Management Team of the Maldon and Blackwater Estuary*



*Coastal Community Team*” (Report of the Director of Planning and Regulatory Services).

Councillor R Pratt raised concern that this Committee was not being asked to also have representation on the River Crouch Coastal Community Team and suggested that the Community Services Committee make that recommendation. In response, the Director of Customers and Community suggested that if this Committee was mindful to agree this it be in the form of a recommendation back to the Planning and Licensing Committee. The Committee agreed that they recommend to the Planning and Licensing Committee that the Community Services Committee also have the same representation on the River Crouch Coastal Community Team.

#### **RESOLVED**

- (i) that the Chairman and Vice-Chairman of the Community Services Committee or his / her substitute be nominated to join the Management Team of the Maldon and Blackwater Estuary Coastal Community Team;
- (ii) that the Planning and Licensing Committee be recommended to consider the Community Services Committee having the same representation on the River Crouch Coastal Community Team as for the Maldon and Blackwater Estuary Coastal Community Team.

#### **1142. EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED** that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

#### **1143. CEMETERIES TASK AND FINISH GROUP UPDATE**

The Committee considered the report of the Director of Customers and Community updating Members on progress made by the Maldon Cemetery Task and Finish Group and also sought Members’ approval in respect of other actions relating to the cemetery.

The report provided background information and an update on the work carried out by the Maldon Cemetery Task and Finish Group. The capacity of the Maldon Cemetery was set out in the report along with the need for the Council to consider acquiring land to extend the site.

Following a discussion, it was agreed that the recommendation be amended to include reference to a crematorium.

**RESOLVED** that Officers are authorised to undertake the necessary actions as set out in 2.2.4 of the report to progress investigations into future Cemetery and Crematorium provision.



Prior to closing the meeting, the Chairman thanked the Committee for its work during the municipal year as this was the last meeting of the municipal year. There being no further items of business, the Chairman closed the meeting at 10:00pm.

There being no further items of business the Chairman closed the meeting at 10.00 pm

R PRATT  
CHAIRMAN

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**MINUTES of  
OVERVIEW AND SCRUTINY COMMITTEE  
13 APRIL 2016**

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**PRESENT**

Chairman	Councillor A S Fluker
Vice-Chairman	Councillor S J Savage
Councillors	H M Bass, Mrs P A Channer, CC, R P F Dewick, M S Heard, and M W Helm
Substitute Member	Councillor Mrs M E Thompson
In attendance	Councillor R G Boyce MBE CC

**1144. CHAIRMAN'S NOTICES**

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

**1145. APOLOGY FOR ABSENCE AND SUBSTITUTION NOTICE**

An apology for absence was received from Councillor E L Bamford and in accordance with notice duly given it was noted that Councillor Mrs M E Thompson was attending as a substitute for Councillor Bamford.

**1146. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Overview and Scrutiny Committee held on 10 February 2016 be received and confirmed.

**1147. PUBLIC PARTICIPATION**

There was none.

**1148. DISCLOSURE OF INTEREST**

Councillor H M Bass disclosed in the interest of openness and transparency that his wife was employed in the education sector but not in this District.

Councillor Mrs P A Channer disclosed a non-pecuniary interest as an Essex County Councillor in any matters relating to the County Council, specifically Agenda Item 6 –

Primary School Education in the Maldon District. In relation to Agenda Item 11 – Stow Maries Aerodrome she declared that she was Divisional Member for Stow Maries.

Councillor A S Fluker declared a pecuniary interest in relation to Agenda Item 11 – Stow Maries Aerodrome that he was a Director and Trustee of Stow Maries Aerodrome and a Director of Stow Maries Trading Limited and advised that he would take no part in this part of the meeting.

Councillor Mrs M E Thompson joined the meeting during this item of business.

#### **1149. PRIMARY SCHOOL EDUCATION IN THE MALDON DISTRICT**

The Committee received the report of the Director of Customers and Community providing background information in connection with the planned scrutiny of primary school education in the Maldon District. Members were made aware that this scrutiny topic had been added to the Committees workplan in January 2016 and the purpose of that scrutiny was set out in the report.

It was reported that there were 19 primary schools in the District and Appendix 1 to the report provided context data for these schools (with the exception of one which was an independent fee-paying school) and some definition of terminology. Appendix 2 to the report outlined the emerging areas for improvement and these were summarised in the report.

It was suggested to enable scrutiny of primary school education performance that representatives from Essex County Council be invited to a future meeting of the Committee. The report suggested that the representatives invited were Claire Kershaw, Head of Commissioning Education and Lifelong Learning from Essex County Council and Reverend Tim Elbourne, Director of Education at Chelmsford Diocese. In response to a question regarding inviting a representative from the Catholic Church it was clarified that it had been decided it would be unfair for a single school to be represented.

Councillor H M Bass the lead Member for this item of scrutiny highlighted the work carried out by Officers. He advised that it should not be the intention of the Committee to pinpoint any particular school but look at primary school education in the District as a whole. Councillor Bass referred to good quality education being a good start to the economic prosperity of the District.

It was requested that the Director of Customers and Community look at carrying out some benchmarking in respect of the figures presented to the Committee against those for previous years.

Concerns were raised in relation to the information set out in Appendix 2 to the report and in particular, the reported figures which showed the Maldon District's ranking against other Local Authorities.

Members discussed Ofsted trends for Primary Schools and noted the number of schools classed as outstanding, good and requiring improvement.

The Director of Customers and Community gave a short presentation to Members highlighting the Public Health Priorities for Maldon during 2016 / 17. The purpose of the presentation was to highlight the link between educational attainment and health outcomes later in life. It was noted that the proposed main priorities for Maldon during 2016 / 17 were obesity (child and adult), older adults' health and education (primary, secondary and further education). Members were informed that when the Director for Public Health gave a presentation to the Community Services Committee he had identified that his number one priority for health was education. Members discussed the presentation and a number of points of clarification and questions were raised and in response the following information was provided:

- The figures within the report and presentation were up to date but the Director of Customers and Community would request for the next presentation that the Council receive the level of detail to show the direction of travel.
- In response to a suggestion that the Council consider approaching Essex and Suffolk Water to see if they might be able to offer some funding towards the provision of water fountains and encouraging children to drink water, Members were advised that this was not something that had been thought of but if the Council could find commercial partners to support it that would be beneficial.
- The presentation provided information regarding deprivation and in particular child poverty and older people. Members were advised that figures set out in the presentation had come from an Essex County Council document. The Director of Customers and Community clarified he would arrange for this background document to be circulated following the meeting.
- The Director of Customers and Community clarified that it was likely that the three areas of focus in relation to older adults (as shown in the presentation) were influenced by the higher cluster of elderly persons in these areas, perhaps due to residential homes, Almshouses etc. He also agreed to circulate the definition used in respect of 'older person's deprivation'.
- In respect of the percentage of children overweight or obese in reception and year six in Maldon, the Director of Customers and Community advised he would seek clarification as to how this was calculated but suspected it was by Body Mass Index.

A Member drew attention to a recent news article where a Council was seeking to charge for Park Runs and in response the Director of Customers and Community confirmed that the Promenade Park was a public park free to use by everybody. He referred to the current arrangements that the Council had with the organisers of Park Runs, how it was in the Council's interest to get people fit and out and about in the District and there was no plan to introduce any charges for such events.

Councillor Mrs P A Channer disclosed an interest in Almshouses.

Following a lengthy debate the Chairman referred Members to the recommendations as set out in the report which were agreed.

## **RESOLVED**

- (i) that the Committee comment on the proposed purpose and scope of any such review;

- (ii) that the Committee invites Claire Kershaw, Head of Commissioning Education and Lifelong Learning from Essex County Council and Reverend Tim Elbourne, Director of Education from Chelmsford Diocese to a future meeting of this Committee to facilitate the scrutiny of primary education within the Maldon District;
- (iii) that this item of scrutiny be added to the 2016 / 17 Overview and Scrutiny Committee Workplan for consideration.

Councillor R G Boyce joined the meeting during this item of business.

## **1150. USE OF MICROPHONES AND SOUND RECORDING EQUIPMENT**

The Committee received the report of the Director of Resources providing an update to Members on the use of microphones and sound recording equipment.

