



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
11 JULY 2016**

PRESENT

Chairman	Councillor H M Bass
Vice-Chairman	Councillor Mrs M E Thompson
Councillors	E L Bamford, M F L Durham, CC, J V Keyes, D M Sismey and Miss S White

254. CHAIRMAN'S NOTICES (PLEASE SEE PAGE 5)

The Chairman drew attention to the list of notices published on page 5 of the agenda.

255. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Mrs P A Channer CC, J P F Archer and A K M St. Joseph.

256. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the North Western Area Planning Committee held on 13 June 2016 be approved and confirmed.

257. DISCLOSURE OF INTEREST

Councillor J V Keyes declared a non-pecuniary interest in relation to Agenda Item 12 – FUL/MAL/16/00578 – Land Adjacent 20 Rookery Lane, Great Totham as he lived in Rookery Lane and knew the Applicant. In addition, he was a member of Great Totham Parish Council.

The Chairman advised Members of the Committee that he would bring forward consideration of Agenda Item 13 – FUL/MAL/16/00581 – Claremont, Chelmsford Road, Woodham Mortimer to this point in the meeting.

258. FUL/MAL/16/00581 - CLAREMONT, CHELMSFORD ROAD, WOODHAM MORTIMER

Application Number	FUL/MAL/16/00581
Location	Claremont Chelmsford Road Woodham Mortimer Essex
Proposal	Replacement dwelling - single storey extension, re-roofing with rooms in roof and detached cart lodge
Applicant	Mr & Mrs W. Prentice
Agent	Mr Ashley Robinson
Target Decision Date	15 July 2016
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	WOODHAM MORTIMER
Reason for Referral to the Committee / Council	Member Call In

The Interim Development Management and Enforcement Manager advised that the Agent on this application had sent through amended plans to Maldon District Council on Friday evening (8 July 2016) and due to this had requested that this item be deferred until next month.

Members of the Committee agreed for this item to be deferred until the next meeting of the North Western Area Planning Committee. It was agreed that if both Officers and the Parish Council were in agreement to approve the application, then there would be no need for it to be referred back to the North Western Area Planning Committee for determination.

RESOLVED that consideration of this application be **DEFERRED** to allow Officers time to consider amended plans that had been submitted.

259. FUL/MAL/15/01376 - LAND NORTH OF FLEET FARM, FAMBRIDGE ROAD, NORTH FAMBRIDGE

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

Application Number	FUL/MAL/15/01376
Location	Land North Of Fleet Farm Fambridge Road North Fambridge
Proposal	Change of use of Fleet Farm to B8 use.
Applicant	Mr B Roe - Roe Environmental Ltd
Agent	Terence Wynn
Target Decision Date	2 May 2016
Case Officer	Hilary Baldwin, TEL: 01621 875730
Parish	NORTH FAMBRIDGE
Reason for Referral to the Committee / Council	Departure from the Local Plan

Following the Officer's presentation of the report, Mr Terry Wynn, the Agent, address the Committee.

In response to some concerns raised by Members regarding traffic and the proposed hours of usage, the Interim Development Management and Enforcement Manager advised that the application before the Committee was for storage and that no information had been provided as to how much vehicular movement there would be. The issue of restrictions on the time of day that the site could be used was dealt with in proposed condition 5, if Members were minded to approve this application.

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 drawings specifically referenced on this decision notice
- 3 The premises shall only be used as/for storage and distribution purposes and for no other purpose including any purpose as defined within Class B8 of the Schedule to the Town & Country Planning Use Classes (Amendment) Order 2014 (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.
- 4 This permission shall only authorise the development of the site as specified in the application. No further sub-division of the building(s) to form additional units shall be carried out without express planning permission having been granted.
- 5 The use of the premises shall only operate between 06:00 hours and 18:00 hours Mondays to Fridays, 06:00 hours and 18:00 on Saturdays and at no time on Sundays, Bank and Public Holidays.
- 6 No machinery shall be operated nor shall any process be carried out and no deliveries or collections undertaken at the site other than between 06:00 hours and 18:00 hours on weekdays and between 06:00 hours and 14:00 hours on Saturdays and not at any time on Sundays and Public Holidays.
- 7 Prior to the commencement of the development hereby permitted, 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.
- 8 Prior to the first occupation of the development hereby approved, details of the vehicle parking and turning areas, which shall include the largest vehicles shall be submitted to and approved in writing by the local planning authority. The parking and turning areas shall be retained in perpetuity for their intended purpose.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

