



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
11 SEPTEMBER 2017**

PRESENT

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

390. CHAIRMAN'S NOTICES (PLEASE SEE OVERLEAF)

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

391. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R Pratt, CC and N R Pudney.

392. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 14 August be approved and confirmed.

Minute No. 322 – Other Area and Planning Related Matters

The Group Manager for Planning Services was requested to circulate the report on Section 106 Agreements that was presented to the Overview and Scutiny Committee.

393. DISCLOSURE OF INTEREST

Councillor A S Fluker declared the following in the interests of openness and transparency:

- Agenda Item 5 – FUL/MAL/17/00275 – Land between Station Road and Canute Hall, Fambridge Road, Althorne, Essex - he knew the Applicant and Objectors;
- Agenda Item 6 – FUL/MAL/17/00574 – Creeksea Place Farm House, Ferry Road, Burnham-on-Crouch, Essex - he knew the Applicant;
- Agenda Item 9 – FUL/MAL/17/00736 – Land North of Riversleigh, Nipsells Chase, Mayland, Essex - he knew the Applicant, the Agent and Supporters;
- Agenda Item 10 – FUL/MAL/17/00738 – Land Adjacent High Steppers, Batts Road, Steeple, Essex - he knew the Applicant and the Agent;

- Agenda Item 11 – OUT/MAL/17/00752 – Land South of Charwood, Stoney Hills, Burnham-on-Crouch, Essex - he knew the Applicant, the Agent and Objectors;
- Agenda Item 12 – FUL/MAL/17/00761 – Land Adjacent Theedhams Farm, Steeple Road, Southminster, Essex - he knew the Applicant and the Applicant's company had contracted with him.

Councillor Mrs P A Channer, CC declared a non-pecuniary interest as she was also a Member of Essex County Council who was consulted on matters such as highways, regarding access, and education. Councillor Channer also declared the following non-pecuniary interests:

- Agenda Item 5 – FUL/MAL/17/00275 – Land between Station Road and Canute Hall, Fambridge Road, Althorne, Essex - she knew the Applicant, had been to a couple of events and knew some of the Objectors;
- Agenda Item 10 – FUL/MAL/17/00738 – Land Adjacent High Steppers, Batts Road, Steeple, Essex - she knew the Applicant;
- Agenda Item 11 – OUT/MAL/17/00752 – Land South of Charwood, Stoney Hills, Burnham-on-Crouch, Essex - she knew the Agent.

Councillor R P F Dewick declared the following interests:

- A non-pecuniary interest in relation to Agenda Item 10 – FUL/MAL/17/00738 – Land Adjacent High Steppers, Batts Road, Steeple, Essex – as he knew the Applicant;
- A pecuniary interest in relation to Agenda Item 11 - Agenda Item 11 – OUT/MAL/17/00752 – Land South of Charwood, Stoney Hills, Burnham-on-Crouch, Essex – as he did business with the Applicant. Councillor Dewick advised that he would leave the room for that item.

Councillor P G L Elliott declared the following interests:

- Agenda Item 5 - Agenda Item 5 – FUL/MAL/17/00275 – Land between Station Road and Canute Hall, Fambridge Road, Althorne, Essex – he knew the Applicant;
- Agenda Item 11 - Agenda Item 11 – OUT/MAL/17/00752 – Land South of Charwood, Stoney Hills, Burnham-on-Crouch, Essex – he knew the Agent.

Councillor M W Helm declared the following interests:

- Agenda Item 5 - Agenda Item 5 – FUL/MAL/17/00275 – Land between Station Road and Canute Hall, Fambridge Road, Althorne, Essex – he knew the Applicant and some of the Objectors;
- Agenda Item 10 – FUL/MAL/17/00738 – Land Adjacent High Steppers, Batts Road, Steeple, Essex - he knew of the Applicant.