Following the decision by this Committee in June 2015 and discussions between the Chairman of the Committee and Officers had been agreed that this was not a matter for the Corporate Governance Working Group. The report provided an update in respect of the following points:

- Committee Clerks' Contemporaneous Notes – Members noted that the Minutes remained the official record.
- Production of Minutes – The Legal and Democratic Services Manager advised that the Committee Services Team was trialling a new process to improve the production and final publication of Minutes.
- Use of microphones and sound recording equipment – Appendix 1 to the report detailed the operating protocol agreed for the trial of the use of sound recording equipment. It was clarified that any comments raised at the meeting would be fed back to the Committee Services Manager.

In response to a question regarding the items of scrutiny set out in the report the Chairman referred to the Minutes of this Committee on 10 June 2015 and the resolution which set out the matters to be considered.

Members discussed the report and related appendix and the following comments were made and information provided by Officers:

- Committee Clerks' Contemporaneous Notes – The Legal and Democratic Services Manager clarified that ultimately no material detail was put into any draft / skeleton Minutes ahead of a meeting taking place.
- Production of Minutes – In response to a question regarding the proportionality of time given for Officers and then the Chairman to approve Minutes within seven working days, the Legal and Democratic Services Manager provided information in relation to this target which she felt ambitious. Members were advised that following feedback from Officers and Chairmen the target for Minutes may be reviewed which could allow further time for Chairman's approval.

- Use of microphones and sound recording equipment – The Legal and Democratic Services Team were looking to trial a new type of sound recording equipment and if this was to be brought forward a report would be considered by the Finance and Corporate Services Committee.

In response to a question, the Legal and Democratic Services Manager clarified that the quality of sound recordings and reproduction of recordings was currently being reviewed.

Councillor S J Savage proposed that a timescale be included in the operating protocol regarding the publication of sound recordings onto the Council's website and if these timescales were not met then reasons should be given. He suggested that sound recordings should be made available within three working days.

Following discussion, it was agreed that an amendment be made to item 10 of Appendix 1 so that it reads "Recordings *or parts thereof* can be removed..." and if this did occur the Chairman of the Committee should be informed.

There was some debate regarding item 8 of Appendix 1, particularly in relation to whether the private and confidential section of a meeting should be recorded for reference purposes only. The Monitoring Officer provided guidance in respect of this advising that she would advise against recording private and confidential sessions. The Committee debated this point and it was agreed that the Monitoring Officer would bring forward a report on this matter to a future meeting of the Committee.

In response to a comment, the Monitoring Officer clarified that Minutes were the official record of a meeting and any recording was purely just a recording.

In response to a comment regarding the quality of the Council's CCTV recording compared with those at Braintree and Colchester Councils, the Legal and Democratic Services Manager advised that she could not comment on the quality as she had not viewed the other Councils' CCTV footage but would endeavour to do so.

## **RESOLVED**

- (i) that the contents of the report be noted;
- (ii) that the Monitoring Officer bring forward a report on the recording of private and confidential sessions to a future meeting of the Committee;
- (iii) that the draft Protocol for the Use of Sound Recording Equipment at Council meetings (**APPENDIX 1** to these Minutes) is amended with the views of this Committee;
- (iv) that subject to (iii) above the Finance and Corporate Services Committee be recommended to consider the draft Protocol for the Use of Sound Recording Equipment at Council meetings.

## 1151. ANY OTHER ITEMS OF SCRUTINY MEMBERS WISH TO CONSIDER

Councillor S J Savage referred to the Secretary of State (SoS) having been asked in May 2015 by this Council to call-in the Council's Local Development Plan (LDP) for approval. He drew Members' attention to the length of time taken for a response to the call-in from the SoS. It was noted that a new inspector (Mr Berkeley) had now been instructed to examine the work of the original inspector (Mr Vickery) and recommend to the SoS whether to grant approval of the Council's LDP. Councillor Savage felt that the Committee should examine this decision and proposed that:

- "we consider the reasons behind decision of the Chief Executive to ask the SoS to call in LDP and why it was not felt wise to delay the 'call-in' by at most a couple of days in order to allow the full Council to make the 'call-in' decision.
- consideration is given to the written and verbal responses of both Mr Vickery and Mr Berkeley to determine whether the call in decision of the Chief Executive has effectively wasted the last 11 months in completing the LDP."

He also proposed that this be added to the Committees workplan for 2016 / 17. This proposal was duly seconded.

The Chairman referred to a recent training event he had attended with the Monitoring Officer and Deputy Monitoring Officer where it had been ascertained that if a Council had a long procurement process within which there were definable gateway review points then these points could be scrutinised. In response, the Monitoring Officer confirmed that she had attended the training event where an example of such scrutiny was discussed, specifically in relation to the procurement of a waste function.

At the request of other Members, Councillor Savage passed round the handwritten details of his proposition.

The Committee discussed the proposal and a number of Members raised concern in particular regarding its possible prematurity given that a final decision from the SoS was still outstanding. The second part of the proposition was questioned and concerns highlighted in relation to the impact it may have on the current investigation being undertaken by Mr Berkeley (on behalf of the SoS).

Following further debate Councillor Savage advised that he wished to withdraw the second part of his proposition. This was duly noted.

In response to comments raised, the Legal and Democratic Services Manager advised that she agreed it would be difficult to ask someone who was carrying out an independent investigation into a matter at this juncture to make any pronouncement about something that has gone before as it would prejudice the current investigation. She also drew Members' attention to the fact that the letter received from the SoS which had supported the request from this Council to call-in the LDP.

Further debate ensued. At the request of the Chairman, Councillor Savage clarified his proposition, making a further minor amendment (as follows):

- that we *scrutinise* the reasons behind decision of the Chief Executive to ask the SoS to call in LDP and why it was not felt wise to delay the 'call in' by at most a



couple of days in order to allow the full Council to make the 'call-in' decision and that this be added to the 2016 / 17 Workplan.

The Chairman then put the proposal in the name of Councillor Savage to the Committee. There being an equality of votes the Chairman exercised his casting vote in support of the proposal.

**RESOLVED**

- (i) that the Committee scrutinise the reasons behind decision of the Chief Executive to ask the Secretary of State to call in LDP and why it was not felt wise to delay the 'call-in' by at most a couple of days in order to allow the full Council to make the 'call-in' decision;
- (ii) that the above item of scrutiny be added to the 2016 / 17 Workplan.

**1152. EXCLUSION OF THE PUBLIC AND PRESS**

In response to a question, the Director of Resources clarified that this item of business contained information that was confidential on a commercial basis and therefore should be considered in private session. This was noted.

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

In accordance with his earlier declaration Councillor A S Fluker left the chamber at this point and did not return.

IN THE CHAIR: COUNCILLOR S J SAVAGE

**1153. STOW MARIES AERODROME**

Councillor Mrs P A Channer advised that she had declared an interest in this item of business as Divisional Member for Stow Maries, and also declared at this point that in respect of the loan monies she had been working along with other Members and involved in meetings with Essex County Council that may have lead the District and County Council agreeing to loan monies to Stow Maies Great War Aerodrome.

The Committee received the report of the Director of Resources providing an update to the Committee following its agreement to carry out scrutiny in respect of Stow Maries Aerodrome.

The report provided background information regarding Stow Maries and the Council's decision in 2013 to support the acquisition of Stow Maries Aerodrome. Appendices 1 and 2 to the report detailed the latest accounts and management accounts received by the Council.

It was noted that Councillor M S Heard was the Member sponsor for this item of scrutiny.

A lengthy debate ensued. In response to questions around recommendation (ii) to consider inviting a representative from Stow Maries Great War Aerodrome to attend a future meeting of the question, the Director of Resources suggested that if Members were mindful to agree this recommendation she could work with Councillor Heard and the Committee to identify a list of questions to be raised.

Councillor M S Heard proposed that recommendation (ii) be amended to read “...to *demonstrate* their business plan *and discuss their ability to repay the Maldon District Council loan* with a particular focus...”.

Following further debate Councillor H M Bass raised a number of points of order, proposing that the vote be put. These were duly seconded.

The Chairman put recommendation (i) as set out on the report and recommendation (ii) as amendment to the Committee and these were duly agreed.

