



**MINUTES of  
SOUTH EASTERN AREA PLANNING COMMITTEE  
8 JULY 2020**

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**PRESENT**

Chairman	Councillor
Vice-Chairman	Councillor M W Helm
Councillors	M G Bassenger, B S Beale MBE, R G Boyce MBE, Mrs P A Channer, CC, A S Fluker, A L Hull, N J Skeens and W Stamp
In Attendance	Councillors C Mayes and C Morris

**1049. CHAIRMAN'S NOTICES**

The Chairman welcomed everyone to the meeting and took Members through some general housekeeping issues together with the etiquette for the meeting. He then asked Officers present to introduce themselves.

This was followed by a roll call of all Members present.

**1050. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors V J Bell and R P F Dewick.

**1051. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 10 June 2020 be approved and confirmed.

**1052. DISCLOSURE OF INTEREST**

All Committee Members declared a non-pecuniary interest in Agenda Item 5. 20/00345/FUL, Land Adjacent Orchard House, Nipsells Chase, Mayland and Agenda Item 10. 20/00463/WTPO, Land north west of Riversleigh, Nipsells Chase, Mayland, Essex, as they knew the applicant. With the exception of Councillor Fluker all Members declared a non-pecuniary interest in Agenda Item 9. 20/00502/HOUSE & 20/00503/LBC, The Wheat Barn, Dengie, Essex, as they knew the applicant.

Councillor A S Fluker declared a non-pecuniary interest in Agenda Item 8. 20/00415/HOUSE, 17 Brook Road, Tillingham Essex, CM0 7SG, as he knew the applicant. He further declared a pecuniary interest in Agenda Item 9. 20/00502/HOUSE & 20/00503/LBC, The Wheat Barn, Dengie, Essex, as the applicant and advised the Committee he would leave the meeting for this item of business.

Councillor Mrs P A Channer, CC, declared a non-pecuniary interest in all items on the agenda as a member of Essex County Council, a consultee on highways, access, education and all planning related matters

Councillor Mrs A L Hull declared a pecuniary interest in Agenda Item 6. 20/00360/FUL, The Bank House, 10 Station Road, Southminster, as the applicant was her son-in-law. She advised the Committee she would leave the meeting for this item of business.

**1053. 20/00345/FUL - LAND ADJACENT ORCHARD HOUSE, NIPSELLS CHASE, MAYLAND**

<b>Application Number</b>	<b>20/00345/FUL</b>
<b>Location</b>	Land Adjacent Orchard House, Nipsells Chase, Mayland
<b>Proposal</b>	Variation of condition 2 and 8 on approved planning permission 18/00839/FUL (Change of use of land to equestrian and erection of building to be used for storage of agricultural machinery and stabling of six horses)
<b>Applicant</b>	Mr & Mrs Kenny Paton
<b>Agent</b>	N/A
<b>Target Decision Date</b>	20.07.2020
<b>Case Officer</b>	Louise Staplehurst
<b>Parish</b>	<b>MAYLAND</b>
<b>Reason for Referral to the Committee / Council</b>	Councillor Miss Sue White is co-applicant. Major application

Following the Officer's presentation, the Chairman addressed a public participation submission from the applicants Mr and Mrs K Paton.

The Chairman then moved the recommendation as set out in the report and this was seconded by Councillor Stamp.

There being no further discussion the Chairman put the Officer's recommendation to approve the application to the Committee, upon a vote being taken it was unanimously approved.

**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 the original permission 18/00839/FUL, as approved on 20.06.2019.REASON To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in complete accordance with approved drawings: 1142/01 A - Location Plan, 1142/03 A - Proposed Floor Plan, 1142/02 B - Proposed Site Plan, 1142/04 A - Elevations Sheet 1 of 2, 1142/05 A - Elevations Sheet 2 of 2.

- REASON To ensure the development is carried out in accordance with the details as approved.
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.  
REASON To ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
  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.  
REASON To ensure the external appearance of the development is appropriate to the locality and that the development would protect the amenities of the neighbouring occupiers in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
  5. 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.  
REASON To protect residential amenity in compliance with the NPPF and policies D1 and H4 of the approved Local Development Plan and the guidance contained in the MDDG SPD.
  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).  
REASON To protect residential amenity in compliance with the NPPF and policies D1 and H4 of the approved Local Development Plan and the guidance contained in the MDDG SPD.
  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.

REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon Local Development Plan (2017).

8. Removed
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.  
REASON To protect the character of the area and residential amenity in compliance with the NPPF and policies D1 and H4 of the approved Local Development Plan and the guidance contained in the MDDG SPD.
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.  
REASON To protect residential amenity in compliance with the NPPF and policies D1 and H4 of the approved Local Development Plan and the guidance contained in the MDDG SPD.
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.  
REASON To secure the retention of appropriate landscaping and protection of the TPO trees of the site in the interests of visual amenity and the character of the area and for their biodiversity value in accordance with Policies D1 and N2 of the Maldon District Local Development Plan and the Maldon District Design Guide.
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.  
REASON To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with policies T1 and T2 of the Maldon District Local Development Plan.

Councillor A L Hull left the meeting for this item of business.

#### **1054. 20/00360/FUL - THE BANK HOUSE, 10 STATION ROAD, SOUTHMINSTER**

<b>Application Number</b>	<b>20/00360/FUL</b>
<b>Location</b>	The Bank House, 10 Station Road, Southminster
<b>Proposal</b>	Change of use from office use class B1a to residential class C3 to create 5 residential units, involving partial demolition of rear wing to create parking, cycle and refuse storage space and construct first floor extension.
<b>Applicant</b>	Mr Ellis Wiseman - Wiseman Properties Ltd
<b>Agent</b>	Mr David Taylor - AFT Design (Architects)
<b>Target Decision Date</b>	30.06.2020
<b>Case Officer</b>	Louise Staplehurst
<b>Parish</b>	<b>SOUTHMINSTER</b>

<b>Reason for Referral to the Committee / Council</b>	Member Call In by Councillor A S Fluker Reason: S3 Place Shaping, D1 Design Quality Built Environment, D3 Heritage Assets, H4 Effective use of land
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A Members' Update was submitted detailing the correct site plan, confirmation that the applicant was prepared to enter into a s106 agreement and comments from a Tree Consultant.

Following the Officer's presentation, the Chairman addressed the public participation submission received from Mr Ellis Wiseman, the Applicant. He then moved the Officer's recommendation to refuse the application and this was not seconded.

A debate ensued around the lack of amenity space on this additional development. Councillor Fluker, a Ward Member, felt that the nearby playing fields mitigated the lack of amenity space and complied with policy CO7 of the Maldon District Design Guide (MDDG). In addition, he felt that this would be an improvement to the area as, since the closure of the bank, it had become somewhat of an eyesore that the development would address whilst at the same time provide much needed flat accommodation.

He proposed that the application be approved, contrary to the Officer's recommendation and subject to a signed s106 agreement for RAMS. This was seconded by Councillor Beale, who echoed Councillor Fluker's remarks about the existing buildings falling into disrepair.

Councillor Stamp, having reviewed the plans concurred with the Officer's recommendation. The Lead Specialist Place advised that given the flats were family accommodation the lack of amenity space would have an unacceptable impact on future residents and that appeals had been won in similar circumstances. Councillor Fluker reiterated that the proposal complied with policy CO7 of the MDDG given the proximity of the playing fields and asked that the recommendation be moved.

The Lead Specialist Place asked that should the application be approved the conditions for approval be delegated to Officers in consultation with the Chairman and subject to a signed s106 agreement. Councillor Fluker added that the Conservation Officer be consulted on materials to be used.

The Chairman put the proposal to approve the application contrary to the Officer's recommendation to the committee. Upon a vote being taken it was approved.

**RESOLVED** that the application be **APPROVED** subject to conditions delegated to Officers, in consultation with the Chairman, together with a signed Unilateral Agreement in relation to RAMS.

Councillor Hull returned to the meeting.

