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.
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.

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

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

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.

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

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

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.
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.

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

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.

<table>
<thead>
<tr>
<th>Application Number</th>
<th>HOUSE/MAL/16/00010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>57 Nipsells Chase Mayland Essex CM3 6EH</td>
</tr>
<tr>
<td>Proposal</td>
<td>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</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mr Stephen Denner</td>
</tr>
<tr>
<td>Agent</td>
<td>Mr Mark Amos</td>
</tr>
<tr>
<td>Target Decision Date</td>
<td>10 March 2016</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Emily Hall, TEL: 01621 875744</td>
</tr>
<tr>
<td>Parish</td>
<td>MAYLAND</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Parish Trigger</td>
</tr>
</tbody>
</table>

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.

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

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

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, ASHELHAM

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.

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

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.
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.

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

<table>
<thead>
<tr>
<th>Application Number</th>
<th>OUT/MAL/16/00120</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Land To The Rear Of 60A Maldon Road Burnham-On-Crouch Essex</td>
</tr>
<tr>
<td>Proposal</td>
<td>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)</td>
</tr>
<tr>
<td>Applicant</td>
<td>Dr Hamid Latif</td>
</tr>
<tr>
<td>Agent</td>
<td>Mr David Devries</td>
</tr>
<tr>
<td>Target Decision Date</td>
<td>3 May 2016</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Nigel Hebden, TEL: 01621 875741</td>
</tr>
<tr>
<td>Parish</td>
<td>BURNHAM NORTH</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Previous Committee Decision Major Development</td>
</tr>
</tbody>
</table>

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.
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.

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

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.
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