



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
17 JUNE 2019**

PRESENT

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

172. CHAIRMAN'S NOTICES

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

173. APOLOGIES FOR ABSENCE

There were no apologies for absence.

174. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 21 May 2019 be approved and confirmed.

175. DISCLOSURE OF INTEREST

Councillor R G Boyce, MBE declared a non-pecuniary interest in Agenda Item 5 – FUL/MAL/18/01390 – Winterdale Manor, Burnham-on-Crouch, Essex, as he was Chairman of an Almshouse Trust.

Councillor Mrs P A Channer, CC declared a non-pecuniary interest as a member of Essex County Council, a consultee on planning application matters with respect generally, to highways, matters of access and education primarily. She also declared on Agenda Item 8 - FUL/MAL/19/00465 – Chartwell, 120 Maldon Road, Burnham-on-Crouch, Essex, CM0 8DB, as she knew the objectors and said she had visited a children's home in her ward. In conclusion she declared that she was a member of an almshouse charity.

Councillor W Stamp declared a non-pecuniary interest in Agenda Item 6- FUL/MAL/19/00400- Land at Myrtle Cottage, Stoney Hills, Burnham-on-Crouch, Essex, as the applicant had undertaken work for the Town Council.

Councillor Helm declared a non-pecuniary interest in Agenda Item 5 – FUL/MAL/18/01390 - Winterdale Manor, Burnham-on-Crouch, Essex, as he knew the applicant and was a member of an almshouse charity.

Councillor N Skeens declared a non-pecuniary interest in Agenda Item 8 FUL/MAL/19/00465 – Chartwell, 120 Maldon Road, Burnham-on-Crouch, Essex, CM0 8DB, as he was a foster carer.

Councillor Miss Bell declared a non-pecuniary interest in Agenda Item 6 – FUL/MAL/19/00400- Land at Myrtle Cottage, Stoney Hills, Burnham-on-Crouch, Essex, as she knew the applicants, Agenda Item 8 - FUL/MAL/19/00465 – Chartwell, 120 Maldon Road, Burnham-on-Crouch, Essex, CM0 8DB as she knew some of the objectors and she had worked in the sector for a number of years.

Councillor Bassenger declared a non-pecuniary interest in Agenda Item 5 - FUL/MAL/18/01390 - Winterdale Manor, Burnham-on-Crouch, Essex, as he knew some of the objectors and had met the applicant.

It was noted that all Members declared a non-pecuniary interest in Agenda Item 9a – FULL/MAL/18/00839 – Land Adjacent Orchard House, Nipsells Chase, Mayland, Essex, as they knew the applicant.

176. FUL/MAL/18/01390 - WINTERDALE MANOR, BURNHAM ROAD, ALTHORNE

Application Number	FUL/MAL/18/01390
Location	Winterdale Manor Burnham Road, Althorne
Proposal	Demolition of the existing buildings and erection of 14 dwellings with associated infrastructure
Applicant	Bardwell Plant & Agricultural Services Ltd
Agent	Mrs Lisa Skinner – Phase 2 Planning
Target Decision Date	21.06.2019
Case Officer	Devan Lawson
Parish	ALTHORNE
Reason for Referral to the Committee / Council	Major Application Member Call In: Councillor Acevedo Reason: Public Interest and Local Knowledge

A Members’ Update was submitted by the agent detailing revised plans.

Following the Officer’s presentation an Objector, Thomas Wright, Parish Councillor Paul Burgess, Althorne Parish Council and the Applicant, Mr Bardwell addressed the Committee.

A debate ensued where some Members expressed sympathy with the applicant, however, the majority felt that the Officer’s recommendation was correct. The application was outside the defined settlement boundary, it would have a detrimental impact on the character and appearance of the area, did not contain adequate provision for affordable housing and was contrary to five key policies in the Maldon District Local Developmental (MDLDP).

Taking into consideration the aforementioned Councillor Fluker proposed that the application be refused in accordance with the Officer's recommendation and this was seconded.