**1055. 20/00375/FUL - LAND REAR OF 148 STATION ROAD, BURNHAM ON CROUCH**

<b>Application Number</b>	<b>20/00375/FUL</b>
<b>Location</b>	Land Rear of 148 Station Road, Burnham-on-Crouch
<b>Proposal</b>	Proposed change of use from Class B1 and B2 to Class C3, demolition of existing dilapidated industrial building and erection of 4 new residential dwelling houses, ancillary development and landscaping
<b>Applicant</b>	Mr Levy - Countryside Style Ltd
<b>Agent</b>	Chris Wragg - Arcady Architects Ltd
<b>Target Decision Date</b>	17.06.2020 EOT 22.07.2020
<b>Case Officer</b>	Julia Sargeant
<b>Parish</b>	<b>BURNHAM SOUTH</b>
<b>Reason for Referral to the Committee / Council</b>	<p>Member call in by Councillor V J Bell. Reasons for call in:</p> <ul style="list-style-type: none"> <li>• Maldon District Council (MDC) Local Development Plan (LDP) policies H2 and H4 (1,2,4,5 and 7)</li> <li>• Burnham Town Council (BTC) Neighbourhood Development Plan (NDP) policies HO1 and EN2</li> <li>• Strategic Housing Market Assessment (SHMA) – local need</li> <li>• MDC parking Supplementary Planning Document (SPD)</li> </ul>

A Members' Update was submitted advising that the developer had signed a legal agreement to secure the required contribution of £125.58 per dwelling in relation to the RAMS. Therefore, the impact of the development in this respect was considered to be mitigated. It also detailed a supporting comment from County Highways.

Following the Officer's presentation, the Chairman addressed the two public participation submissions received, one from an Objector, David Howes, and one from the Applicant, Chris Wragg. He then moved the recommendation as set out in the report and this was seconded by Councillor Fluker.

Councillor Skeens opened the discussion by expressing concerns regarding two key issues. One was the introduction of a new proposed entrance way for the additional houses in an area already compromised by a blind bend and two other busy entrance ways, one being TESCO. The second concern was the roof heights and the fact that the proposed houses were much bigger than the surrounding buildings. He reminded the Committee once again that the area already had housing numbers way beyond that agreed in the Burnham Neighbourhood Plan which residents had agreed and voted for.

Councillor Stamp echoed Councillor Skeens' comments. She said that yet again Burnham-on-Crouch was being asked to agree more proposals for family homes despite the infrastructure being overstretched. She stressed that she would not have issues with bungalow accommodation, but that the area could not sustain any more large family

homes. If minded to approve she asked that the issue of Japanese Knotweed be conditioned and if possible condition the planting of trees for privacy purposes.

The Lead Specialist: Development Management referring to the plans advised that the proposed buildings were in keeping with existing and that Essex Highways had not objected to the proposed entrance. In addition, the Inspector had already accepted the principle of development on the site, therefore, it would be very difficult to sustain a reason for refusal on the basis of development of additional houses. Screening could also prove difficult on both the eastern and western side, however, the only elevation that impacted was the flank elevation and it had no windows therefore overlooking was not an issue.

Councillor Skeens then proposed that the application be refused contrary to the Officer's recommendation for the reasons already outlined and this was seconded by Councillor Stamp.

The Lead Specialist Place reminded Members that the Inspector had already accepted the principle of this development and that it would be very dangerous for an authority to revisit this acceptance.

The Chairman then put the Officer's recommendation to approve the application to the Committee. Upon a vote being taken the application was approved.

**RESOLVED** that the application be **APPROVED** subject to the following conditions and the inclusion of details of a tree planting scheme to the east of plot 4 to assist in screening the development, , together with a Unilateral Undertaking in relation to RAMS

1. The development hereby permitted shall begin no later than three years from the date of this decision.  
REASON To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development shall be carried out and retained in accordance with the following approved plans and documents: 16/17/01, 16/17/02, 16/17/03, 16/17/10 Rev B, 16/17/17 Rev A, 16/17/18, Tree Protection Plan Rev 2, 49157-PP-001 Rev C  
REASON To ensure the development is carried out in accordance with the details as approved.
3. Prior to their inclusion in the development hereby approved, written details or samples of all external facing materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.  
REASON In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
4. 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) boundary treatments;
  - ii) hard surfacing, including materials and finishes;
  - iii) soft landscaping, including planting plans with schedules of plant species, plant sizes and proposed planting numbers/densities; written specifications (including cultivation and other operations associated with plant and grass establishment) and a programme of implementation and maintenance.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

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

**REASON** In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

- 5 The trees and/or hedges identified for retention on the approved plan drawing number 16/17/10 Rev B shall be protected during the course of the development. The trees and/or 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.