260. FUL/MAL/16/00106 - FLEET FARM, FAMBRIDGE ROAD, NORTH FAMBRIDGE

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

Application Number	FUL/MAL/16/00106
Location	Fleet Farm Fambridge Road North Fambridge Essex
Proposal	Removal of condition 5 on approved application FUL/MAL/09/00440.
Applicant	Mr Robert Roe
Agent	Miss Kate Jennings - Whirledge & Nott
Target Decision Date	30 March 2016
Case Officer	Hilary Baldwin, TEL: 01621 875730
Parish	NORTH FAMBRIDGE
Reason for Referral to the Committee / Council	Departure from the Local Plan

Following the Officer's presentation of the report, Ms Kate Jennings, the Agent, addressed the Committee.

In response to a question regarding recent similar applications to remove an agricultural tie that had been determined by this Committee, the Interim Development Management and Enforcement Manager reminded Members that each application must be determined on its own merits.

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

- 1 The development hereby permitted shall be carried out in complete accordance with the approved drawings, LOCATION PLAN, DFC 065 BLOCK PLAN, 5753/P/04B, 5753/P/05B, 5753/P/06B, 5753/P/07B, 5753/P/01/B, 5753/P/02/B, 5753/P/03/B, DFC 065 LANDSCAPING X 2, details and Extended Phase 1 Habitat Survey dated 06th May 2009 (DF Clarke Bionomique Ltd) and Flood Risk Assessment Report ref: D420-01 dated December 2009 (DF Clark Bionomique).
- 2 The development shall be carried out in accordance with the following details as approved.
Roof Tile: Reclaimed slate
Brickwork: Hoskins Crème
- 4 The hard and soft landscape works are to be carried out as approved within the Landscape Specification date 15 October 2009 by DF Clarke Bionomique Ltd and received by the Local Planning Authority on 17 November 2009 prior to the beneficial occupation of the development hereby approved. 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 that 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.
- 5 Within 3 months following the first occupation of the dwelling hereby approved the existing dwelling on the site shall be demolished and the resulting material removed from the site.
- 6 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) (Amendment) (No2) (England) Order 2015 (or any Order amending, revoking or re-enacting that Order) no, swimming pools, extensions or separate buildings shall be erected within the site without planning permission having been obtained from the local planning authority.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

261. FUL/MAL/16/00152 - FAMBRIDGE YACHT HAVEN LIMITED, ADJACENT WATERFRONT HOUSE, FERRY ROAD, NORTH FAMBRIDGE

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members' Update circulated at the meeting.

Application Number	FUL/MAL/16/00152
Location	Fambridge Yacht Haven Limited Adjacent Waterfront House Ferry Road North Fambridge
Proposal	Redevelopment of the site for business, workshops and offices.
Applicant	Mr D Adams
Agent	Mr David Wallis - Smart Planning Ltd
Target Decision Date	10 June 2016 – Extension of Time 15 July 2016
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	NORTH FAMBRIDGE
Reason for Referral to the Committee / Council	Parish Trigger

Following the Officer's presentation of the report, Mr Andrew Scott of Kennetts Farm, Ferry Road, North Fambridge, an Objector, Ms Sandra Nunn of North Fambridge Parish Council and Mr David Wallis, the Agent, all addressed the Committee.

Members' debated this application and raised various concerns, including, in particular, the following issues:

- That access to the application site was very narrow and Members considered it to be insufficient for the size of development proposed
- That the application site was within Flood Zone 3
- The size of the proposed development was very large compared to the size of the current site
- The hours of work in the report included working on Sundays and Bank Holidays which Members felt to be unacceptable due to the adverse impact on neighbours of the site

Councillor Miss S White, a Ward Member, proposed refusal of this Application contrary to the Officers' recommendation. This was duly seconded and upon a vote the motion was carried. Following the decision to refuse the application reasons for refusal were discussed and agreed by the Committee.

