

MEMBERS' UPDATE

CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

27 October 2017


Dear Councillor

NORTH WESTERN AREA PLANNING COMMITTEE - MONDAY 30 OCTOBER 2017

Please find enclosed the Members' Update for the above meeting, detailing any further information received in relation to the following items of business since the agenda was printed.

6. **HOUSE/MAL/17/00857 - Greenlanes, Spring Elms Lane, Little Baddow, Essex CM3 4SQ** (Pages 3 - 4)
9. **FUL/MAL/17/00988 - Land Adjacent Cherry Blossom Lane, Cold Norton** (Pages 5 - 8)
10. **FUL/MAL/17/01037 - Land Between 4 Oaktrees and Lee Cottages, The Street, Little Totham** (Pages 9 - 12)
11. **Other Area Planning and Related Matters** (Pages 13 - 14)

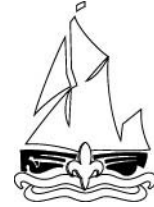
Yours faithfully

A handwritten signature in blue ink, appearing to read 'F. R. Marshall', enclosed within a hand-drawn oval.

Chief Executive

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**CIRCULATED
BEFORE THE
MEETING**



**REPORT of
CHIEF EXECUTIVE**

to
**NORTH WEST AREA PLANNING COMMITTEE
30 OCTOBER 2017**

MEMBERS' UPDATE

AGENDA ITEM NO. 6

Application Number	HOUSE/MAL/17/00857
Location	Greenlanes Spring Elms Lane Little Baddow Essex CM3 4SQ
Proposal	Retrospective - Erection of single-storey, two-bay cart lodge with lean-to store.
Applicant	Mr John Joyce
Agent	Mr Peter Messenger - P.L. Messenger Architect
Target Decision Date	17.11.2017
Case Officer	Spyros Mouratidis
Parish	WOODHAM WALTER
Reason for Referral to the Committee / Council	Parish Trigger

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

(Summary of comments received which are only relevant planning matters that are to be taken into account).

7.2 Representations received from Interested Parties (summarised)

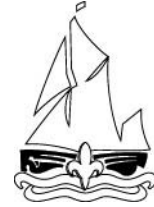
7.2.1 Letters were received **in support** of the application from the following and the reasons for support are summarised as set out in the table below:

- Diana M Dollery, Crossways, Spring Elms Lane, Lt Baddow, Essex CM3 4SQ

Supporting Comment	Officer Response
The Parish Council should not have compared the development with the application at Spindle.	Please see section 5.2 of the report
The cartlodge at Greenlanes, is timber sided, invisible from the road behind an evergreen hedge.	Please see section 5.2 of the report
It seems grossly unfair that the owners should be made to pull the structure down, when the builder told them they didn't need planning permission.	Not a material planning consideration

The applicant has also submitted a comment in support of his application and in response to the Parish Council's recommendation. No new material planning considerations were raised by the applicant in his representation.

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MEMBERS' UPDATE

AGENDA ITEM NO. 9

Application Number	FUL/MAL/17/00988
Location	Land Adjacent 7 Cherry Blossom Lane, Cold Norton, Essex
Proposal	Construction of a detached 3 bedroom bungalow with associated vehicular access, hardstanding and landscaping.
Applicant	Mr Saint
Agent	Mr Young - Local Planning Services
Target Decision Date	22 nd November 2017
Case Officer	Anna Tastsoglou, TEL: 01621 875741
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Departure from the Local Development Plan 2017

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

(Summary of comments received which are only relevant planning matters that are to be taken into account).

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Norton Parish Council	No objection raised, but wised to make the following comment: This is outside the development boundary which is against the Parish Council's Planning Policy, but an earlier similar application on this site refused by MDC was then allowed on appeal. However, the Parish Council would like to point out that Cherry Blossom Lane is in a very poor condition and as the	Comments noted; however, it is not considered reasonable or necessary a condition in relation to reconstruction of the private road to be imposed as part of this application.

Name of Parish / Town Council	Comment	Officer Response
	construction of another property with the inherent vehicles associated with the new build will damage it further, the Parish Council would ask that a condition of the permission (if granted) is that the road leading to the new property is made up to an acceptable standard.	

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highway Authority	No comments to this application.	Noted.

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions regarding foul and surface water drainage schemes. Informatives in relation to waste management, contamination, nuisance during construction and alterations to an ordinary watercourse.	Comments noted and condition imposed (09). Two additional informatives are added below.

INFORMATIVES

3 Land Contamination

Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as

contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future.

The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.

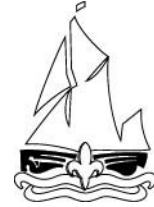
4 Alteration to an Ordinary Watercourse

Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control, or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River.

If you believe you need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding. Alternatively you can email any queries to Essex County Council via watercourse.regulation@essex.gov.uk.

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MEMBERS' UPDATE

AGENDA ITEM NO. 10

Application Number	FUL/MAL/17/01037
Location	Land Between 4 Oaktrees And Lee Cottages, The Street, Little Totham
Proposal	Three bed bungalow
Applicant	Mr J Purdy
Agent	Mr Peter Le Grys - Stanfords
Target Decision Date	08 th November 2017
Case Officer	Hilary Baldwin
Parish	LITTLE TOTHAM
Reason for Referral to the Committee / Council	Departure from the Local Development Plan 2017 Parish Trigger

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

(Summary of comments received which are only relevant planning matters that are to be taken into account).