The Chairman put the proposal to refuse to the Committee and this was agreed

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

1. The proposed development would result in the loss of employment land. No justification or evidence has been provided for the loss of this land by way of evidence that the existing use demonstrably harms the character and appearance of the area, the proposed use would be of greater benefit to the community, or that the site has been marketed for sale and that there is a confirmed lack of interest. The development would therefore have an adverse impact on the limited supply of employment generating land, contrary to policy E1 of the approved Maldon District Local Development Plan and guidance contained in the National Planning Policy Framework (2019).
2. The application site lies outside of the defined settlement boundaries 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 Maldon District Local Development Plan to meet the objectively assessed needs for housing in the District. The proposed development would substantially alter the character of the area and have an unacceptable visual impact on the countryside and the locality through the urbanisation and domestication of the site, representing the sprawl of built form outside the settlement boundary of Althorne. Furthermore, the limited design merit of the proposal, which would create a contrived and out of keeping form of development which would exacerbate the impact on the character and appearance of the area and the locality. The development would therefore be unacceptable and contrary to policies S1, S8, D1 and H4 of the approved Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2019).
3. The proposed development makes inadequate provision for affordable housing or a financial contribution in lieu of affordable housing contrary to policy H1 of the approved Maldon District Local Development Plan and the National Planning Policy Framework (2019).
4. The proposed development as a result of its unacceptable visual impacts and urbanisation and domestication of the site, the failure to provide sufficient car parking provision and the lack of sufficient amenity space provision at plot 2 will result in the overdevelopment of the site. The proposal is therefore contrary to policies S1, S8 D1, H4 and T2 of the Maldon District Local Development Plan, the Maldon District Design Guidance and the National Planning Policy Framework.
5. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy

has not been secured. As a result, the development would have an adverse impact on the European designated nature conservation sites, contrary to Policies S1, D1, N1 and N2 of the Maldon District Local Development Plan and the NPPF.

177. FUL/MAL/19/00400 - LAND AT MYRTLE COTTAGE, STONEY HILLS, BURNHAM-ON-CROUCH

Application Number	FUL/MAL/19/00400
Location	Land at Myrtle Cottage, Stoney Hills, Burnham-On-Crouch, Essex
Proposal	Proposed 2 bedroom dwelling
Applicant	Mr & Mrs Wiffen
Agent	Greg Wiffen - Planman
Target Decision Date	06.06.2019 (EoT agreed: 21.06.2019)
Case Officer	Anna Tastsoglou
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Departure from the Local Plan 2017

A Members' Update was submitted detailing representations received from the Parish/Town Council. Following the Officer's presentation, the Applicant, Mr Wiffen, addressed the Committee.

A debate ensued and whilst there was sympathy for residents concerning the continued development in the area, it was also acknowledged that this application had been assessed against all material planning considerations and was found to be acceptable

It was further noted that given the area had been urbanised, given the planning history of the site and the appeals allowed. Therefore, the refusal of an application would need a very strong planning reason, proving demonstrable harm.

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

The Chairman put the proposal to approve in accordance with the Officer's recommendation to the Committee and 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 approved drawings GW08; GW01 A; GW02 A; GW05; GW03 and GW04 A.
3. Prior to their use in the development hereby approved, details or samples of the materials to be used in the construction of the external surfaces, including windows and doors, of the development hereby approved shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
4. Prior to the occupation of the development hereby approved details of the 4. boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be provided prior to the

occupation of the dwelling hereby approved in accordance with the approved details and be retained as such in perpetuity.

5. Prior to the occupation of the development details of both hard and soft landscape works to be carried out shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.
6. No development shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - The parking of vehicles of site operatives and visitors
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - Wheel washing facilities
 - Measures to control the emission of dust, noise and dirt during constructionHours and days of construction operations.
7. No development works above ground level shall occur until details of the surface water drainage scheme to serve the development has been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:
 - 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
 - 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)

You are advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as

determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

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

8. No development above ground level shall be occur until details of the foul drainage scheme to serve the development have been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.
9. The vehicle parking area and associated turning area shown on plan GW 04A shall be provided prior to the occupation retained in this form in perpetuity. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
10. Details of the refuse and cycle stores shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The development shall be implemented in accordance with the approved details and be retained for such purposes in perpetuity thereafter.
11. Notwithstanding the details submitted with this application, no development shall commence, other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction 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,
 - Properly (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 by a competent person and 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.

- 12 No development shall commence, other than where necessary to carry out additional investigation, 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. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

This must be conducted by a competent person and 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.