The Committee received the reports of the Chief Executive and determined the following planning applications, having taken into account all representations and consultation replies received, including those listed on the Members' Update circulated at the meeting.

394. FUL/MAL/17/00275 - LAND BETWEEN STATION ROAD AND CANUTE HALL, FAMBRIDGE ROAD, ALTHORNE, ESSEX

Application Number	FUL/MAL/17/00275
Location	Land Between Station Road And Canute Hall Fambridge Road Althorne Essex
Proposal	New wine warehouse and visitor facility
Applicant	Mr & Mrs Ross And Samantha Lonergan - Crouch Ridge Vineyard
Agent	Mr Juan Martinez - Inkpen Downie Architecture
Target Decision Date	8 May 2017
Case Officer	Ian Harrison, TEL: 01621 875751
Parish	ALTHORNE
Reason for Referral to the Committee / Council	Parish Trigger

Following the Officer's presentation of the report, Dr C Collins, an Objector, of Gilder Lodge, Fambridge Road, Althorne, Essex CM3 6BZ, Mr P Burgess, of Althorne Parish Council and Mr R Lonergan, the Applicant, all addressed the Committee.

Members debated this application and were of the opinion that it should, on balance, be approved. The application site formed part of a much wider area that had come in to wine production and the Council was supporting a policy of trying to expand the wine growing areas in and around the District. Residents had raised concern regarding highways issues. However, as the Highways Agency had raised no objection, Members should accept their opinion.

The Committee received the reports of the Chief Executive and determined the following planning applications, having taken into account all representations and consultation replies received, including those listed on the Members' Update circulated at the meeting.

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 plans listed above.
3. Notwithstanding the provisions of Part 3 of the Town and Country Planning (General Permitted Development) Order 2015, the building hereby shall be used as a wine tasting centre and for no other purposes falling within Use Class A4 of the Town and Country Planning (Use Classes) Order 1987.
4. Prior to the commencement of the development hereby approved, details of the external materials to be used in the construction of the building shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, the development shall only be undertaken in accordance with the approved materials.
5. No amplified sounds shall be played at the site or within the building hereby approved that is audible from any location outside the application site.

6. No plant shall be installed at the site (including air conditioning units, mechanical ventilation / extraction, flues, vents or refrigeration equipment) unless details of the proposals including the siting and appearance of the plant and details of the noise generated by that plant has been submitted to and approved in writing by the Local Planning Authority.
7. The premises hereby approved shall only be open to members of the public between 1000 hours and 1800 hours on any day.
8. Prior to the commencement of the development hereby approved by visiting members of the public, a plan shall be submitted demonstrating the ability to provide 16 parking spaces within the application site. The submitted plans shall include details for the demarcation of the proposed parking spaces which shall be provided prior to the first use of the building hereby approved and retained in perpetuity solely for use in conjunction with the use of the building hereby approved and the six holiday let units referred to as Althorne Hall Cottages on the plans hereby approved.
9. Prior to the commencement of the development hereby approved, details of the existing and proposed ground levels at the application site (as relevant to the development hereby approved) shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, the development shall only be undertaken in accordance with the approved ground level details.
10. 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.
11. Prior to the commencement of the development a 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.

The applicant shall demonstrate that the surface water scheme will ensure that as a minimum:

- Run-off from the site is limited to calculated greenfield rates for the site or 2 litres per second per hectare for a storm event that has a 100% chance of occurring each year (1 in 1 year event)
 - The development should be able to attenuate (manage water on site) for 1 in 100 year events plus 40% climate change allowance
 - If the land is designated as a Brownfield Site it should aim to limit run-off for a storm event that has a 100% chance of occurring each year (1 in 1 year event) OR demonstrate 50% betterment of the current rates
12. 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.
13. Before the development hereby permitted commences, details of all 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.
14. Prior to the commencement of the development hereby approved details of the provision of refuse storage facilities to serve the development shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the approved refuse storage shall be provided prior to the first beneficial use of the building hereby approved and retained at all times thereafter.