Councillor Savage proposed that a further recommendation be added requesting that Internal Audit be asked to review whether the Council had acted properly when making the grant to Stow Maries Great War Aerodrome bearing in mind that the agreement was not in place before the payment was made. Following further discussions Councillor Savage withdrew his proposal advising that he would discuss the matter with the Section 151 Officer and Councillor Heard and report back if required. In response the Director of Resources advised that if there were any problems arising from discussions with Councillors Heard and Savage these would be brought back to the Committee.

## **RESOLVED**

- (i) that the contents of the report be noted;
- (ii) that a representative from Stow Maries Great War Aerodrome Limited be invited to attend a future meeting of the Committee to demonstrate their sustainable business plan and discuss their ability to repay the Maldon District Council loan; with particular focus on how they were planning to generate more income in the longer term and their long term vision on the Stow Maries Aerodrome.

There being no further items of business the Vice-Chairman closed the meeting at 9.51 pm

A S FLUKER  
CHAIRMAN



**MINUTES of  
PLANNING AND LICENSING COMMITTEE  
18 APRIL 2016**

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**PRESENT**

Chairman	Councillor Mrs P A Channer, CC
Vice-Chairman	Councillor Mrs M E Thompson
Councillors	H M Bass, R G Boyce MBE, CC, P G L Elliott, A K M St. Joseph, Mrs H E Elliott, A S Fluker and J V Keyes
Substitute Members	Councillors Mrs H E Elliott, A S Fluker and J V Keyes

**1154. CHAIRMAN'S NOTICES**

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

**1155. APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillors E L Bamford, B S Beale MBE, M F L Durham, Miss M R Lewis and S J Savage.

In accordance with notice duly given Councillor Mrs H E Elliott was attending as a substitute for Councillor Miss Lewis, Councillor A S Fluker as a substitute for Councillor Savage and Councillor J V Keyes as a substitute for Councillor Bamford.

**1156. MINUTES OF THE LAST MEETING**

**RESOLVED**

- (i) that the Minutes of the meeting of the Committee held on 3 March 2016, be received.

**Minute 8 – Bradwell Legacy Partnership – Terms of Reference and Project Opportunities 2016 / 17**

The Chairman highlighted two areas on this Minute which needed amendment as follows:

- Page 72 third paragraph – “The Chairman suggested that *perhaps* consideration should be given to whether the Ward Member for Bradwell or their substitute be added *to the Council’s representatives* on the proposed Core Membership of the BLP.

- Page 72 final paragraph – “In response to discussions regarding removal of the Burnham-on-Crouch Town Council representative, the Chairman suggested that if the proposal of the Committee for removal of Burnham-on-Crouch Town Council was not agreed that Maldon District Council has two representatives from the Dengie on the BLP, one of which should be the Bradwell Ward Member (or their substitute).”

## **RESOLVED**

- (ii) that subject to the above amendments that the Minutes of the Planning and Licensing Committee held on 3 March 2016 be approved and confirmed.

## **1157. DISCLOSURE OF INTEREST**

Councillor R G Boyce declared a non-pecuniary interest in the following items of business as a Member of Essex County Council:

- Agenda Item 7 – Economic Development Update
- Agenda Item 9 – Essex County Council Developer Contribution Guide
- Agenda Item 10 – The Implementation of Policies H1 and H2 for Affordable Housing
- Agenda Item 16 – Superfast Broadband in the Maldon District

He also declared in respect of Agenda Items 10 and 16 he was Chairman of an Almshouse Trust.

Councillor J V Keyes declared a non-pecuniary interest in Agenda Item 6 – FUL/MAL/16/00026 Vaulty Manor, Goldhanger Road as he knew the owners.

Councillor A S Fluker declared in the interest of openness and transparency in relation to Agenda Item 6 – FUL/MAL/16/00026 Vaulty Manor, Goldhanger Road that he knew the Agent.

Councillor Mrs P A Channer declared a non-pecuniary interest in the following items of business as a Member of Essex County Council:

- Agenda Item 6 – FUL/MAL/16/00026 Vaulty Manor, Goldhanger Road
- Agenda Item 7 – Economic Development Update
- Agenda Item 9 – Essex County Council Developer Contribution Guide
- Agenda Item 10 – The Implementation of Policies H1 and H2 for Affordable Housing
- Agenda Item 11 – Technical Consultation on Implementation of Planning Changes
- Agenda Item 12 – Business Plan 2016 / 17 – Directorate of Planning and Regulatory Services
- Agenda Item 16 – Superfast Broadband in the Maldon District

She also declared in respect of Agenda Items 10 and 16 that she was Trustee of an Almshouse Charity. Councillor Mrs Channer advised that for Agenda Item 16 – Superfast Broadband in the Maldon District although having declared a non-pecuniary

interest she would be removing herself from the chair and Councillor Mrs M E Thompson, Vice-Chairman and the Council's lead member on the Superfast Essex Programme Steering Board would be taking the chair.

## 1158. PUBLIC PARTICIPATION

There was none.

## 1159. FUL/MAL/16/00026 - VAULTY MANOR, GOLDHANGER ROAD

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<b>Application Number</b>	<b>FUL/MAL/16/00026</b>
<b>Location</b>	Vaulty Manor, Goldhanger Road, Heybridge
<b>Proposal</b>	Change of use (of the house on the estate site) from (C3) private dwelling house to (C1) hotel/guest house
<b>Applicant</b>	Mr Colin Downie - Osea Campsite Ltd
<b>Agent</b>	Geoffrey Vale - Geoffrey Vale Chartered Architect
<b>Target Decision Date</b>	15.04.2016
<b>Case Officer</b>	Rebecca Greasley
<b>Parish</b>	<b>HEYBRIDGE EAST AND GOLDHANGER</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

It was noted that the application site was within the Parishes of Heybridge East and Goldhanger. In light of this both the Central and North Western Area Planning Committees had considered this application and recommended to the Planning and Licensing Committee that it approve the application subject to the conditions set out in the report.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications.

### **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## **1160. ECONOMIC DEVELOPMENT UPDATE**

The Committee received the report of the Director of Planning and Regulatory Services on Economic Development. It was noted that Economic Development worked towards strengthening and encouraging development of the local economy. It had previously been agreed that a regular report would be submitted to this Committee to update Members and provide an opportunity for feedback and input.

In response to a number of questions, the Director of Planning and Regulatory Services advised that:

- he would speak to Magnox regarding holding a community event in Tollesbury and report back at the next meeting.
- he would ask Officers to check that the Council had been formally consulted on the application for a new nuclear power station at Bradwell and the related time period for response and respond accordingly to Members.

Councillor R G Boyce modified his earlier declaration of interest in relation to this item of business clarifying that he was the Chairman of the Development and Regulatory Committee at Essex County Council which would be the determining Committee in relation to any planning permission at Bradwell.

**RESOLVED** that the contents of the report be noted.

## **1161. CUSTOMER STRATEGY**

The Committee received the report of the Director of Customers and Community detailing and seeking comments on the Draft Customer Strategy (attached as Appendix 1 to the report) which had been approved by the Council.

It was noted that the proposed draft Customer Strategy together with the approved IT Strategy would shape the way in which the Council delivered services to its customers for the next four years, setting a clear vision for customers, staff and partners. A customer and stakeholder consultation on the draft Customer Strategy would take place before the final Strategy was brought back for final approval by Members.

In response to a number of questions, the Customers Manager provided the Committee with further information including:

- historically Authorities had adopted a time in which calls had to be answered. The Customers Manager explained that Authorities were now moving away from this measure, focussing on providing a first time resolution to calls, with a greater focus on customer feedback to measure performance. She advised that a call handling process and call queueing mechanisms were also being investigated as ways of identifying call types and processing them as quickly as possible.
- processes to keep a tally of the number of people visiting the Council were being investigated. It was noted that Officers were looking at installing a customer relationship manager system, which would keep a central record of any contact made with the Council. This was a large IT project which would come forward over the next 18 months.

- although it was difficult to identify contact across Directorates this would be reviewed on an annual basis and Officers were looking to include targets in the action page of the Strategy regarding this.

Members offered their compliments to the Customer Contact Centre staff and the service they provided.

During discussions, Members made the following suggestions for inclusion in the Strategy:

- a summary of proposals for handling telephone calls more effectively Recording the total number of visitors to the Council Office along with the subject of their enquiry.