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

- 1 The proposed redevelopment of the site would result in an increase in the quantum of development and an unacceptable intensification of the site, adversely affecting the amenity of the neighbouring residential properties by reason of noise and disturbance. Further, the increase in vehicular movement to and from the site and the lack of on-site car parking would have a detrimental impact on the local road network and the free flow of traffic, contrary to policies E7, BE1, CC6 and T2 of the Maldon District Replacement Local Plan, policies S1, S8, D1, H4, E1 and T2 of the Maldon District Local Development Plan, and Government guidance as contained within the National Planning Policy Framework which seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

262. HOUSE/MAL/16/00313 - THE WILLOWS, BRYANTS LANE, WOODHAM MORTIMER

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

Application Number	HOUSE/MAL/16/00313
Location	The Willows Bryants Lane Woodham Mortimer Essex
Proposal	External and internal refurbishment of the house with an uplift to its facade. First floor is to be rebuilt completely and an additional one-storey rear extension to be erected.
Applicant	Mr Nigel Boreham
Agent	Mr Peter French - Arcademy Design
Target Decision Date	16 June 2016
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	WOODHAM MORTIMER
Reason for Referral to the Committee / Council	Parish Trigger

Following the Officer's presentation of the report, Mr Nigel Boreham, the Applicant, addressed the Committee.

Councillor M F L Durham, a Ward Member, commented that the property was not an easy one to find and therefore, the design would not have a detrimental impact on the locality. Furthermore, the Parish Council was in support of this application. Councillor Durham proposed that this application be approved contrary to Officers' recommendation.

Councillor Bass, a Ward Member, also commented that the property was well screened from the road and the design was of a refreshing style and an improvement upon the existing property.

The proposal in the name of Councillor Durham to approve this application was duly seconded and upon a vote the motion was carried. In light of the approval, the Interim Development Management and Enforcement Manager outlined a number of suggested conditions to be attached to the approval which were agreed by Members.

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 drawings specifically referenced on this decision notice.
- 3 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development 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.
- 4 Prior to the commencement of the development details of the 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.
- 5 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.

INFORMATIVES

- 1 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.
- 2 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 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.

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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. Furthermore, Members of the planning committee which took the decision to grant planning permission as the proposal has been considered acceptable.

263. FUL/MAL/16/00389 - WAGGERS, HOP GARDEN LANE, WOODHAM MORTIMER

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members' Update circulated at the meeting.

Application Number	FUL/MAL/16/00389
Location	Waggers Hop Garden Lane Woodham Walter Essex
Proposal	Erection of replacement dwelling, garage and outbuildings (Amendments to previously approved design under FUL/MAL/16/00030)
Applicant	Mr Mark Firth-Granville
Agent	Richard Horley - John Finch Partnership
Target Decision Date	6 June 2016
Case Officer	Rebecca Greasley, TEL: 01621 875805
Parish	WOODHAM WALTER
Reason for Referral to the Committee / Council	Parish Trigger

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 drawings specifically referenced on this decision notice as well as the submitted detailed specifications unless otherwise agreed in writing by the local planning authority.
- 3 The external surfaces of the dwelling hereby approved shall be constructed of materials and finish as detailed within the application, unless otherwise agreed in writing by the local planning authority.

- 4 Prior to the commencement of the development details of the 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.
- 5 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.
- 6 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.
- 7 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the local planning authority.
- 8 The garage hereby permitted shall only be used for those purposes incidental to the use of the dwelling house to which it relates and not for any commercial or business purpose or as annexe accommodation.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

264. FUL/MAL/16/00423 - FONTENAY, STATION ROAD, WICKHAM BISHOPS

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

Application Number	FUL/MAL/16/00423
Location	Fontenay Station Road Wickham Bishops Essex
Proposal	Demolition of existing house and outbuildings and the erection of a replacement two and a half storey dwelling with basement and associated turning area, parking court, plant room and bin store, private foul treatment plant, soakaways and landscaping.
Applicant	Mr & Mrs Ian Gable
Agent	Mr Melville Dunbar - Melville Dunbar Associates
Target Decision Date	15 July 2016
Case Officer	Hilary Baldwin, TEL: 01621 875730
Parish	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	Parish Trigger

Following the Officers' presentation of the report, Mrs Jane Gable, the Applicant, addressed the Committee.

Councillor H M Bass, a Ward Member, commented that the application site was very well screened from the road and in a remote location and, as such, he could not accept the Officers' recommendation.

Councillor M F L Durham, a Ward Member, agreed with Councillor Bass and proposed approval of this application contrary to the Officers' recommendation. The proposal was duly seconded.