**REASON** To ensure the appropriate protection for the trees to be retained on site in the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

- 6 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.

**REASON** To ensure any contamination found present on the land is remediated in the interests of the occupiers of the dwellings on this development as well as neighbouring land uses and the water environment in accordance with policy D2 of the Approved Maldon District Local Development Plan, and the NPPF and PPG.

- 7 Where identified as necessary in accordance with the requirements of condition 6, no development shall commence, other than that required to carry out remediation, 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 must be given two weeks written notification of commencement of the remediation scheme work.

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 and is subject to the approval in writing of the local planning authority.

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

**REASON** To ensure any contamination found present on the land is remediated in the interests of the occupiers of the dwellings on this development as well as neighbouring land uses and the water environment in accordance with policy D2 of the Approved Maldon District Local Development Plan, and the NPPF and PPG.

- 8 Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to the Local Planning Authority for approval in writing. These approved schemes shall be carried out before the development is resumed or continued. Following completion of measures identified in the approved remediation scheme, a verification report demonstrating the effectiveness of the remediation scheme carried out must be submitted to the Local Planning Authority for approval in writing.

**REASON** To ensure any contamination found present on the land is remediated in the interests of the occupiers of the dwellings on this development as well as neighbouring land uses and the water environment in accordance with policy D2 of the Approved Maldon District Local Development Plan, and the NPPF and PPG.

- 9 (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.

REASON To safeguard any archaeological remains found present on the site in accordance with policy D3 of the Maldon District Local Development Plan, and the NPPF and PPG.

- 10 Notwithstanding the details submitted with this application, no development shall commence until a Phase 2 preconstruction survey for Japanese Knotweed has been submitted to and approved in writing by the local planning authority. The preconstruction survey for Japanese Knotweed shall include full details of a scheme for its eradication and/or control should Japanese Knotweed be found. The development shall be carried out in accordance with the approved survey.

REASON To ensure that any Japanese Knotweed present on the site is managed in the interests of the occupiers of the dwellings on this development as well as neighbouring land uses in accordance with policy D2 of the Approved Maldon District Local Development Plan, and the NPPF and PPG.

- 11 No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) 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:

- 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) wheel and under body washing facilities

REASON To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with policies D1 and T2 of the submitted Local Development Plan.

- 12 The development hereby permitted shall be carried out in accordance with the conclusions and recommendations contained within the Preliminary Ecological Appraisal dated February 2018.

REASON To minimise the impact of the development upon the biodiversity and ecology interest of the site in accordance with Policies D1 and N2 of the approved Maldon District Local Development Plan, the National Planning Policy Framework and Planning Policy Guidance.

- 13 No dwelling hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details (Flood Risk Assessment March 2020 updated by 49157-PP-001 Rev C and Flow Calcs Rev C). The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

REASON To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site and to ensure the effective operation of SuDS features over the lifetime of the development in accordance with policy D5 of the approved Maldon District Local Development Plan, the National Planning Policy Framework and Planning Policy Guidance.

- 14 Notwithstanding the details submitted with this application prior to any works occurring above ground level at the application site full details of a bin collection point shall be submitted to and agreed in writing by the local planning authority. The bin collection point shall be provided as per the agreed details prior to occupation of the development.