#### **RESOLVED**

- that the content of the report be noted;
- that the suggestions highlighted above along with any other comments Members may have on the Customer Strategy are fed into the final Strategy.

### **1162. ESSEX COUNTY COUNCIL DEVELOPER CONTRIBUTION GUIDE**

The Committee received the report of the Director of Planning and Regulatory Services presenting the Essex County Council (ECC) Developer Contributions Guide 2015 (Appendix 1 to the report).

Members were advised that the Developers' Contributions Guide detailed standardised requirements for Section 106 and Community Infrastructure Levy (CIL) payments and had been adopted by ECC in November 2015. This replaced the previous 2010 guidance as the relevant material consideration for determination of planning application. The changes were set out in the report.

**RESOLVED** that the updated Essex County Council Developers' Contributions Guide 2015 (Appendix 1 to the report) be noted.

### **1163. THE IMPLEMENTATION OF POLICIES H1 AND H2 FOR AFFORDABLE HOUSING**

The Committee considered the report of the Director of Planning and Regulatory Services introducing a consistent approach to ensure that the future supply of new affordable housing remained effective in response to meeting Objectively Assessed Need.

The report advised that Policy H1 of the Local Development Plan (LDP) stipulated the proportion of affordable homes to be provided for developments above a certain size, ranging from 25 – 40% which took into account local factors which would affect viability. Policy H2 required a 'suitable mix and range of housing' which related to tenure as well as size and type. Both policies were largely influenced by the Council's Strategic Housing Market Assessment (SHMA).

Members were advised that there may be cases where it is not possible to deliver the preferred range of size and tenure and in these cases it was suggested that the Director of Planning and Regulatory Services and Strategic Housing Manager review these on a scheme by scheme basis.

The Committee was provided with the following information by Officers, in response to a number of questions:

- the Older Persons Strategy agreed by the Community Services Committee included requirements for older person housing. It was noted that older people were not defined by an age but this was a state of being and policy H2 sought to achieve a better balance of housing to meet needs.
- any changes brought in by the Housing and Planning Bill would be identified and brought back to the relevant Committees / the Council as necessary.

Following discussion it was agreed that an additional recommendation be added requesting that appropriate monitoring and reporting back to the Planning and Licensing Committee and Community Services Committee (where appropriate) be developed by the Director of Planning and Regulatory Services on a six monthly basis.

#### **RESOLVED**

- (i) that whilst the tenure of affordable housing should reflect the requirements of the Strategic Housing Market Assessment (SHMA) this may be varied in cases where the Strategic Housing Manager is satisfied that any variation is necessary in meeting local housing requirements with the approval of the Director of Planning and Regulatory Services;
- (ii) that in relation to (i) above, appropriate monitoring and reporting back to the Planning and Licensing Committee and Community Services Committee (where appropriate) be developed by the Director of Planning and Regulatory Services on a six monthly basis.

#### **1164. TECHNICAL CONSULTATION ON IMPLEMENTATION OF PLANNING CHANGES**

The Committee considered the report of the Director of Planning and Regulatory Services informing Members of the Government's recent 'Technical Consultation on implementation of planning changes' and the Council's submitted response to this (attached at Appendix 1 to the report).

Members were informed that the Government had consulted the Council on changes to the planning system covering a number of areas which were set out in the report. It was noted that the Council's response to the consultation (Appendix 1 to the report) had been agreed with the Chairman and Vice-Chairman of this Committee and submitted to the Department for Communities and Local Government prior to the end of the consultation period (15 April 2016).

In response to a question regarding Section 106 dispute resolutions, the Strategic Planning Manager explained that although there were proposals to introduce this to date no timescales had been given by the Government. He advised that it was unlikely that this would have any implementation on planning applications going through the system.



**RESOLVED** that the summary of the ‘Technical consultation on implementation of planning changes’ and the District Council’s response (attached as Appendix 1 to the report) be noted.

**1165. BUSINESS PLAN 2016 / 17 - DIRECTORATE OF PLANNING AND REGULATORY SERVICES**

The Committee considered the report of the Director of Customers and Community seeking Members’ approval of the Level 1 Business Plan 2016 / 17 for the Directorate of Planning and Regulatory Services (attached as Appendix 1 to the report).

The report reminded Members that the existing Corporate Plan for the period 2015 – 2019 was agreed in February 2015. The Plan was a strategic document that set out the vision and corporate goals that the Council had agreed to focus on over the four year period along with a suite of high level outcomes associated with each goal.

The Level 1 Business Plan contained information regarding all Directorates of the Council to avoid duplication, which had occurred in previous years when reporting business plans. Members’ particular attention was drawn to pages 23 – 39 which provided the priorities and targets within the Planning and Regulatory Services Directorates for the next 12 months.

Councillor Mrs P A Channer reiterated her earlier declaration of interest being a Trustee of an Almshouse Trust.

In response to a query regarding the corporate risk ‘Committee structure not fit for purpose’ and the mitigation action detailed in the Business Plan, the Director of Planning and Regulatory Services advised that this information required further checking and updating. He suggested that this risk be updated in consultation with the Chairman and Vice-Chairman prior to the business plan being reported to the Council. The Committee agreed that this risk should be removed from the business plan until further clarification was available.

In response to concern raised regarding the corporate risk ‘Failure to meet the affordable housing need’ the Director of Planning and Regulatory Services provided details of work being undertaken in respect of viability and assessment of viability including an arrangement with three suppliers to look at viability assessments from new developers and provide advice. Members were advised that areas where there may be changes were dealt with on a case by case basis as applications were received and would be reported to the Committee. The Strategic Housing Manager explained that mitigation was a starting point but that it was prudent to consider alternative actions as well. Concern was raised in respect of the mitigating action detailed in the Business Plan as the Director of Planning and Regulatory Services had made reference earlier in the meeting to work being undertaken in respect of testing viability excuses. It was agreed that the Director of Planning and Regulatory Services would amend the mitigating action in relation to this corporate risk to provide additional information.

Members were advised of legislation (implemented two years ago) which gave an applicant the right to fast track a Section 106 agreement in relation to affordable housing. If a fast track was requested an Authority has four weeks to determine that

proposal otherwise the applicant had the right to appeal. It was noted that the Council was currently process one such application.

The Committee agreed that the following changes be incorporated into the Business Plan:

- **Corporate Risk: Committee structure not fit for purpose** - Removal of this corporate risk (page 39 of the Business Plan) until further clarification was provided.
- **Corporate Risk: Failure to meet the affordable housing needs** – The Director of Planning and Regulatory Services to provide additional information regarding mitigating actions.

In response to a question the Strategic Housing Manager clarified that the mandatory Disabled Facilities Grants now came from Essex County Council instead of the Government. Councillor Mrs P A Channer declared in interest in relation to this matter. It was noted that the Grant had been increased for the current financial year and Officers were waiting clarification in respect of spending arrangement although they were thought likely to follow current arrangements whereby it had to be spent by the end of the following financial year.

**RESOLVED** that the part of the Business Plan for the Directorate of Planning and Regulatory Services for 2016 / 17 (Appendix 1 pages 23 – 39) be agreed, subject to the above amendments.

## **1166. PLANNING POLICY UPDATE**

The Committee considered the report of the Director of Planning and Regulatory Services providing an update summary of events related to the Local Plan evidence base, the Local Development Plan (LDP) and the work being undertaken for delivery of garden suburbs.

The report provided an update in respect of the following areas:

- LDP;
- Site Allocations Development Plan Document Update;
- Notes from 26 February and 7 April Planning Policy Panel meetings.

The Chairman made reference a recent letter received regarding examination of the Community Infrastructure Levy (CIL) advising that the Planning Inspector appointed to examine the Council's LDP would also be inspecting the CIL. The Strategic Planning Manager advised that the Department for Communities and Local Government had indicated that they wanted progress as soon as possible and in response to a question, confirmed that examination of CIL would follow on closely from examination of the LDP.

In response to a question regarding Membership of the Planning Policy Panel, the Chairman outlined the current Membership as set out in the Council's constitution and the role of the Panel.

**RESOLVED** that the Planning Policy Update outlined in the report, be noted and that at the appropriate time matters for decision will be brought to this Committee.