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 drawings specifically referenced on this decision notice.
- 3 The external surfaces of the development hereby approved shall be constructed of materials as detailed within the application.
- 4 Prior to the commencement of the development details of the surface water drainage scheme to serve the development shall be submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development and shall be retained at all times thereafter.
- 5 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.
- 6 No development shall commence, other than where necessary to carry out additional investigation, 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, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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.

- 7 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition [O1], and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition [O2]. This must be conducted 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.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition [O6].

- 8 The development hereby approved shall be undertaken in accordance with the terms and specifications contained within the Extended Phase 1 Habitat Survey, dated September 2014, which is attached to and forms part of this permission.
- 9 The development hereby approved shall be undertaken in accordance with the terms and specification contained within the Preliminary Arboricultural Method Statement and Tree Protection Plan, dated 21 April 2015, which is attached to and forms part of this permission.

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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. Furthermore, Members of the planning committee which took the decision to grant planning permission as the proposal has been considered acceptable.

265. FUL/MAL/16/00480 - LAND ADJACENT BRAEMAR, FAMBRIDGE ROAD, NORTH FAMBRIDGE

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members' Update circulated at the meeting.

Application Number	FUL/MAL/16/00480
Location	Land Adjacent Braemar Fambridge Road North Fambridge Essex
Proposal	Change of use of land from agriculture to residential and erection of two storey dwelling house with detached garage.
Applicant	Mr Adrian Heritage
Agent	
Target Decision Date	23 June 2016
Case Officer	Hilary Baldwin, TEL: 01621 875730
Parish	NORTH FAMBRIDGE
Reason for Referral to the Committee / Council	Departure from the Local Plan

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 drawings specifically referenced on this decision notice
- 3 The development hereby approved shall be constructed of materials and of a finish as detailed within the application.
- 4 Prior to the first occupation of the development hereby permitted, the first floor windows within the northern side elevation shall be glazed with opaque glass and of a non-openable design with the exception of a top hung fanlight and shall be retained as such thereafter.
- 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

first use/occupation of the development to which it relates and be retained as such thereafter.

- 6 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 that 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.
- 7 The development shall be undertaken in accordance with the terms and specifications contained within the Arboricultural Report and Impact Assessment, Dated 30 November 2015, Moore Partners, which is attached to and forms part of this permission.
- 8 No unbound material shall be used in the surface treatment of the vehicular access within 6m of the highway boundary.
- 9 Prior to the first occupation of the development hereby permitted, the vehicular access shall be constructed at right angles to the existing carriageway. The width of the driveway at its junction with the highway boundary shall be not less than 3 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.
- 10 The detached garage hereby permitted shall only be used for purposes incidental to the use of the dwelling house to which it related and not for any commercial or business purpose.
- 11 Prior to the commencement of the development details of the 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.
- 12 With the exception to that shown on the plan to create the access into the site, the hedges to the north, south and eastern boundary of the site (with the exception of the area to be removed to create the access) shall not be removed, cut back in any way, or damaged unless or otherwise first agreed in writing with the Local Planning Authority. No clearing, demolition or development shall commence within the site until the hedges shown to be retained have been protected by a chestnut paling fence or similar fence to a height of not less than 1.5m and no closer than 1m from the shrubs and hedges or as otherwise agreed in writing by the Local Planning Authority. The protective fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone nothing shall be

stored or placed, no fires lit, no vehicle shall gain access, ground levels shall not be altered, no excavation shall be made and no structure shall be erected, unless otherwise first agreed in writing with the Local Planning Authority. If within five years from the completion of the development a retained shrub or hedge is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement shrub or hedge 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.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

266. FUL/MAL/16/00578 - LAND ADJACENT 20 ROOKERY LANE, GREAT TOTHAM

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members' Update circulated at the meeting.

Application Number	FUL/MAL/16/00578
Location	Land Adjacent 20 Rookery Lane Great Totham Essex
Proposal	Erection of a two storey house
Applicant	Mr & Mrs C Pearson
Agent	W G Goodall
Target Decision Date	20 July 2016
Case Officer	Emily Hall, TEL: 01621 875744
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Member Call In

Following the Officer's presentation of the report, Members debated this application in some detail.

Councillor J V Keyes, a Ward Member, lived very close to the application site and disagreed with officers that the development would be unsustainable due to it being infill. In addition there was a bus service and a local shop nearby. Regarding the reason due to the bulk and scale of the proposed development, a house further along the same road had recently had a very large extension which he felt called this in to question.

