



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
8 AUGUST 2016**

PRESENT

Chairman	Councillor H M Bass
Vice-Chairman	Councillor Mrs M E Thompson
Councillors	J P F Archer, E L Bamford, J V Keyes, A K M St. Joseph, D M Sismey and Miss S White

362. CHAIRMAN'S NOTICES

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

363. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor M F L Durham.

364. MINUTES

RESOLVED that the Minutes of the meeting of the North Western Area Planning Committee held on 11 July 2016 be approved and confirmed.

365. DISCLOSURE OF INTEREST

Councillor A K M St. Joseph declared a non-pecuniary interest in relation to Agenda Item 7 – FUL/MAL/16/00521 – Great Hayes Business Park, Lower Burnham Road, Stow Maries as he knew the owner.

Councillor A K M St. Joseph declared a non-pecuniary interest in relation to Agenda Item 10 – FUL/MAL/16/00567 – The Essex Wildlife Trust Nature Reserve, Blue House Farm, Blue House Farm Chase, North Fambridge as he was a member of Essex Wildlife Trust.

Councillor J V Keyes declared a non-pecuniary interest in relation to Agenda Item 15 – FUL/MAL/16/00586 – Rohan House, Broadoak Chase, Mill Road, Great Totham North as the site was at the back of his property.

366. MEMBERS' BRIEFING

The Chairman advised that there was no Members' briefing this evening.

The Chairman advised Members that hard copies of maps were available.

Additional Members' Update includes agenda item 15 which is Rohan House which was on the Agenda but the report was not in papers.

367. FUL/MAL/16/00450 - BARN ATTACHED TO SOUTH OF SEWELLS FARM, WITHAM ROAD, LITTLE BRAXTED

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/16/00450
Location	Barn Attached to South of Sewells Farm, Witham Road, Little Braxted
Proposal	Removal of redundant agricultural barn to create one new dwelling
Applicant	Ms Louise Yeates
Agent	Michael McGarr – English Architectural
Target Decision Date	20 July 2016
Case Officer	Rebecca Greasley
Parish	LITTLE BRAXTED
Reason for Referral to the Committee / Council	Parish Trigger

Following the Officer's presentation of the report, Mr Michael McGarr, the Agent, addressed the Committee.

In response to a question the Group Manager Planning Services clarified that Government guidance regarding this type of application was that works should not be major structural alterations and if they were then the test for prior approval would be failed.

Members debated this application and raised concerns about granting permission for this application as it may give rise to similar applications with applicants claiming that buildings were redundant and resulting in new dwellings.

Councillor D M Sismey was of the opinion that the new dwelling would be a major improvement as it was a redundant barn and was in support of this application. Councillor Sismey proposed approval of this application, but this was not seconded.

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

- 1 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 would significantly and demonstrably outweigh the benefits of the proposal when

assessed against the policies of the Maldon District Replacement Local Plan namely S2, 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.

- 2 The introduction of a residential dwelling and associated paraphernalia on the site is not characteristic of the use of the site as agricultural farmland, nor is in keeping with the local character of the area. The proposal is therefore considered to result in demonstrable harm to the character and appearance of the locality contrary to policies BE1, CC6 and CC7 of the adopted Maldon District Replacement Local Plan, submitted policies D1 and H4 of the Pre-Submission Local Development Plan as well as the principles and guidance contained within the National Planning Policy Framework.

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 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.

368. FUL/MAL/16/00521 - GREAT HAYES BUSINESS PARK, LOWER BURNHAM ROAD, STOW MARIES

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/16/00521
Location	Great Hayes Business Park, Lower Burnham Road, Stow Maries
Proposal	Infill extension to existing B1 unit
Applicant	Mr Simon Hollington
Agent	Miss Kate Jennings - Whirledge & Nott
Target Decision Date	22 August 2016
Case Officer	Hilary Baldwin
Parish	STOW MARIES
Reason for Referral to the Committee / Council	Major Application

Following the Officer's presentation of the report, Ms Millie Hollington, the Applicant's Daughter, addressed the Committee.

Councillor Miss S White, a Ward Member, commented that she supports this wholeheartedly. There was a need to provide jobs and this was in the perfect location and was of benefit to the district. Councillor J P F Archer, the other Ward Member, agreed with Councillor Miss White.

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 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 and where remediation is necessary a remediation scheme must be prepared. 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.

- 5 No floodlighting or other external form of illumination of the site shall be undertaken.
- 6 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.
- 7 No means of external illumination of the site shall be installed.
- 8 Deliveries to and collections from the site shall only be undertaken between 07:00 hours and 18:00 hours on weekdays and between 08:00 hours and 14:00 hours on Saturdays and not at any time on Sundays and Public Holidays.
- 9 The use hereby permitted shall only be undertaken between 07:00 hours and 18:00 hours on Mondays to Saturdays and between 08:00 hours and 14:00 hours on Sundays and Public Holidays.
- 10 No machinery shall be operated and no process shall be undertaken outside of the building.
- 11 Prior to the first occupation of the building hereby permitted or connection to utility services, whichever is the sooner, the land as shown for vehicle parking on the approved plan which is attached to and forms part of this permission shall be constructed, surfaced, laid out and made available for use in accordance with the approved scheme. The parking spaces shall be retained for such purposes at all times thereafter.

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.