## **1167. ANY OTHER BUSINESS**

Reference was made at this time to an item Councillor A S Fluker had requested to be raised as urgent business and the Chairman advised Members that following discussion with the Monitoring Officer this was not deemed an urgent matter. Councillor Fluker will be having dialogue with Director of Planning and Regulatory Services regarding the matter.

At this point the Chairman thanked all Members of the Committee and Officers for the hard work over this municipal year and the great support they had given her. Councillor R G Boyce thanked the Chairman for the work she had undertaken as well.

## **1168. EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED** under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

In accordance with her earlier declaration Councillor Mrs P A Channer left the meeting at this point and did not return.

IN THE CHAIR: COUNCILLOR MRS M E THOMPSON

## **1169. SUPERFAST BROADBAND IN THE MALDON DISTRICT**

The Committee received the report of the Director of Planning and Regulatory Services, the purpose of which was to update Members regarding the next phase of the Superfast Essex Broadband Programme following the recommendation of the Finance and Corporate Services Committee on 22 September 2015, and the final decision of the Council on 29 October 2015.

Councillor Mrs M E Thompson declared a non-interest in this item of business as she does not have superfast broadband.

Councillor R G Boyce declared an interest in this item of business as he lived in one of the roads detailed.

Councillor H M Bass proposed that the Committee accept the Officers' recommendations. This was duly seconded.

In accordance with Procedure Rule No. 13 (3) Councillor A S Fluker requested a recorded vote which was duly seconded.

For the recommendation:

Councillors H M Bass, R G Boyce, J V Keyes, A K M St. Joseph and Mrs M E Thompson.

Against the recommendation:

Councillors A S Fluker, Mrs H E Elliott and P G L Elliott.

Abstention:

None.

**RESOLVED**

- (i) the updated information (as set out in the report) and the amended contribution proposal required for funding Phase 2a of the Essex Superfast Broadband Programme (now confirmed as £45,000 paid over three years of the duration of phase 2a (i.e. Phase 2a for the whole of the Essex wide programme) be noted;
- (ii) that the Finance and Corporate Services Committee be recommended to seek the agreement of the Council to make the capital contribution that is required for funding Phase 2a of the Essex Superfast Broadband Programme (now confirmed as £45,000 paid over three years of the duration of phase 2a (i.e. Phase 2a for the whole of the Essex wide programme)).

There being no further items of business the Chairman closed the meeting at 9.12 pm

MRS P A CHANNER, CC  
CHAIRMAN



**MINUTES of  
FINANCE AND CORPORATE SERVICES COMMITTEE  
19 APRIL 2016**

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**PRESENT**

Chairman	Councillor D M Sismey
Vice-Chairman	Councillor Mrs H E Elliott
Councillors	Mrs B F Acevedo, J P F Archer, A S Fluker and B E Harker
Substitute Members	Councillors I E Dobson, M F L Durham and Mrs M E Thompson
In Attendance	Councillors R G Boyce MBE, CC

IN THE CHAIR: COUNCILLOR MRS H E ELLIOTT, VICE-CHAIRMAN

**1170. CHAIRMAN'S NOTICES**

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

**1171. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Miss M R Lewis, C A R MacKenzie, M R Pearlman and Rev. A E J Shrimpton. In accordance with notice duly given Councillor I E Dobson was attending as a substitute for Councillor Shrimpton and Councillor M F L Durham as a substitute for Councillor MacKenzie and Mrs M E Thompson as a substitute for Councillor Pearlman.

**1172. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 8 March 2016 be approved and confirmed.

**1173. ADJOURNMENT OF THE MEETING**

The meeting adjourned at 7:33pm upon arrival of the Chairman of the Committee.

**1174. RESUMPTION OF BUSINESS**

The meeting resumed in open session at 7:34pm.

IN THE CHAIR: COUNCILLOR D M SISMEY, CHAIRMAN

**1175. DISCLOSURE OF INTEREST**

There were none.

**1176. PUBLIC PARTICIPATION**

There was none.

**1177. COMMITTEE CHAIRMAN'S GOOD NEWS ANNOUNCEMENTS**

The Chairman highlighted a number of good news items which included:

- Filming in the District – Filming had recently taken place for ITV's "Tales of the Coast" and the production team were extremely impressed and appreciative of the "can-do" attitude of Maldon District Council.
- Her Majesty's 90<sup>th</sup> Birthday – A plaque would be unveiled at Hythe Quay and a Sunset Parade and Beacon Lighting ceremony would take place on 21 April to celebrate.
- Housing Benefit and Council Tax support – Despite an overall increase in the volume of work, performance targets had been exceeded and were significantly better than national targets.
- Collection of Council Tax and Business Rates – The collection rate for Council Tax had been sustained and the collection rate for Non-Domestic rates had increased.
- Apprenticeships – A second apprentice has been appointed and recruitment for a third apprentice was about to commence.
- European Union (EU) Referendum – Numbers of postal vote applications had increased due to the interest in the EU Referendum.

**1178. CORPORATE HEALTH AND SAFETY**

The Committee considered the report of the Director of Resources providing an update on corporate health and safety activity from 1 January to 31 March 2016 (Quarter Four (Q4)) (attached as Appendix 1 to the report) and seeking agreement of a health and safety action plan for 2016/17 (attached as Appendix 2 to the report).

**RESOLVED**

- (i) that accident and incident statistics for quarter four to be noted;
- (ii) that progress with the health and safety action plan for 2015 / 16 be noted;
- (iii) that the health and safety action plan for 2016 / 17, be agreed.

## **1179. INTERNAL HUMAN RESOURCES (HR) INVESTIGATIONS AND PROPOSED CHANGES TO HR APPEALS PROCEDURES**

The Committee considered the report of the Director of Resources seeking Members' approval of new arrangements for dealing with staff disciplinary / grievance investigations including the hearing of appeals, and for consequential arrangements to the Council's Constitution to be made including the discontinuance of the Appeals Sub-Committee.

The report provided background information on Workplace Investigations, Appeals and the need to adhere to the Advisory, Conciliation and Arbitration Services (ACAS) guidance particularly in the case of dismissal. In order to comply with ACAS best practice the report suggested that the Appeals Sub-Committee be disbanded and a new process involving an Appeals Hearing Panel be agreed.

### **RECOMMENDED**

- (i) that the need for the Members' Appeals Sub-Committee is replaced by new singular arrangements involving an Appeals Hearing Panel for the handling of appeals arising from HR Policies with the exception of those matters dealt with by the Investigating and Disciplinary Committee as set out and referred to in **APPENDICES 1, 2 and 3** to these minutes.
- (ii) that the relevant procedures referred to at **APPENDIX 2** and included in **APPENDIX 3** to these Minutes be updated accordingly.
- (iii) that the appeals processes for non-statutory roles of Director be incorporated into the existing Investigating and Disciplinary Committee procedures;
- (iv) that the Legal and Democratic Services Manager be authorised to make the necessary consequential amendments to the Council's Constitution to reflect these changes.

## **1180. BUSINESS PLAN 2016 / 17 - DIRECTORATE OF RESOURCES**

The Committee considered the report of the Director of Resources seeking Members' approval of the Level 1 Business Plan 2016 / 17 for the Directorate of Resources (attached as Appendix 1 to the report).

The report reminded Members that the existing Corporate Plan for the period 2015 – 2019 was agreed in February 2015. The Plan was a strategic document that set out the vision and corporate goals that the Council had agreed to focus on over the four year period along with a suite of high level outcomes associated with each goal.

The Level 1 Business Plan contained information regarding all Directorates of the Council to avoid duplication which had occurred in previous years when reporting business plans. Members' particular attention was drawn to pages 40 – 51 which provided the priorities and targets within the Resources Directorate for the next 12 months.

In response to a question regarding the corporate risk ‘Committee structure not fit for purpose’, the Director of Resources provided the Committee with information regarding a planned internal audit review of Committee structures due to take place as part of the 2016 / 17 Internal Audit plan. Members were advised that the terms of reference of this review has not been confirmed and that views will be sought from relevant members in due course.

**RESOLVED** that the part of the Business Plan for the Directorate of Resources for 2016 / 17 (Appendix 1 to the report pages 40 – 51) be agreed.

