REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES
to
CENTRAL AREA PLANNING COMMITTEE
19 OCTOBER 2016

MEMBERS’ UPDATE

AGENDA ITEM NO. 9

<table>
<thead>
<tr>
<th>Application Number</th>
<th>16/00908/FUL</th>
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<tbody>
<tr>
<td>Location</td>
<td>Land Rear Of 46 To 50 Beeleigh Road, Maldon</td>
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<tr>
<td>Proposal</td>
<td>Two storey dwelling house with detached garage.</td>
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<tr>
<td>Applicant</td>
<td>Mr John Wilsdon</td>
</tr>
<tr>
<td>Agent</td>
<td>Mr Mark Morgan - Petro Designs Limited</td>
</tr>
<tr>
<td>Target Decision Date</td>
<td>22.09.2016</td>
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<tr>
<td>Case Officer</td>
<td>Emily Hall</td>
</tr>
<tr>
<td>Parish</td>
<td>MALDON NORTH</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Departure from the Local Plan</td>
</tr>
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7.3 Internal Consultees (summarised)

<table>
<thead>
<tr>
<th>Name of Internal Consultee</th>
<th>Comment</th>
<th>Officer Response</th>
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<tbody>
<tr>
<td>Tree Officer</td>
<td>The Arboricultural information that has been submitted is over 4 years old. The report should be brought up to date with regard to the trees on site and the revised BS5837 recommendations. The report should also include a tree retention plan to give a clear impression of the effect of the proposal on the tree- scape.</td>
<td>See additional condition</td>
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1. **PROPOSED CONDITIONS**
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) of The Town & Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.  
   Reason: In order to ensure that the development is carried out in accordance with the approved details and in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Submitted Local Development Plan.

3. No development shall take place until samples of all materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.  
   Reason: To protect the amenity and character of the area in accordance with BE1 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Submitted Local Development Plan.

4. No works or development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the local planning authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority.

   The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, 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.  
   Reason: In order to protect the character and appearance of the area and the amenities of adjoining residents in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, emerging policy D1 of the submitted Local Development Plan and the National Planning Policy Framework.

Agenda Item no. Error! Reference source not found.
5. No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the occupation of the development to which it relates and be retained as such thereafter.  
**Reason:** To protect the amenity and character of the area in accordance with BE1 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Submitted Local Development Plan.

6. Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.  
**Reason:** To prevent the undue contamination of the site in accordance with policy CON6 of the adopted Maldon District Replacement Local Plan.

7. No development shall commence until details of the surface water 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.  
**Reason:** To ensure appropriate surface water drainage at the site and the prevention of surface water run off onto the highway in the interest of highway safety, and in accordance with policies CON5 and T2 of the adopted Maldon District Replacement Local Plan, policies T2 and D2 of the Submission Local Development Plan, and Government Guidance contained in the National Planning Policy Framework and Planning Practice Guide.

8. Prior to the occupation of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.  
**Reason:** To ensure appropriate parking is provided in accordance with policy T8 of the adopted Maldon District Replacement Local Plan.

9. No development shall commence until information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:
   - Tree survey detailing works required;
   - Trees to be retained;
   - Tree retention protection plan;
   - Tree constraints plan;
   - Arboricultural implication assessment;
   - Arboricultural method statement (including drainage service runs and construction of hard surfaces).
The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree 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. The tree protection measures shall be carried out in accordance with the approved details.

**Reason:** To protect the amenity and character of the area in accordance with BE1 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Submitted Local Development Plan.

9.10. No unbound materials shall be used in the surface treatment of the vehicular access within 6m of the highway boundary.

**Reason:** To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy T2 of the Maldon District Replacement Local Plan and T1 of the submitted Maldon District Local Development Plan and guidance contained within the NPPF.

**POSITIVE AND PROACTIVE STATEMENT**

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

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.