The Interim Development Management and Enforcement Manager advised Members that because a development was classed as infill this does not in itself cause the sustainability argument to fall away. Furthermore, the Highways Authority had raised concerns and an attempt to create a suitable in and out access had resulted in a contrived development.

Members had some sympathy regarding the question of sustainability as villages do need to take some of the housing that is required for the Maldon District. However, it was felt that the proposed development was too contrived in its current form. If an innovative way to utilise the site could be found, then Members were not against the principle of its development.

The Committee was advised that the Highways Authority did not often comment upon applications and, as they had done so in this case, their concerns about highways safety must be taken into consideration when determining this application.

Councillor Keyes, a Ward Member, proposed approval of this application contrary to Officers' recommendation and this was duly seconded. Upon a vote the motion failed.

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

- 1 The proposed development, by virtue of the restricted width of the application site and the layout, scale, bulk and design of the proposed dwelling, would appear cramped, bulky and result in an awkward juncture in the street scene and therefore represent an incongruous form of development that would relate poorly to the prevailing pattern of development, failing to reflect the character and appearance of the locality, contrary to policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of the submitted Maldon District Local Development Plan and guidance set out within the National Planning Policy Framework.
- 2 The proposed development, by reason of its scale, design and siting, is considered to result in an unneighbourly form of development that will have an overbearing and detrimental impact on the amenities of the neighbouring occupiers contrary to policies BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of the submitted Maldon District Local Development Plan and guidance set out within the National Planning Policy Framework.
- 3 The development of this site for housing is remote from essential support facilities, community services, is inaccessible by a range of transport and is located where the need to travel would be maximised and the use of sustainable transport modes would be minimised and would represent an unsustainable form of development. Furthermore, the poor sustainability credentials of the site and its locality in combination with the fact that the location of the site would not encourage sustainable travel patterns in combination with the insufficient visibility splays of the junction and evidence of a collision the proposal is considered to result in demonstrable harms in terms of highways safety would significantly and demonstrably outweigh the benefits of the proposal when assessed against the compliant policies of the Maldon District Replacement Local Plan namely S1, BE1, T1 and T2, submitted policies S1, S8, D1, H4, T1 and T2 of the Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

POSITIVE AND PROACTIVE STATEMENT

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

In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the National Planning Policy Framework.

267. FUL/MAL/16/00633 - RUDLEY OAKS, CHELMSFORD ROAD, PURLEIGH

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members' Update circulated at the meeting.

Application Number	FUL/MAL/16/00633
Location	Rudley Oaks Chelmsford Road Purleigh Essex
Proposal	Retrospective - Change of use of ex commercial redundant building to use as games room & changing room in conjunction with swimming pool with storage over and log store at rear. Move position of cart lodge granted on previous planning permission. Extension of residential curtilage.
Applicant	Mr John Lawrence
Agent	-
Target Decision Date	21 July 2016
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Departure from the Local Plan 2005 Parish Trigger

Following the Officer's presentation of the report, Mr Colin Ash of Purleigh Parish Council and Mr John Lawrence, the Applicant, addressed the Committee.

Members debated this application and Miss S White, a Ward Member, was of the opinion that the existing agricultural barn was an unattractive building and had been improved by the change of use. Furthermore, the siting of the proposed garage would screen the pool house and provide an increased turning area. She was in agreement with the Parish Council who was in support of this application. Councillor Miss White proposed that the application be approved

Members were concerned that if they were minded to approve this application, then there must be robust conditions to ensure that the existing hedging was protected and that the obligation to keep the agricultural land adjacent to the site be imposed. The Interim Development Management and Enforcement Manager reminded Members that

they must be mindful of Maldon District Council's policies when determining applications. Furthermore, a S106 Agreement had originally been signed to say that there would be some agricultural use. However, the barn that had been there has been demolished and the site was now being utilised for residential use.

Miss White, a Ward Member, proposed that this application be approved contrary to the Officers' recommendation, subject to conditions for extensive landscaping and the retention of the barn with the existing house. This proposal was duly seconded and, upon a vote, the motion failed. The Chairman then put the Officers' recommendation of refusal to the Committee and upon a vote being taken this was agreed.

