

**CIRCULATED
BEFORE THE
MEETING**



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

to
**COUNCIL (EXTRAORDINARY)
17 MAY 2018**

MEMBERS' UPDATE

AGENDA ITEM NO. 4

Application Number	MLA/MAL/17/00582
Location	Land Opposite 34 Hall Road Great Totham Essex
Proposal	Application to the part relinquishing of Section 52 Agreement (MAL/408/84) dated 10/10/1984 relating to land at the rear of Seagers and Millways
Applicant	Mr M Payne - J & M Developers
Agent	Miss A Lai - Smart Planning Ltd
Target Decision Date	08 February 2018
Case Officer	Mark Woodger, TEL: 01621 875851
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	No scheme of delegation applies.

8. CONSULTATIONS AND REPRESENTATIONS RECEIVED

8.1 Representations received from Parish / Town Councils

8.1.1 Great Totham Parish Council circulated an email to all Councillors and some Officers on 15 May 2018. As this has been circulated directly, it is considered that the content of that email need not be repeated here. It is noted that copies of previous correspondence has also been circulated as it has been summarised by Officers in the report rather than replicated in full. The letter highlights the case that has been referred to in the Officer's Report as the 'Wiltshire Case' and sets out a concern that little weight has been given to this case by Officers.

8.2 Representations received from Interested Parties

8.2.1 Additional representations have been received from:

- RJ & JS Gower, 34 Hall Rd, Great Totham.
- David Bruce, 41 Seagers, Great Totham.

The only comments that are made that have not been addressed previously are set out overleaf. Officers consider that neither of these comments are grounds to alter the recommendation.

- Development works have already commenced and should be stopped on the grounds that wildlife is present and active at the site and will therefore be harmed by the development.
- If the Council is minded to renegotiate the terms of the previous legal agreement, it should do so to achieve terms that are favourable to the residents of Maldon District and particularly Great Totham. It is suggested that a small development could be allowed, but being offset by the transfer of the remainder of the land to the Parish Council. Such an arrangement would prevent action being taken against Maldon District Council by residents on the grounds of '*substantial damages, resulting from actions for tort*'.