395. FUL/MAL/17/00574 - CREEKSEA PLACE FARM HOUSE, FERRY ROAD, BURNHAM-ON-CROUCH, ESSEX

Application Number	FUL/MAL/17/00574
Location	Creeksea Place Farm House Ferry Road Burnham-On-Crouch Essex
Proposal	Variation of condition 2 on approved planning permission FUL/MAL/16/01465 (To replace existing dilapidated agricultural barn with new barn for ancillary use in conjunction with existing commercial operation)
Applicant	Mr Harry Wilsdon
Agent	Mr Mark Morgan - Petro Designs Ltd
Target Decision Date	31 August 2017
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Major Application

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

- 1 The development hereby permitted shall be begun before 9 February 2020.
- 2 The development shall be carried out in complete accordance with the following approved plan: Drawing No 0840/15 Revision B dated October 2016.
- 3 Prior to the construction of the building hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the building 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.
- 4 The building hereby approved shall only be used ancillary to the permitted holiday let / leisure uses of the site or the agricultural holding and shall not be used for habitable accommodation.

396. FUL/MAL/17/00650 AND LBC/MAL/17/00651 - 14 HIGH STREET, SOUTHMINSTER, ESSEX, CM0 7AA

Application Number	FUL/MAL/17/00650
Location	14 High Street Southminster Essex CM0 7AA
Proposal	Conversion of existing former Post Office and associated office space to mixed bakery shop (A1) and tea room/coffee shop (A3) and internal and external changes to the Listed Building including changing a window to a door.
Applicant	Mrs S Mackler
Agent	Guy Clark - Gclarkitecture
Target Decision Date	25 August 2017 EOT: 12.09.2017
Case Officer	Hannah Bowles, TEL: 01621 875733
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Parish Trigger

Application Number	LBC/MAL/17/00651
Location	14 High Street Southminster Essex CM0 7AA
Proposal	Conversion of existing former Post Office and associated office space to mixed bakery shop (A1) and tea room/coffee shop (A3) and internal and external changes to the Listed Building including changing a window to a door.
Applicant	Mrs S Mackler
Agent	Guy Clark - Gclarkitecture
Target Decision Date	7 August 2017 EOT: 12.09.2017
Case Officer	Hannah Bowles, TEL: 01621 875733
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Parish Trigger

Following the Officer's presentation of the report, Members noted that the Parish Council objected to this application on the basis of insufficient parking and other issues and some Members were in support of this view. The premises had been empty for some time and some Members believed that this development would be beneficial to the village.

In response to concerns raised regarding parking, the Group Manager for Planning Services advised that Members must consider demonstrable harm. Delivery lorries would be able to park in the street, but this was no different to deliveries that had occurred when the building was used as a post office. Although some car parking had been removed from the rear of the building, the ability for it to remain an A1 unit remained.

Councillor Beale requested that his decision not to vote on this application be recorded.

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

FUL/MAL/17/00650:

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 plans: HS-MA-05.
3. The use hereby permitted shall not include any primary cooking, that is the application of heat to raw or fresh food in order to cook it, unless an adequate scheme for ventilation is approved by the Local Planning Authority, except for a toaster, microwave, sandwich press and oven of no more than 60cm wide, The ventilation scheme as agreed shall then be implemented prior to the beneficial occupation of the site for the approved use and retained as such.
4. 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.
5. Prior to the commencement of the development hereby permitted details of the means of refuse storage including details of any bin stores to be provided shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details and provided prior to the first occupation of the development and retained for such purposes at all times thereafter.