#### **1181. STAFF PAY AWARD 2016 / 17**

The Committee received the report of the Director of Resources seeking approval to award a 1% pay increase to all staff with effect from April 2016. It was noted that discussions were still on-going at national level in relation to pay agreements; however it was acknowledged that the Local Government Employers representatives have offered 1%. Members were advised that should the national pay award be higher than 1%, adjustments would be made to the pay line to bring it in line with National Joint Council (NJC) proposals.

Appendix 1 to the report detailed the final settlement on Chief Executive pay for 2016 and a copy of the Local Government Association press release summarising the Employers pay offer for all other Officers was attached at Appendix 2.

**RESOLVED** that a 1% pay increase from April 2016, as budgeted, be agreed.

#### **1182. STRATEGIC AND FINANCIAL PLANNING PROCESS**

The Committee received the report of the Director of Resources seeking agreement to the annual Strategic and Financial Planning Process (S&FPP) for 2017 / 18 as set out in Appendix 1 to the report.

It was noted that the Strategic and Financial Planning Process aimed to ensure available resources were effectively directed towards achievement of the Council’s agreed corporate goals.

**RESOLVED** that the Strategic and Financial Planning Process for 2017 / 18 as set out at Appendix 1 to the report be approved.

#### **1183. REVISED 2016 / 17 BUDGET**

The Committee considered the report of the Director of Resources, seeking Members’ approval to revise the 2016 / 17 budget approved by the Council on 4 February 2016 to include additional income from parking and grant figures announced in the Final Local Government Finance Settlement. It was noted that best practice in financial management suggested that it was essential for the budget to reflect the latest position faced by the Council; this would also enable meaningful budgetary control reports to be produced throughout the year.



## RESOLVED

- i) that the revised medium term financial position as detailed below, be noted.

	2017 / 18	2018 / 19	2019 / 20
	£000	£000	£000
<b>Gap per Medium Term Financial Strategy (MTFS) Feb. 2016 Council</b>	<b>620</b>	<b>1,073</b>	<b>1,378</b>
Additional car parking income	(124)	(124)	(124)
<b><i>Final Settlement</i></b>			
Transitional Grant	(40)		
Additional Rural Services Delivery Grant	(11)		
Removal of the tariff adjustment		(68)	
<b>Revised gap</b>	<b>445</b>	<b>881</b>	<b>1,254</b>
Increasing Council Tax by £5 per annum from 2017/18*	(53)	(106)	(158)
<b>Revised gap</b>	<b>392</b>	<b>775</b>	<b>1,096</b>

\* The Secretary of State has indicated the Council Tax Referendum limit for District Councils would be set at the higher of 2% or £5 until the end of the decade. The decision on the level of council tax increase will be subject to Council's approval every year. The figures shown in the above table are the additional income over and above the 1.5% council tax increase assumed in the MTFS approved in February.

## RECOMMENDED

- ii) that the revised 2016 / 17 budget as attached at **APPENDIX 4** to these Minutes, be approved.

### 1184. EXCLUSION OF THE PUBLIC AND PRESS

The exclusion of the public and press was proposed by Councillor B D Harker and was duly seconded.

Councillor R G Boyce MBE, CC joined the meeting at this point in the meeting.

Councillor A S Fluker referred to some guidance he had received from the Monitoring Officer in respect of the private and confidential nature of this report. He expressed concern about considering this item of business in private session, particularly in relation to the monies being requested and felt the public should be aware of this.

The Chairman then put the proposal to exclude the public and press which was agreed.

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

#### **1185. SUPERFAST BROADBAND IN THE MALDON DISTRICT**

The Committee received the report of the Director of Planning and Regulatory Services, the purpose of which was to update Members regarding the next phase of the Superfast Essex Broadband Programme following the recommendation of the Finance and Corporate Services Committee on 22 September 2015, and the final decision of the Council on 29 October 2015.

Councillor A S Fluker proposed that an amendment to the recommendations to specify that approval was subject to Essex County Council providing 24 Megabytes per second. This proposal was not seconded.

Following a lengthy debate, the Chairman proposed that the Committee receive a report back in one year's time detailing connectivity in relation to the areas set out in the report and whether they were receiving the speeds promised. This was duly seconded and agreed.

#### **RESOLVED**

- (i) that the updated information (as set out in the report) and the amended contribution proposal required for funding Phase 2a of the Essex Superfast Broadband Programme (now confirmed as £45,000 paid over three years of the duration of phase 2a (i.e. Phase 2a for the whole of the Essex wide programme) be noted;
- (ii) that the Finance and Corporate Services Committee receive an annual report detailing connectivity in relation to the areas set out in the report and whether they were receiving the speeds promised.

#### **RECOMMENDED**

- (iii) that a capital contribution of £45,000 (paid over three years of the duration of phase 2a (i.e. Phase 2a for the whole of the Essex wide programme) that is required for funding Phase 2a of the Essex Superfast Broadband Programme, be agreed.

There being no further items of business the Chairman closed the meeting at 8.30 pm

D M SISMEY  
CHAIRMAN



**MINUTES of  
CENTRAL AREA PLANNING COMMITTEE  
20 APRIL 2016**

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**PRESENT**

Chairman	Councillor A T Cain
Vice-Chairman	Councillor Miss A M Beale
Councillors	I E Dobson, Mrs B D Harker, B E Harker, M R Pearlman, S J Savage and Rev. A E J Shrimpton

**1186. CHAIRMAN'S NOTICES**

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

**1187. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs P A Channer CC, M S Heard, Miss M R Lewis and C A R MacKenzie.

**1188. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 16 March 2016 be approved and confirmed.

**1189. DISCLOSURE OF INTEREST**

Councillor S J Savage declared a non-pecuniary interest in agenda items 8 and 9 as he was a District Councillor. All other members of the Committee then signified the same interest.

Councillors Mrs B D and B E Harker declared an interest in agenda item 10 as they lived in the same road as the application site.

**1190. MEMBERS' BRIEFING**

Councillor Miss A M Beale arrived at the meeting during the course of this item.

The Interim Development Management and Enforcement Manager provided the Committee with a presentation regarding the use of planning conditions.

Although concern was expressed within the Committee at the ability and resources of the Council to enforce planning control, it was noted that a relatively small proportion of enforcement complaints were on breach of planning conditions.

**1191. FUL/MAL/16/00100 - LAND ADJACENT TO SOUTH BANK, CROMWELL LANE, MALDON**

<b>Application Number</b>	<b>FUL/MAL/16/00100</b>
<b>Location</b>	Land Adjacent to South Bank, Cromwell Lane, Maldon
<b>Proposal</b>	Demolish existing timber shed. Construction of a 2 bedroom, timber clad, single storey house
<b>Applicant</b>	Mr. & Mrs. Malcolm & Jo Fawkes
<b>Agent</b>	Ms. Annabel Brown - Annabel Brown Architect
<b>Target Decision Date</b>	19.04.2016
<b>Case Officer</b>	Rebecca Greasley
<b>Parish</b>	<b>MALDON TOWN COUNCIL</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

The Committee considered the report of the Director of Planning and Regulatory Services and determined the above application taking into account all representations and consultation replies received. It was reported that the Environment Agency had now responded on the basis that the site was in Flood Risk Zone 1 but had made no further comment.

Following the Officer presentation, Mrs A Brown the Agent addressed the Committee.

Debate ensued with particular regard to the amount of private amenity space being provided. Councillor M R Pearlman declared a non-pecuniary interest as he knew the owners and the architect and Councillor S J Savage declared a non-pecuniary interest as he lived in a similar riverside location. The general view of Members was that the proposal was acceptable and related well to the site within which it would be situated.

It was proposed by Councillor S J Savage and seconded by Councillor Rev. A E J Shrimpton that the Officer recommendation of refusal be not accepted and that planning permission be granted subject to appropriate standard conditions. Upon being put to the meeting and a vote taken this 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 complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications.  
Policy Framework and policy D1 of the Maldon District Pre-Submission Local Development Plan 2014-2029
- 3 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning

- authority. The development shall be carried out using the materials and details as approved.
- 4 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the local planning authority. The western site boundary shall be planted with a native hedgerow with details of the schedule of the hedgerow and species to be implemented to be provided and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.
  - 5 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the local planning authority.
  - 6 The development hereby permitted shall not be first occupied with connection to utility services until such time as the vehicle parking area indicated on the approved plans A14390/PP01A and A14390/Block Plan, has been made available. The vehicle parking area shall be retained in this form at all times, and shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development.
  - 7 All windows are to be painted timber, and to be retained as such thereafter.
  - 8 No development shall commence until details of the materials to be used for the hard surfacing of the site have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, and retained as such thereafter.
  - 9 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.
  - 10 Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

#### **INFORMATIVE**

- 1 The applicant should consult the Waste and Street Scene Team at Maldon District Council to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed, and that the site road is constructed to accommodate the size and weight of the Council's collection vehicles.