13. 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 by a competent person and 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.

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition [11], and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition [12]. 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.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition [13].

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site.
16. The trees and hedges identified for retention on the approved plan drawing number GW 04 A and the details included in the Tree report which is attached to and forms part of this permission shall be protected during the course of the development. The trees and hedges shall be protected by measures which accord

with British Standard 5837:2012 (Trees in Relation to Construction). The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone(s) no materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence, nor shall any change in ground level be made within the fenced area unless otherwise first agreed in writing by the local planning authority. If within five years from the completion of the development a tree or hedge shown to be retained is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement shall be planted within the site of such species and size, and shall be planted at such time, as specified in writing by the local planning authority.

178. FUL/MAL/19/00458 - LAND ADJACENT 9 ST. PETER'S COURT, BRADWELL-ON-SEA

Application Number	FUL/MAL/19/00458
Location	Land Adjacent 9 St Peters Court, Bradwell-on-Sea
Proposal	Erection of 2No. detached 4 bedroom dwellings
Applicant	Great Canney Developments Ltd
Agent	Raymond Stemp Associates
Target Decision Date	12.06.2019
Case Officer	Devan Lawson
Parish	BRADWELL-ON-SEA
Reason for Referral to the Committee / Council	Departure from the Local Plan 2017

A Members' Update was submitted detailing a revised site map as shown on the agenda, agreed pre-commencement conditions and a further letter of objection.

Following the Officer's presentation, Mr Raymond Stemp, the Agent, addressed the Committee.

A brief debate took place and the Committee acknowledged that the benefit with this application was that the development closed the gap and there was no more opportunity to extend further. It was also noted that having taken into account all material planning considerations the principle to erect a dwelling house had been established.

The Chairman proposed that the application be approved in accordance with the Officer's recommendation, and this was seconded. The Chairman concurred that the development closed the gap and cannot be extended further.

The Chairman put the proposal to approve the application in accordance with the Officer's recommendation to the Committee and this was agreed.

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

1. The development hereby permitted shall begin no later than 3 years from the date of this decision.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: NDCM07JE_BP1.1, NDCM07JE_SP1.0, NDCM07JE_PSP1.0, 03, 04, 05, 06
3. No works shall be carried out above ground level until written details or samples of the 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. Development shall be carried out in accordance with the approved details.
4. The development hereby permitted shall be carried out in accordance with the following approved plans: ATS/537/03, Illustrative Site Plan – LD, Illustrative Site Plan- WD, Proposed Reception/Spa Building Floor Plans & Elevations.
REASON To ensure that the development is carried out in accordance with the details as approved.
5. Full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include:
 - i) Finished levels;
 - ii) Means of enclosure, including gates;
 - iii) Car parking layouts;
 - iv) Vehicle and pedestrian access and circulation areas;
 - v) Hard surfacing materials;
 - vi) Indications of all existing trees and hedgerows on the land and identification of those to be retained; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate.

The details set out in (i) to (v) above shall be implemented as approved prior to occupation of the dwelling and retained thereafter. Soft landscape works, as required by (vi) above, shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place.

6. No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority.

Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the

- site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation; and,
- iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
7. Prior to any works above ground level 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.
8. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

179. FUL/MAL/00465 - CHARTWELL, 120 MALDON ROAD, BURNHAM-ON-CROUCH, ESSEX, CM0 8DB

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

A Members' Update was submitted detailing representations received from interested parties and another letter from the agent providing further information regarding the proposed development.

Following the Officer's presentation, an Objector, Mr Overall, a Supporter, Jo Batchelor and the Agent, Miss Nichola Brown, addressed the Committee.

A debate ensued where the benefits and problems surrounding the change of use this application presented were discussed. It was acknowledged that there was a need to support the vulnerable in society whilst securing the residential amenity of the existing residents. Members involved in this area of support work said that, from experience, having an open dialogue between residents and the respective children's home facilitated positive co-existence.

The Committee were reminded that the proposed development had been assessed against all material planning considerations and was considered acceptable. Furthermore, the application was supported by Burnham Town Council.

The Lead Specialist Place advised the Committee that, given the resident consultation expiry date of the 18 June 2019, the recommendation on the report would be revised to one of delegation to the Director of Strategy, Performance and Governance for approval. A new report would be provided at the next Committee meeting, should new material planning considerations be raised.