- REASON** To ensure that the bin collection point is appropriate in accordance with policies D1 and D2 of the approved Maldon District Local Development Plan as well as the Planning and Waste Management Technical Document to Maldon District Design Guide.
- 15 Prior to first occupation of the dwellings hereby permitted the glazing and trickle ventilation provided to the development shall meet the criteria contained within table 4 of the Environmental Noise Assessment produced by Robin Cross dated 14 November 2017.
- REASON** To protect the amenities of occupiers of the development in accordance with policy D1 of the approved Maldon District Local Development Plan, the National Planning Policy Framework and Planning Policy Guidance.
- 16 No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no 16/17/10 Rev B for 8 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available for such purposes in perpetuity.
- REASON** To ensure the provision of appropriate parking and turning facilities for the development in accordance with policies D1 and T2 of the approved Maldon District Local Development Plan, the National Planning Policy Framework and Planning Policy Guidance.
- 17 The bicycle parking facilities as shown on the approved plans 16/17/17 Rev A and 16/17/10 Rev B shall be provided in accordance with the approved scheme prior to the first occupation of the development and retained for such purposes thereafter.
- REASON** To ensure the provision of appropriate bicycle parking facilities for the development in accordance with policies D1 and T2 of the approved Maldon District Local Development Plan, the National Planning Policy Framework and Planning Policy Guidance.
- 18 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- REASON** To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policies D1 and T2 of the approved Maldon District Local Development Plan, the National Planning Policy Framework and Planning Policy Guidance.
- 19 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.
- REASON** To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety in accordance with policies T1 and T2 of the approved Maldon District Local Development Plan, the National Planning Policy Framework and Planning Policy Guidance.
- 20 Prior to the first occupation of the dwellings on plot 1 and 4 hereby permitted, the first floor window(s) in the west facing elevation of plot 1 and the east facing elevation of plot 4 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.
- REASON** To ensure that the development does not result in a loss of privacy or amenity for neighbouring occupiers in accordance with policy D1 of the approved Maldon District Local Development Plan, the National Planning Policy Framework and Planning Policy Guidance.
- 21 The applicant/occupier is required to have in place a flood action plan to respond to any flood warnings issued by the Environment Agency. Details of the flood plan shall previously have been submitted to and agreed in writing by the local planning authority, prior to first occupation of the development hereby permitted.
- REASON** To ensure that an appropriate flood action plan is in place as the site access is located within Flood Zone 3 in accordance with policy D5 of the Maldon Local Development Plan as well as the NPPF and PPG.
- 22 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no dormer window or other form of addition or opening shall be constructed in the roof or gable walls of the buildings hereby permitted without planning permission having been obtained from the local planning authority.
- REASON** To ensure that the development does not result in harm to the character and appearance of the area or result in a loss of privacy or amenity for neighbouring occupiers in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework

23 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 further openings or windows at first floor level or above shall be inserted in the flank elevations of the dwellings on plots 1 and 4 hereby permitted without planning permission having been obtained from the local planning authority.

**REASON** To ensure that the development does not result in a loss of privacy or amenity for neighbouring occupiers in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

#### **1056. 20/00415/HOUSE - 17 BROOK ROAD, TILLINGHAM, ESSEX, CM0 7SG**

<b>Application Number</b>	<b>20/00415/HOUSE</b>
<b>Location</b>	17 Brook Road, Tillingham, Essex CM0 7SG
<b>Proposal</b>	First floor extension over existing extension.
<b>Applicant</b>	Mr & Mrs Chris Collin
<b>Agent</b>	Mr Mike Otter - GPO Designs Ltd
<b>Target Decision Date</b>	26.06.2020
<b>Case Officer</b>	Annie Keen
<b>Parish</b>	<b>TILLINGHAM</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In: Councillors A S Fluker and R P F Dewick Reason: Policy D1 - Design Quality and Built Environment) and H4 – Effective Use of Land (Alterations, Extensions and additions)

Following the Officer's presentation, the Chairman addressed the public participation submission received from the Applicant, Mrs Krysta Collin. He then moved the recommendation as set out in the Officer's report and this was not seconded.

Councillor Fluker opened the discussion by referring to Policy 5.28 of the Local Development Plan (LDP) in that the application was to adapt the existing building stock to meet the needs of a growing family. He noted that it was a very wide plot that could accommodate the changes, the design was in keeping with the location, the principle of development accorded with the LDP and there had been no objections from neighbours. He proposed that the application be approved contrary to the Officer's recommendation and this was seconded by Councillor Stamp.

The Lead Specialist Place referring to the LDP advised Members that the policy did not object to extending the dwelling, however the design was an issue, doubling the size of the building. He reminded Members that personal circumstances would have to be very special to be taken into consideration and that these were not in that category and should not be a consideration above planning policies. He concluded by saying that this approach had been found unlawful in previous cases.

Councillor Fluker in response said that whilst he agreed with Mr Leigh's comments, he noted that the Conservation Officer at paragraph 7.2 of the report, had no problem with the design, from a subjective point of view it worked, and he stood by his proposal to approve.

The Lead Specialist: Development Management expressed concerns regarding the proximity of the external wall to the boundary of the neighbouring property to the east,

the bulk and scale of the design and the fact that previous schemes had been refused for these reasons.