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

- 1 The cumulative effect of the proposed and unauthorised development, by reason of their scale, bulk, siting and encroachment into the rural area would result in a disproportionate and dominant form of development that would cause significant harm on the character and appearance of the rural area, and would be an unwelcome visual intrusion into the open countryside. The proposal is therefore considered to conflict with policies S2, BE1, CC6, CC7 and CC23 of the adopted Maldon District Replacement Local Plan, policies S1, S8 and D1 of the submitted Local Development Plan and the requirement for good design as contained within the National Planning Policy Framework.

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 discussing with the Applicant/Agent. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

268. TPO 2/16 - 16 STATION ROAD, TOLLESBURY

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members' Update circulated at the meeting.

Tree Preservation Order	TPO 2/16
Location	16 Station Road Tollesbury Essex CM9 8RA
Proposal	Confirmation of TPO 2/16
Owner	Jane Irene Cliffe & Anthony Raymond Cliffe
Agent	-
Confirmation by	26.07.2016
Case Officer	Spyridon Mouratidis
Parish	TOLLESBURY

Reason for Referral to the Committee / Council	Decision on confirmation of a Tree Preservation Order as per the Council's scheme of delegation
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Following the Officer's presentation of the report, the Interim Development Management and Enforcement Manager advised Members that although this tree was found to warrant a Tree Preservation Order (TPO) it could be satisfactorily dealt with by active management but on a rescore, it would be considered to be a nuisance was it not actively managed. It was noted that Maldon District Council does actively manage all trees that were subject to a TPO.

Members were concerned that the roots of the tree in question would cause problems to buildings in its vicinity due to its species and, therefore, it was not suitable for a TPO to be imposed in this instance.

Councillor D M Sismey proposed that the TPO be not confirmed contrary to the Officers' recommendation and this proposal was duly seconded.

RESOLVED that the Tree Preservation Order 2/16 not be confirmed.

268A (a) Other Area Planning and Related Matters
(i) Appeals Lodged:

It was noted from the Agenda and Members' Update that the following appeals had been lodged with the Planning Inspectorate:

Appeal Start Date: 21/06/2016

Application Number: FUL/MAL/15/01251
(APP/X1545/W/16/3151645)

Site: Land Adjacent 13 Woodrolfe Farm Lane - Tollesbury

Proposal: Erection of a 2 bedroom detached dwelling with associated car parking and garden.

Appeal by: Mr Frank Crossley

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 21/06/2016

Application Number: OUT/MAL/15/00982
(APP/X1545/W/16/3147228)

Site: Land South Of Allotments, Maldon Road, Goldhanger

Proposal: Outline planning application with all matters reserved for the construction of 10 dwellings with associated off-street parking

Appeal by: DJ Bunting & Son

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 21/06/2016

Application Number: COUPA/MAL/16/00225
(APP/X1545/W/16/3151900)

Site: Goat Pen - The Paddock - Ulting Lane - Ulting

Proposal: Notification for prior approval for a proposed change of use of a goat pen to a one bedroom dwelling
Appeal by: Mr J Harris
Appeal against: Refusal
Appeal procedure requested: Written Representations

Appeal Start Date: 21/06/2016
Application Number: COUPA/MAL/16/00227
(APP/X1545/W/16/3151901)
Site: Chicken Coop - The Paddock - Ulting Lane - Ulting
Proposal: Conversion of existing chicken coop to a one bedroom dwelling
Appeal by: Mr J Harris
Appeal against: Refusal
Appeal procedure requested: Written Representations

Appeal Start Date: 30/06/2016
Application Number: FUL/MAL/15/00779
(APP/X1545/W/16/3150701)
Site: Field To West Of Blood Lagoon, Hackmans Lane, Purleigh
Proposal: Installation and operation of a solar farm and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, access tracks, fencing, pole-mounted CCTV cameras.
Appeal by: Lightsource SPV 47 Ltd
Appeal against: Refusal
Appeal procedure requested: Written Representations

(ii) Appeal Decisions:

It was noted from the agenda and Members' Update that the following appeal decisions had been received from the Planning Inspectorate.