#### **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour

of sustainable development, as set out within the National Planning Policy Framework. Furthermore, Members of the planning committee which took the decision to grant planning permission considered the proposal to be acceptable.

## 1192. HOUSE/MAL/16/00102 - 43 SUFFOLK ROAD, MALDON

<b>Application Number</b>	<b>HOUSE/MAL/16/00102</b>
<b>Location</b>	43 Suffolk Road Maldon Essex CM9 6AX
<b>Proposal</b>	Front first floor extensions over existing addition
<b>Applicant</b>	Mr & Mrs Philip Mouser
<b>Agent</b>	Mr Chris Cumbers - CBS Cumbers MCIAT
<b>Target Decision Date</b>	5 April 2016
<b>Case Officer</b>	Rebecca Greasley, TEL: 01621 875805
<b>Parish</b>	<b>MALDON WEST</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

The Committee considered the report of the Director of Planning and Regulatory Services and determined the above application taking into account all representations and consultation replies received.

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

- 1 The proposed first floor front extension would form an incongruous feature to the front of the dwelling and detract from the rhythm of the streetscene to the detriment of the character of the area, contrary to policies BE1 and BE6 of the adopted Maldon District Replacement Local Plan, D1 of the Submitted Local Development Plan and the guidance contained in the National Planning Policy Framework.

### **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, allowing the Applicant / Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to liaise with the Applicant / Agent to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

**1193. FUL/MAL/16/00234 - THE DEPOT, PROMENADE PARK, PARK DRIVE, MALDON**

<b>Application Number</b>	<b>FUL/MAL/16/00234</b>
<b>Location</b>	The Depot, Promenade Park, Park Drive, Maldon
<b>Proposal</b>	Variation of condition 9 on approved planning permission FUL/MAL/11/00334. The application proposes to permit the Waste Refuse Contract, which operates out of Maldon Depot, to operate for an additional hour (between 18:00 and 19:00 hours) Tuesday to Saturday (excluding Bank Holidays).
<b>Applicant</b>	Miss Eleanor Crick - SITA UK
<b>Agent</b>	
<b>Target Decision Date</b>	29.04.2016
<b>Case Officer</b>	Rebecca Greasley
<b>Parish</b>	Maldon Town Council
<b>Reason for Referral to the Committee / Council</b>	Council Owned Land Parish Trigger

The Committee considered the report of the Director of Planning and Regulatory Services and determined the above application taking into account all representations and consultation replies received.

Following the Officer presentation, Miss E Crick the applicant addressed the Committee.

It was noted from the Members' Update that a consultation response had been received from Essex County Council who had no objection or comments on the proposed development.

Concern was expressed within the Committee at the potential additional noise nuisance to local residents and the potential for enforcement if vehicles came back at a later time. A proposal by Councillor S J Savage that the application be refused contrary to the Officer recommendation was not seconded. It was however noted that the additional hour was of benefit to the service operation and that the newer vehicles in use were much quieter.

The Committee agreed to approve the application as recommended by the Officers.

**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 the approved drawings, details and vehicle movements as contained in the Design and Access Statement which are attached to and form part of this permission and the submitted detailed specifications unless otherwise agreed in writing by the local planning authority.
- 3 The surface water and foul drainage scheme to serve the development shall be carried out in accordance with the details agreed in the letter dated 5th October 2011 from the Council to Mr Cooke.

- 4 Surface water from the vehicle parking and service areas shall be passed through a storm by-pass oil interceptor, in accordance with the details agreed in the letter dated 5 October 2011 from the Council to Mr Cooke.
- 5 The waste refuse contract shall only operate from the site between 06:00 hours and 18:00 hours on Mondays, between 06:00 hours and 19:00 hours Tuesday to Saturday and Good Friday, and not at any time on Sundays and Bank Holidays, with the exception of Good Friday.
- 6 There shall be no burning of waste materials on the site as shown edged in red on Drawing No: ATS/533/02 dated 12.04.2011.

### **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

#### **1194. FUL/MAL/16/00235 - ST CEDDS HOUSE, PRINCES ROAD, MALDON**

<b>Application Number</b>	<b>FUL/MAL/16/00235</b>
<b>Location</b>	St Cedds House Princes Road Maldon Essex
<b>Proposal</b>	Demolition of existing prefabricated office building, and redevelopment of land for car parking.
<b>Applicant</b>	Maldon District Council
<b>Agent</b>	
<b>Target Decision Date</b>	8 June 2016
<b>Case Officer</b>	Rebecca Greasley, TEL: 01621 875805
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Council Owned Land Previous Committee Decision

The Committee considered the report of the Director of Planning and Regulatory Services and determined the above application taking into account all representations and consultation replies received.

Following the Officer presentation, Mr Kelly an objector addressed the Committee.

It was reported that it was understood that the Town Council supported this application.

**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 the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications.
- 3 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.

- 4 No means of external illumination shall be installed on the site.

### **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

### **1195. HOUSE/MAL/16/00341 - 29 WAGTAIL DRIVE, HEYBRIDGE**

<b>Application Number</b>	<b>16/00341/HOUSE</b>
<b>Location</b>	29 Wagtail Drive Heybridge Essex CM9 4UD
<b>Proposal</b>	Single storey side & rear extension
<b>Applicant</b>	Mr & Mrs Robert Bowyer
<b>Agent</b>	Mr Terence Wynn
<b>Target Decision Date</b>	11.05.2016 EOT 08.06.2016
<b>Case Officer</b>	Spyros Mouratidis
<b>Parish</b>	Heybridge
<b>Reason for Referral to the Committee / Council</b>	Previous Committee Decision

The Committee considered the report of the Director of Planning and Regulatory Services and determined the above application taking into account all representations and consultation replies received.

It was noted from the Members' Update that a consultation response had been received from Essex County Council Highways objecting on the car parking provision but it was noted that there was no loss. It was further reported that the Parish Council supported the proposal and that the Environmental Health Department had no objection.

**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 the approved drawings specifically referenced on this decision notice.
- 3 The external surfaces and fenestration of the development hereby approved shall be constructed of materials and finish to match those of the existing dwelling and retained as such thereafter.
- 4 The hardstanding hereby approved shall be either made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.
- 5 Prior to the commencement of the development a Flood Risk Assessment Matrix for "Householder and other minor extensions in Flood Zones 2 and 3" shall be submitted to and agreed in writing by the Local Planning Authority alongside

with any details necessary to support the above matrix, including details of any flood proofing.

The flood proofing of the proposed development shall be carried out in complete accordance with the submitted details unless otherwise agreed in writing by the local planning authority. The agreed works shall be implemented prior to the first occupation of the development and retained in as such thereafter.

### **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

#### **1196. HOUSE/MAL/16/00025 - CAPRI, HARFRED AVENUE, HEYBRIDGE BASIN**

<b>Application Number</b>	<b>HOUSE/MAL/16/00025</b>
<b>Location</b>	Capri, Harfred Avenue, Heybridge Basin
<b>Proposal</b>	Proposed loft conversion with dormers front and rear, new front porch and lantern light to new replacement roof for existing rear extension.
<b>Applicant</b>	Mr & Mrs Callow
<b>Agent</b>	Ashley Robinson
<b>Target Decision Date</b>	09.03.2016 – extension of time 22.04.2016
<b>Case Officer</b>	Nicola Ward
<b>Parish</b>	<b>HEYBRIDGE</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

The Committee considered the report of the Director of Planning and Regulatory Services and determined the above application taking into account all representations and consultation replies received.