The Chairman put the revised recommendation to the Committee that the decision be delegated to the Director of Strategy, Performance and Governance to be approved as per the officer's recommendation, subject to no new material considerations being raised during the remainder of the neighbour consultation period, and this was agreed.

RESOLVED that the decision be delegated to the Director of Strategy, Performance and Governance to be **APPROVED** as per the officer's recommendation, subject to no new material considerations being raised during the remainder of the neighbour consultation period and subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in complete accordance with approved drawings: Location Plan and Block Plan.
3. The development hereby approved shall only be used as a children's home and or no other use within Use Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) unless otherwise agreed in writing by the local planning authority.
4. Details of a cycle stores shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The development shall be implemented in accordance with the approved details and be retained as such in perpetuity thereafter.

180. URGENT BUSINESS - FUL/MAL/18/00839 - LAND ADJACENT ORCHARD HOUSE. NIPSELLS CHASE, MAYLAND, ESSEX

Application Number	FUL/MAL/18/00839
Location	Land Adjacent Orchard House, Nipsells Chase, Mayland, Essex
Proposal	Change of use of land to equestrian and erection of building to be used for storage of agricultural machinery and stabling of six horses
Applicant	Mr & Mrs Kenny Paton

Agent	N/A
Target Decision Date	13.06.2019
Case Officer	Anna Tastsoglou
Parish	MAYLAND
Reason for Referral to the Committee / Council	Councillor Miss Sue White is co-applicant. Major application

Following the Officer's presentation, Miss White, the Applicant, addressed the Committee.

A lengthy debate ensued around changes to legislation in respect of prior to commencement conditions together with those pre-commencement conditions 12,13, and 14 yet to be agreed by the applicant in respect of this application.

The Committee discussed the aforementioned conditions in detail to determine their relevance to the application. Following the discussion Councillor Fluker proposed that the application be approved subject to the applicant providing a method statement and protection plan in respect of the trees under the TPO, as referenced in pre-commencement condition 12 and that both pre-commencement conditions 13 and 14 be removed. This was duly seconded.

The Chairman put the proposal to approve the application to the Committee subject to the applicant's agreement to the pre-commencement condition 12 on page 18 of the Urgent Business document and the removal of conditions 11, 13 and 14. Due to the removal of condition 11, condition 12 on page 18 would now be condition 11. 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 approved drawings: 1142/01 RevA; 1142/02 RevA; 1142/03; 1142/04 and 1142/05.
3. Prior to their use in the development hereby approved, details or samples of the materials to be used in the construction of the external surfaces, including windows and doors, of the development hereby approved shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
4. Prior to the occupation of the development hereby approved details of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be provided prior to the use of the site and building hereby approved in accordance with the approved details and be retained as such in perpetuity.
5. The stables hereby permitted shall be used solely for the private stabling of horses and no business or commercial use including for the purposes of livery or any riding school activity shall take place at the site.
6. The storage area hereby permitted shall be used solely in association with the equestrian use of the site or for agricultural purposes and for no other use falling within B8 (storage and distribution) use of the Town and Country Planning (Use Classes) Order 1987 (as amended).
7. No development works above ground level shall occur until details of the surface water drainage scheme to serve the development has been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented

prior to the first occupation of the development. The scheme shall ensure that for a minimum:

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

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

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

8. No development above ground level shall occur until details of the foul drainage scheme to serve the development have been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.
9. There shall be no burning of animal or stable wastes anywhere on the site as shown edged in red (or blue) on the plans which are attached to and form part of this permission.
10. No floodlighting or other external form of illumination of the site shall be undertaken without the prior written approval of the local planning authority. Prior to the use of the development hereby permitted, details of any proposed floodlighting and all other external illumination of the site shall be submitted to and approved in writing by the local planning authority. All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site unless otherwise agreed in writing by the local planning authority.
11. An arboricultural method statement and tree protection plan in accordance with BS5837:2012 shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The development shall thereafter be implemented in accordance with the approved details.
12. The public's rights and ease of passage over restricted byway number 17 in Mayland shall be maintained free and unobstructed at all times.

There being no further items of business the Chairman closed the meeting at 9.27 pm.

R P F DEWICK
CHAIRMAN