The Chairman addressing Councillor Fluker's proposal asked for reasons for approval. Councillor Fluker said the development accorded with policy D1 of the LDP and the design, scale and bulk were acceptable to the location. The Lead Specialist Place said that conditions would include time, plans and materials. The Lead Specialist: Development Management then suggested the removal of permitted development rights on the flank elevation to ensure no perception of overlooking.

The Chairman put the proposal to approve the application, contrary to the Officer's recommendation, to the committee and upon a vote being taken it was approved.

**RESOLVED** that the application be **APPROVED** subject to conditions delegated to Officers in consultation with the Chairman

Councillor Fluker left the meeting for this item of business.

**1057. 20/00502/HOUSE & 20/00503/LBC - THE WHEAT BARN, KEELINGS ROAD, DENGIE**

<b>Application Number</b>	<b>20/00502/HOUSE &amp; 20/00503/LBC</b>
<b>Location</b>	The Wheat Barn, Keelings Road, Dengie, Essex CM0 7US
<b>Proposal</b>	Proposed construction of a lean-to storage building to store logs, household and garden equipment
<b>Applicant</b>	Mr and Mrs Adrian Fluker
<b>Agent</b>	TMA Chartered Surveyors
<b>Target Decision Date</b>	23.07.2020
<b>Case Officer</b>	Annie Keen
<b>Parish</b>	<b>DENGIE</b>
<b>Reason for Referral to the Committee / Council</b>	Councillor / Member of Staff

Following the Officer's presentation, the Chairman addressed the two public participation submissions, one from an Objector, Mr Andrew Snowdon, and one from Mr Tim Matthews, TMA Chartered Surveyors, the Agent.

The Chairman moved the recommendation as set out in the report and it was seconded by Councillor Boyce.

Councillor Stamp, referring to the Public Right of Way (PROW) shown on the Officer's presentation asked for confirmation that this would not be adversely impacted by the development and the Officer confirmed it would not. In response to a query around the planning history it was confirmed this was correct and that in some cases it referred to existing outbuildings as opposed to new.

The Chairman put the Officers' recommendation to the Committee and upon a vote being taken it was approved.

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

**20/00502/HOUSE:**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out and retained in accordance with the following approved plans and documents: Location Plan, TMA/861/1 rev3, TMA/861/2 Rev A  
REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 The materials used in the construction of the development hereby approved should be as set out in the application form and approved drawings.  
REASON In the interest of the character and appearance of the area in accordance with policy D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

**20/00503/LBC:**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON To comply with Section 16(2) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*.
- 2 The development hereby permitted shall be carried out and retained in accordance with the following approved plans and documents: Location Plan, TMA/861/1 rev3, TMA/861/2 Rev A  
REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 The materials used in the construction of the development hereby approved should be as set out in the application form and approved drawings.  
REASON In the interest of the character and appearance of the area in accordance with policy D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

Councillor Fluker returned to the meeting.

**1058. 20/00463/WTPO - LAND NORTH WEST OF RIVERSLEIGH, NIPSELLS CHASE, MAYLAND**

<b>Application Number</b>	<b>20/00463/WTPO</b>
<b>Location</b>	Land North West Of Riversleigh, Nipsells Chase, Mayland, Essex
<b>Proposal</b>	G1 Prunus Spinosa - Remove strip 1m wide by approx. 3.5m long
<b>Applicant</b>	Mr & Mrs K Paton
<b>Agent</b>	N/A
<b>Target Decision Date</b>	EOT 10.07.2020
<b>Case Officer</b>	Annie Keen
<b>Parish</b>	<b>MAYLAND</b>

<b>Reason for Referral to the Committee / Council</b>	Councillor / Member of Staff
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Following the Officer's presentation, the Chairman moved the recommendation as set out in the report and this was seconded by Councillor Fluker.

He then put the Officer's recommendation to approve the application to the Committee and upon a vote being taken it was approved.

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

1. The works hereby permitted shall be carried out in accordance with the British Standard Recommendations for Tree Works (BS3998:2010).  
REASON In order to safeguard the health and appearance of the tree.
2. The works hereby permitted shall be carried out within 2 years from the date of this permission.  
REASON To ensure that the works are carried out whilst they are still relevant to the condition of the tree.

There being no further items of business the Chairman closed the meeting at 2.49 pm.

M W HELM  
CHAIRMAN