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

- 1 The proposed development by reason of its scale and bulk would result in a dominant form of development, out of character with the prevailing pattern of development within the vicinity of the site to the detriment of the dwelling and the character and appearance of the area, in particular the dormer windows to the front elevation, and is contrary to adopted Maldon District Replacement Local Plan policies BE1 and BE6 and policy D1 of the submitted Local Development Plan and Government guidance contained within the National Planning Policy Framework.

## **POSITIVE AND PROACTIVE STATEMENT**

**Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

### **1197. OTHER AREA PLANNING MATTERS**

**(i) Appeals Lodged:**

It was noted from the Members' Update that the following appeal had been lodged with the Planning Inspectorate:

Appeal Start Date: 07/04/2016

**Application Number: OUT/MAL/14/01106 (APP/X1545/W/16/3144296)**

Site: Land North Of Maldon Hall Farm - Spital Road - Maldon

Proposal: Outline planning application for mixed use development comprising residential development of up to 340 dwellings, community health facilities, care home, Class A1 retail, community land, public open space, landscaping, highway works and associated works at Maldon Hall Farm.

Appeal by: M&A Speakman Ltd, Mr EJC Speakman & Kensington & Edinburgh Estates Limited

Appeal against: Refusal

Appeal procedure requested: Public Inquiry

**(ii) Appeal Decisions – None.**

There being no further items of business the Chairman closed the meeting at 8.27 pm

A T CAIN  
CHAIRMAN

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## **REPORT of DIRECTOR OF RESOURCES**

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**to  
ANNUAL COUNCIL  
12 MAY 2016**

### **ADOPTION AND CONFIRMATION OF MINUTES OF COMMITTEES**

#### **1. PURPOSE OF THE REPORT**

- 1.1 To seek the Council's approval to a change of procedure in terms of the submission to the Council of Minutes of Committees for reception and adoption.

#### **2. RECOMMENDATIONS**

- (i) that the Council agrees to discontinue the practice of requiring the Minutes of Committees to be submitted for reception and adoption and that this be implemented with effect from the next meeting of the Council;
- (ii) that subject to (i) above, future recommendations from Committees will be dealt with at Council as outlined in paragraph 3.5 below;
- (iii) that Officers are authorised to make any necessary consequential amendments to the Council's constitutional documentation arising from this change;
- (iv) that Members note that they will retain the ability to oversee the work of its Committees and that they can question Chairman of Committees on decisions under existing Procedure Rule 6(2) as outlined in paragraph 3.7 below.

#### **3. SUMMARY OF KEY ISSUES**

- 3.1 This Council has historically followed the practice of receiving the Minutes of meetings of Committees that have met between cycles of Council meetings. The Minutes are compiled into a book and formally presented to the Council for reception and adoption. This process enables Committees to report to the Council on what they have been doing over the past cycle, and included within the Minutes as part of that 'report' will be recommendations to the Council where Committees do not have the power to resolve, in other words to act on behalf of the Council.
- 3.2 The Local Government Act, 1972 Schedule 12 provides that it is for each Committee and Sub-Committee to confirm as accurate its own Minutes at its next available meeting. The practice of receiving and adopting has no legal effect in relation to Minutes, particularly those which have already been confirmed, other than by way of

dealing with recommendations to the Council. The Council cannot change or correct Minutes other than its own.

- 3.3 It is arguable that there is no sound basis for reporting Minutes to the Council for reception and adoption until they have been confirmed. In that event, by the time they are received by the Council they would largely have become matters of history and record. A method would then need to be found to refer recommendations from Committees to the Council in order to avoid delay.
- 3.4 Given the above background, Officers continue to believe that the practice of submitting Minutes to the Council in full, and for them to be formally presented for reception and adoption, serves no statutory or other necessary purpose. Given also that Minutes can be drafted and finalised at a certain point and can be accessed both internally (I Drive and through the Intranet) and externally (Website Committee Library) before they would otherwise be published with a Council or Committee agenda there would seem to be scope for moving away from the current practice as an improvement.
- 3.5 The alternative and preferred method of bringing forward for consideration by the Council only those matters the subject of a Committee recommendation would take the form of being scheduled on the agenda with the Minute extract set out in an accompanying report together with any update and other supporting papers. This is more the common practice of a number of Councils, and would bring with it a measure of efficiency in terms of the conduct of business at Council meetings. The reduction in paper through not producing a minute book was considered as part of the business case for introducing the new Modern.Gov (Committee management) system (Mod.Gov).
- 3.6 Should the Council agree a change in procedure, Standing Order No 6 – Order of Business in relation to the conduct of business at Council meetings will be needed. It is suggested that item (1)(h) could be reworded “To receive and consider any recommendations of the Overview and Scrutiny Committee and the Standing Committees” .
- 3.7 Officers wish to reassure the Council that in changing procedure as proposed it is losing nothing in terms of the ability to oversee the work of its Committees so long as their Minutes are available promptly and Members are able to question Chairman of Committees on decisions which they can do under existing Procedure Rule 6(2), as shown below:

“Procedure Rule 6(2):

A Member of the Council may:-

- (i) If notice in writing has been given to the Chief Executive, which has been received not later than Noon on the Monday preceding the day on which the meeting is to be held, ask the Chairman or the Chairman of any Committee, any question on any matter in relation to which the Council has powers or duties or which affect the District.
- (ii) With the permission of the Chairman, put to him or the Chairman of any Committee, any question relating to urgent business, of which such notice has not been given; but a copy of any such question shall, if possible, be delivered

to the Chief Executive Officer not later than ten o'clock in the morning of the day of the meeting.”

3.8 A streamlining of the approach to the production of Minutes allied to the accessibility afforded by the developing Mod.Gov, it is the intention that a finalised set of Minutes becomes available within 7 - 10 working days of the date of the meeting through being published on the website and included on the corporate I Drive. All Members will be notified of the availability of Minutes (via email notification). Although this revised approach will impact on the resources of Committee Services at times, with the co-operation of lead Officers at meetings and also Committee Chairmen in providing prompt comments it is on balance felt to be a reasonable aim.

3.9 To put all these matters in some context, it is interesting to note the outcome of some brief benchmarking carried out amongst neighbouring authorities, as follows:

Authority	Minutes to Council	Standards for Minutes	Meetings per year	Full Time Equivalent (FTE) resource	Comment
Maldon District	Yes	No – but aim is within 7-10 working days	99 to date*	2.2**	*Current Municipal Year **Devoted to Committee Servicing
Colchester Borough	No	No	96	4	
Harlow District	Yes – as draft. Minimal discussion.	Informal only	62	2	
Chelmsford City	No	Protocol – 7 working days	56*	3.8	* plus 20 / 25 working groups and panels
Southend Unitary	Yes*	Team Standards only	54	4	* Members have to give advance notice to speak
Epping Forest District	No	15 working days	10 per month	6	
Uttlesford District	No	10 working days (informal)	100 approx.	4.4 but realistic 3.1*	* shared resource with elections – 3.1 devoted to democratic services
Tendring District	Some – for report only*	5 working days	90-100	3	* Otherwise for questions to Chairman or approval of recommendations.

## 4. CONCLUSION

4.1 The current practice of receiving and adopting Minutes at Council serves very little purpose, other than by way of dealing with recommendations. It should be noted that the Council cannot change or correct Minutes other than its own. With the gradual roll out of Mod.Gov, this provides an opportune moment to modernise the Council's process for the adoption and confirmation of Minutes of Committees.

## 5. IMPACT ON CORPORATE GOALS

- 5.1 The review and updating of the corporate governance arrangements of the Council underpins the decision making processes of the Council, is in part a matter of compliance with the law and is also linked to the overarching principle of being efficient and effective.

## 6. IMPLICATIONS

- (i) **Impact on Customers** – It is important that the Council is able openly to explain, through well-presented and user-friendly constitutional documentation, the way in which it is set up and operates, and how it conducts its business. It is important that the Council's procedures are seen as open and transparent. The proposed change is seen as a more efficient and sound method of presenting business to the Council.
- (ii) **Impact on Equalities** – None identified.
- (iii) **Impact on Risk** – None identified.
- (iv) **Impact on Resources (financial)** – The proposed change will result in savings in printing and postage cost through no longer producing the Minute Book.
- (v) **Impact on Resources (human)** – None identified, although the proposed change will relieve some pressure on the Committee Services Team at certain points during a committee cycles.
- (vi) **Impact on the Environment** – None identified.

Background Papers: None

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