RESOLVED that listed building consent be **GRANTED**, subject to the following conditions:

LBC/MAL/17/00651:

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 plans: HS-MA-05.
3. All new joinery shall be constructed of hand-painted timber only and retained as such thereafter.
4. Prior to commencement of the development hereby approved, large scale drawings of the new external doors, illustrating elevations at 1:20 and section profiles through the, head, cills, jambs and glazing bars shall be submitted to and approved in writing by local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

397. HOUSE/MAL/17/00686 - 16 BEAUCHAMPS, BURNHAM-ON-CROUCH, ESSEX, CM0 8PR

Application Number	HOUSE/MAL/17/00686
Location	16 Beauchamps Burnham-On-Crouch Essex CM0 8PR
Proposal	Single storey extension
Applicant	Mr & Mrs D Stanbury
Agent	Mr Russell Forde - Smart Planning Ltd
Target Decision Date	24 August 2017 EOT: 12.09.2017
Case Officer	Hannah Bowles, TEL: 01621 875733
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Councillor / Member of Staff

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 drawing: 16.3494/P201 REV A, 16.3494/P202 REV B, 16.3494/P203 REV A, 16.3494/P204 REV A.
- 3 The external surfaces of the extension hereby approved shall be constructed of materials and of a finish to match the existing dwelling.

398. FUL/MAL/17/00736 - LAND NORTH OF RIVERSLEIGH, NIPSELLS CHASE, MAYLAND, ESSEX

Application Number	FUL/MAL/17/00736
Location	Land North Of Riversleigh Nipsells Chase Mayland Essex
Proposal	Proposed construction of a new detached single storey dwelling
Applicant	Mr Kenny Paton & Ms Sue White
Agent	Mr Anthony Cussen - Cussen Construction Consultants
Target Decision Date	25 August 2017 – EOT 15 September 2017
Case Officer	Ian Harrison, TEL: 01621 875751
Parish	MAYLAND
Reason for Referral to the Committee / Council	Councillor / Member of Staff

The Officer advised the Committee that, in accordance with the Members' Update circulated at the meeting, this application had been **WITHDRAWN**.

399. FUL/MAL/17/00738 - LAND ADJACENT HIGH STEPPERS, BATTS ROAD, STEEPLE, ESSEX

Application Number	FUL/MAL/17/00738
Location	Land Adjacent High Steppers Batts Road Steeple Essex
Proposal	Demolition of existing buildings and structures and replacement with 7 new residential dwellings
Applicant	Mr & Mrs Richard Shepherd
Agent	Ms Sarah Threlfall - TMA Chartered Surveyors
Target Decision Date	15 September 2017
Case Officer	Anna Tastsoglou, TEL: 01621 875741
Parish	STEEPLE
Reason for Referral to the Committee / Council	Member Call In

Following the Officer's presentation of the report, Mr T Matthews, the Agent, of TMA Chartered Surveyors, addressed the Committee.

In response to a question, the Group Manager for Planning Services advised Members that brownfield sites would not always be re-used for housing and that all applications must be determined on their own merits.

The Parish Council had recommended approval of this application and some Members considered that houses would be more appropriate in this area than what was currently there. However, some Members had a contrary view that it was a sporadic development that would bring in an urbanising element to the area. Furthermore, the Council's LDP had been approved and this was not a strategic allocation or part of a garden suburb.

A question was asked regarding the amount of people currently employed on the site and, in response, the Group Manager for Planning Services advised Members that the LDP had a section regarding using employment land and cautioned them against ignoring such a fresh policy, as to do so would set a dangerous precedent.

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

- 1 The application site lies within a rural location outside of the defined settlement boundary of Steeple where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing in the District. The proposed development would substantially alter the open character of the area and it would result in an unjustified loss of employment land. If developed, the site would be disconnected and isolated from the existing settlement and by reason of its location, it would provide poor quality and limited access to sustainable and public transportation, resulting in an increased need of private vehicle ownership. The development would therefore be unacceptable and contrary to policies S1, S2, S8, E1 and H4 of the Maldon District Local Development Plan

(2017) and Government advice contained within the National Planning Policy Framework (2012).