7.2 Internal Consultees (summarised)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions regarding foul and surface water drainage to be submitted for approval prior to commencement. Informative's to be added regarding waste management, land contamination, construction nuisance and alteration to a watercourse	Comments noted and recommenced conditions have already been appended to the scheme. The Informative's are noted and added below.

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	No Objection. Subject to conditions for samples of weatherboarding and brick and roof tiles samples to be submitted for approval	Comments noted and recommended conditions already added to the proposal.

7.2.1 Representations received from Interested Parties (*summarised*)

- Letters were received objecting to the application from the following and reasons for objection are summarized as set out below.
 - Mrs. F Cooper. 1 Lee Cottages, The Street, Little Totham, Maldon, Essex, CM9 8QJ
 - N Webb. 2 Lee Cottages, The Street, Little Totham, Maldon, Essex, CM9 8QJ

Supporting Comments	Officer Response
<p>The site is unsuitable for any kind of residential property because of close proximity to neighbours.</p> <p>Previous appeal stated that those most affected are No's 1 & 2 Lee Cottages Nothing has changed in this respect.</p> <p>Previous appeal dismissed due to proximity of neighbours, which concluded there would be substantial harm to the outlook and living conditions of adjacent dwellings at Lee Cottages. Neighbouring gardens are particularly short.</p> <p>Impact upon ability of neighbouring properties to extend.</p>	<p>The comments have been noted and addressed within the report</p>

INFORMATIVES

1 Waste Management

The applicant should consult the Waste and Street Scene Team at Maldon District Council to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed, and that the site road is constructed to accommodate the size and weight of the Council's collection vehicles.

2. Construction

The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:

- a) No waste materials should be burnt on the site, instead being removed by

Agenda Item No. 10

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Page 2 / 3

- licensed waste contractors;
- b) No dust emissions should leave the boundary of the site;
 - c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
 - d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

Where it is necessary to work outside of these recommended hours the developer and builder should consult the local residents who are likely to be affected and contact the Environmental health Team for advice as soon as the work is anticipated.

3 Land Contamination

Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future.

The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.

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MEMBERS' UPDATE

PAGE 93 ITEM 1 APPEALS LODGED

Appeal Start Date: 27/09/2017

Application Number: FUL/MAL/16/01447 (APP/X1545/W/17/3180005)

Site: Barn At Sheepcoates Farm Church Road Great Totham

Proposal: Conversion of agricultural building to residential (Class C3)

Appeal by: Mr D Clark

Appeal against: Refusal

Appeal procedure requested: Written representation

Appeal Start Date: 27/09/2017

Application Number: LBC/MAL/16/01448 (APP/X1545/Y/17/3180007)

Site: At Sheepcoates Farm Church Road Great Totham

Proposal: Conversion of agricultural building to residential (Class C3)

Appeal by: Mr D Clark

Appeal against: Refusal

Appeal procedure requested: Written representation

Appeal Start Date: 09/10/2017

Application Number: LDE/MAL/16/00844 (APP/X1545/X/17/3184314)

Site: 61 Broad Street Green Road Great Totham

Proposal: Claim for Lawful Development Certificate for existing use of independent residential dwelling

Appeal by: Mrs M Houlding

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 24/10/2017

Application Number: HOUSE/MAL/17/00431 (APP/X1545/D/17/3183549)

Site: New Farm - Beckingham Street - Little Totham

Proposal: Detached garage and carport

Appeal by: Mr & Mrs J Renwick

Appeal against: Refusal

Appeal procedure requested: Householder Appeal Service (HAS)



PAGE 93 ITEM 2 APPEAL DECISIONS

ENF/12/00332/01 (Appeal Ref: APP/X1545/C/17/3175549)

Address: Lot 13, Land West Of Middle Wood, Maypole Road, Great Totham, Essex

Alleged Breach of Planning Control: Without planning permission the unauthorised change of use.

Grounds of Appeal: that the breach of control alleged in the enforcement notice has not occurred as a matter of fact, that there has been a breach of planning control, 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 WITHDRAWN – 3 October 2017

FUL/MAL/17/00349 (Appeal Ref: APP/X1545/W/17/3177523)

Proposal: Variation of conditions 6 and 7 on approved planning permission

FUL/MAL/15/00439 (Change of use of existing agricultural poultry sheds to be used for the storage of reclaimed building materials)

Address: Poultry Sheds Moors Farm Moors Farm Chase Little Totham

APPEAL WITHDRAWN – 29 September 2017

COUPA/MAL/16/01384 (Appeal Ref: APP/X1545/W/17/3177356)

Proposal: Notification for prior approval for a proposed change of use of an agricultural building to 2 no. dwellinghouses (Class C3), and for associated operational development

Address: Outbuilding At Stockhall Farm - Hatfield Road - Ulting

APPEAL ALLOWED – 26 October 2017

DECISION LEVEL: Delegated