AGR/MAL/15/00658 (Appeal Ref: APP/X1545/W/16/3142028)
Proposal: Prior approval notification of the extension of the steel portal building (class 2 agricultural)
Address: Land At Corner Of Fambridge Road And St Stephens Road Cold Norton
APPEAL ALLOWED – 14 June 2016
DECISION LEVEL: Delegated

FUL/MAL/14/00753 (Appeal Ref: APP/X1545/W/15/3138325)
Proposal: Change of use of former farm shop to dog grooming parlour
Address: Gardeners Farm - Maldon Road - Goldhanger
APPEAL ALLOWED – 14 June 2016
DECISION LEVEL: Delegated

FUL/MAL/15/00628 (Appeal Ref: APP/X1545/W/16/3144291)
Proposal: Erection of a detached residence and change of use of former agricultural outbuilding as a private garage.
Address: Roundbush - Colchester Road - Great Totham

APPEAL DISMISSED – 16 June 2016

DECISION LEVEL: Delegated

OUT/MAL/15/00543 (Appeal Ref: APP/X1545/W/15/3141399)

Proposal: Outline application for 2 new dwellings (2/3 bedroom) using existing access to property off post office lane with all matters reserved.

Address: Washfields - Post Office Lane - Little Totham

APPEAL ALLOWED – 16 June 2016

DECISION LEVEL: Committee (overturned Officer recommendation to approve)

Appeal A

14/00144/CU (Appeal Ref: APP/X1545/C/15/3136823)

Land at Gardeners Farm, Maldon Road, Goldhanger

Appeal against: Without planning permission the change of use of a building to residential use.

NO ACTION IS TAKEN AS THE ENFORCEMENT NOTICE WAS WITHDRAWN ON 14 JUNE 2016 AND APPEAL A THEREFORE LAPSED

21 June 2016

Appeal B

LDE/MAL/15/00682(Appeal Ref: APP/X1545/X/15/3133474)

Proposal- Claim for Certificate of Lawfulness: Existing self contained dwelling

Address- Land at Gardeners Farm, Maldon Road, Goldhanger

APPEAL ALLOWED AND A CERTIFICATE OF LAWFUL USE OR DEVELOPMENT IS ISSUED – 21 JUNE 2016

DECISION LEVEL: Delegated

FUL/MAL/15/00477 (Appeal Ref: APP/X1545/W/15/3141230)

Proposal: New build single storey dwelling in grounds of existing residential barn conversion.

Address: Strelley Barn - Post Office Road - Woodham Mortimer

APPEAL DISMISSED – 22 June 2016

FULL AWARD OF COSTS REFUSED BUT A PARTIAL AWARD OF COSTS IS ALLOWED

DECISION LEVEL: Committee (as per Officer recommendation to refuse)

FUL/MAL/14/00830 (Appeal Ref: APP/X1545/W/15/3121537)

Proposal: Erection of a single wind turbine with a maximum height of 78 metres above existing ground level, vehicle access tracks, crane pad, construction compound, and substation building.

Address: Land At Hall Farm - Oxley Hill - Tolleshunt D'Arcy

APPEAL DISMISSED – 22 June 2016

DECISION LEVEL: Committee (as per Officer recommendation to refuse)

OUT/MAL/15/00505 (Appeal Ref: APP/X1545/W/16/3144899)

Proposal: Outline planning application for the construction of one live/work detached dwelling with associated garaging and off-street parking

Address: Land Adjacent To 56 Top Road - Tolleshunt Knights

APPEAL DISMISSED – 28 June 2016

DECISION LEVEL: Delegated

FUL/MAL/15/00091 (Appeal Ref: APP/X1545/W/16/3143050)

Proposal: Detached dwelling and car port

Address: Land Adjacent 16 School Road - Wickham Bishops

APPEAL ALLOWED – 29 June 2016

DECISION LEVEL: Delegated

OUT/MAL/15/00225 (Appeal Ref: APP/X1545/W/16/3142557)

Proposal: Outline permission for 5no. dwellinghouses with garages, parking and amenity areas and alterations to Rectory Road including the formation of new vehicular and pedestrian access.

Address: Land East of Ruxley Cottage, Rectory Road, North Fambridge

APPEAL DISMISSED – 30 June 2016

DECISION LEVEL: Delegated

OUT/MAL/15/0506 (Appeal Ref: APP/X1545/W/16/3143923)

Proposal: Outline planning application for the construction of one live/work detached dwelling with associated garaging and off-street parking

Address: Land Adjacent 40 Top Road - Tolleshunt Knights

APPEAL DISMISSED – 5 July 2016

DECISION LEVEL: Delegated

There being no further items of business the Chairman closed the meeting at 9.10 pm.

H M BASS
CHAIRMAN