- 2 The proposed development, by virtue of its urban nature, siting, layout, plot size, scale, proportions and design would fail to protect and enhance the character and appearance of the rural area and the scattered built form and would result in an unwelcome visual intrusion into the undeveloped countryside, to the detriment of the character and appearance of the rural area. The development is therefore unacceptable and contrary to policies S1, S2, S8, D1 and H4 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).
- 3 Inadequate provision to secure the delivery of affordable housing to meet the identified need in the locality and address the Council's strategic objectives on affordable housing has been made, contrary to policy H1 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).

400. OUT/MAL/17/00752 - LAND SOUTH OF CHARWOOD, STONEY HILLS, BURNHAM-ON-CROUCH, ESSEX

In accordance with his earlier declaration, Councillor R P F Dewick left the meeting at this point.

COUNCILLOR A S FLUKER IN THE CHAIR.

Application Number	OUT/MAL/17/00752
Location	Land South Of Charwood Stoney Hills Burnham-On-Crouch Essex
Proposal	Proposed construction of 6 bungalows
Applicant	Think Green Energy
Agent	Mr Anthony Cussen - Cussen Construction Consultants
Target Decision Date	28 August 2017 (Date extension of time agreed:15 September 2017)
Case Officer	Anna Tastsoglou, TEL: 01621 875741
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Departure from the Local Development Plan 2017 Parish Trigger

Following the Officer's presentation of the report, Mr A Cussen, the Agent, addressed the Committee.

In response to a question, the Officer advised the Committee that the Burnham Neighbourhood Plan formed part of the consideration on all applications in Burnham-on-Crouch since the referendum had taken place and that this application was in line with previous permission that had been granted earlier this year.

A further question was asked whether the LDP took precedence over the Burnham Neighbourhood Plan? The Officer advised that both the LDP and the Burnham Neighbourhood Plan form part of the development plan and many matters must be considered when assessing an application. In order to recommend an application for refusal, demonstrable harm must be able to be shown. Stoney Hills had developed considerably over the last four years and whilst Officers appreciated Members' frustration, we must look at what the area has become and whether this application constituted demonstrable harm.

Members debated this application and considered that it was not unreasonable to raise an objection to this application, as the report itself that the increased number of dwellings would add to the creation of a more urban character. Members considered that the LDP was very important to the Council. Furthermore, previous appeals had been determined before the LDP had been approved.

The Group Manager for Planning Services pointed out that, in relation to the Agent's comment that this would be the final application for Stoney Hills, there was no guarantee that this was the case. He also advised Members that the relevant policies of the Council must be taken in to account when determining applications.

In response to a question, the Officer advised Members that although the Burnham Neighbourhood Plan was not referred to in the report, it was taken in to consideration when reviewing this application.

Councillor M W Helm proposed deferral of this application so that the Burnham Neighbourhood Plan could be properly considered together with the reasons for refusal/approval within the report. However, this proposal was not seconded.

Officers confirmed that if this application was refused, then there was still approval for two dwellings.

Councillor Mrs H E Elliott, a Ward Member, proposed refusal of this application contrary to the Officers' recommendation and this was duly seconded.

The Group Manager for Planning Services advised that there must be some sort of demonstrable harm and that he had heard from Members that the development was outside of the settlement boundary. In addition, Members considered that the development would be a change in character to the area and result in an urban form of development.

Councillor Mrs P A Channer, CC proposed that a discussion be held between Councillor A S Fluker (as he was in the chair), officers and herself to consider the exact reasons for refusal of this application, if it was refused.

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

- 1 The proposed development is located outside of the defined settlement boundaries of the Maldon District and would represent an intensive and urban form of development that would be materially harmful to the character of the application site and the surrounding area. The proposal is therefore contrary to the National Planning Policy Framework, Maldon District Local Development

Plan (2017) policies S1, S8, D1, H4 and policies HO.1 and H0.8 of the Burnham-on-Crouch Neighbourhood Development Plan (2017).

Councillors B S Beale, MBE and A S Fluker requested that their votes to approve this application be recorded.

Councillor R P F Dewick returned to the meeting at this point.

401. FUL/MAL/17/00761 - LAND ADJACENT THEEDHAMS FARM, STEEPLE ROAD, SOUTHMINSTER, ESSEX

Application Number	FUL/MAL/17/00761
Location	Land Adjacent Theedhams Farm Steeple Road Southminster Essex
Proposal	Erection of agricultural building to store agricultural equipment.
Applicant	Mr Bradley Faulkner
Agent	Mr Mike Otter - GPO Designs Ltd
Target Decision Date	12 September 2017
Case Officer	Hannah Bowles, TEL: 01621 875733
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Member Call In

Following the Officer's presentation of the report, Councillor M W Helm declared a non-pecuniary interest, as he knew the Applicant.

A Member raised concern about this application and the comments of the Environment Agency and were of the opinion that the Applicant be given an opportunity to defend their position. The Applicant was born and bred in the District, employed a lot of local people and should be supported by the Council. Furthermore, there were no objections from neighbours or the Parish Council.

Concern was raised by a Member about the maximum height of the proposed building and it was considered that it would have a massive visual impact on houses nearby.

The Group Manager for Planning Services advised that preferably development should be channelled to Flood Zones 1 and 2 and the Council must ensure that developments that are permitted do not increase the risk of flooding in other areas. The Environment Agency had raised concerns and if Members did approve this application then it would be necessary to enter in to discussions with them. It was unusual for the Environment Agency to put this proviso in to their comments.

In response to a question, the Group Manager for Planning Services advised that matters such as where the water would go to if this application was permitted would normally be dealt with through conditions.

Councillor Mrs P A Channer, CC proposed that this application be refused in accordance with the Officer's recommendation and this was duly seconded.

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

- 1 The proposed development as a result of its scale, bulk and siting within this open and prominent location and in close proximity to residential development, would materially harm the landscape and character of the locality. The proposal is therefore contrary to policies S1, S8 and D1 of the Maldon District Local Development Plan and the guidance contained within the NPPF.
- 2 The application site lies within tidal Flood Zone 3b which is defined as a functional floodplain where water has to flow or be stored in times of flood; development should be directed to areas of low risk of flooding. Furthermore, it has not been recognised or addressed within the submitted Flood Risk Assessment that the site lies within flood zone 3b. The development would therefore be contrary to core planning principles and guidance contained in the National Planning Policy Framework, the National Planning Practice Guidance and policy D5 of the Maldon District Local Development Plan.

402. OTHER AREA PLANNING AND RELATED MATTERS

The Committee received and noted the report of the Chief Executive on the following matters:

- (i) Appeal Decisions

FUL/MAL/16/01438 (Appeal Ref: APP/X1545/W/17/3175598)

Proposal: Construction of 2 storey 2 bedroom house

Address: Land Adjacent To 17 Brickwall Close - Burnham On Crouch

APPEAL DISMISSED – 1 September 2017

DECISION LEVEL: Delegated

403. DELEGATED PLANNING APPLICATIONS

The Committee received and noted the list of decisions on planning applications taken by the Chief Executive under delegated powers, circulated prior to the meeting for the period 11 August 2017 – 7 September 2017.

404. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

405. ENFORCEMENT UPDATE

The Chairman asked Members if they wished to discuss this item during this meeting or if they wished to hold a separate meeting to consider enforcement.

Councillor A S Fluker proposed that if enforcement was deferred until a special meeting, then this would enable Members to inform Officers of items they wished to discuss in advance. Officers would then have the opportunity to present Members with answers at the special meeting.

RESOLVED that this item be **DEFERRED** until a special meeting.

There being no further items of business the Chairman closed the meeting at 9.17 pm

R P F DEWICK
CHAIRMAN

(a)