369. OUT/MAL/16/00534 - LAND SOUTH OF WESLEY COTTAGE, TOTHAM HILL GREEN, 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	OUT/MAL/16/00534
Location	Land South of Wesley Cottage, Totham Hill Green, Great Totham
Proposal	New two bedroom cottage with detached garage and new access drive.
Applicant	Mrs J Perrott
Agent	Paula Robertson – Plater Claiborne Architecture + Design
Target Decision Date	18 August 2016
Case Officer	Yee Cheung
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Parish Trigger

In response to a question, The Group Manager Planning and Policy advised that where an outline application had been given permission it would not automatically mean that reserved matters would subsequently be granted.

In response to a question, the Officer confirmed that any trees to be removed were fruit trees which were not protected. However, the boundary to the side of the site would be retained.

Members debated this application and concerns were raised regarding the size of the site and the fact that Great Totham Parish Council had raised various concerns.

Councillor H M Bass commented that this site was within the settlement boundary whereas the previous application for a barn that was refused was not. Furthermore, if the footprint for the application differed to the outline application then it would need to be referred back to this Committee.

In response to a question, the Group Manager Planning and Policy advised Members that as all matters were reserved on this application details regarding access etc. would not be addressed at this stage.

Councillor J V Keyes, a Ward Member, proposed approval of this application and this was duly seconded.

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

- 1 The development shall be carried out in accordance with plans and particulars relating to the layout, scale, appearance, the means of access to the site and the landscaping of the site (hereinafter called "the reserved matters"), for which approval shall be obtained from the local planning authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.
- 2 Application for the approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
- 3 The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.
- 4 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
- 5 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.
- 6 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.
- 7 No 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.
- 8 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) the garage hereby permitted shall be used only for the parking of a motor car in connection with the residential use of the property.
 - 9 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development ;
 - iv. wheel washing facilities .
 - 10 Prior to commencement of the proposed development, a vehicular turning facility for motor cars of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction in perpetuity.
 - 11 As part of the reserved matters, a scheme for on-site parking shall be in precise accordance with the details contained within the current Maldon Council Vehicle Parking Standards. The scheme shall be implemented prior to the first occupation of the dwelling and retained as such thereafter.
 - 12 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no windows or other form of openings shall be constructed in northern and southern flank wall of the building hereby permitted without planning permission having been obtained from the local planning authority.
 - 13 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.
 - 14 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.

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.

370. FUL/MAL/16/00536 - LAND BEHIND PRIORY LODGE, BRAXTED PARK ROAD, GREAT BRAXTED

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/16/00536
Location	Land Behind Priory Lodge, Braxted Park Road, Great Braxted
Proposal	Erection of private equestrian stables, hay store/barn and menage and use of land for grazing of horses.
Applicant	Mr & Mrs C Petchey
Agent	Mr Edward Gittins – Edward Gittins & Associates
Target Decision Date	22 August 2016
Case Officer	Hilary Baldwin
Parish	GREAT BRAXTED
Reason for Referral to the Committee / Council	Major Application

Following the Officer's presentation of the report, Mr Joseph Greenhow, the Agent, addressed the Committee.

Some concerns were raised that if granted this application site may develop into a commercial site as it was for 8 stables. However, a similar application had recently been granted nearby and, on balance, Members agreed with the Officers' recommendation.

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 No floodlighting or other external form of illumination of the site shall be undertaken.
- 5 The stables and ménage hereby permitted shall be used solely for the private stabling of horses and no business or commercial use including for the purposes of livery or any riding school activity shall take place at the site.
- 6 There shall be no burning of animal or stable wastes anywhere on the site as shown edged in red (or blue) on the plans which are attached to and form part of this permission.

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.

371. FUL/MAL/16/00567 - THE ESSEX WILDLIFE TRUST NATURE RESERVE, BLUE HOUSE FARM, BLUE HOUSE FARM CHASE, 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/16/00567
Location	The Essex Wildlife Trust Nature Reserve, Blue House Farm, Blue House Farm Chase, North Fambridge
Proposal	To carry out environmental improvement works as part of a 'Higher level Scheme' agreement with Natural England. This work includes re-creating wet coastal grazing marsh to provide habitat for internationally important species.
Applicant	Mr Nicholas Robson – Essex Wildlife Trust
Agent	N/A
Target Decision Date	15 August 2016
Case Officer	Yee Cheung
Parish	NORTH FAMBRIDGE
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 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 Public Right of Way (PROW) Footpath No. 18 (Latchingdon) shall be maintained free and unobstructed at all times.
- 4 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has submitted an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site. Such archaeological assessment shall be approved by the local planning authority and will inform the implementation of a programme of archaeological work. The development shall be carried out in a manner that accommodates such approved programme of archaeological work.

- 5 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.
- 6 All works within the Blue House Farm Nature Reserve, North Fambridge shall be carried out in accordance with the Water Directive Framework Compliance Assessment dated 16 May 2016 which forms part of this application.
- 7 No works likely to disturb overwintering birds for which the SSSI is designated for are permitted during the period October to March inclusive.

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.

372. FUL/MAL/16/00595 - WICKHAM GROVE, LANGFORD 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/16/00595
Location	Wickham Grove, Langford Road, Wickham Bishops
Proposal	Replacement Dwelling
Applicant	Mr & Mrs M Wollner
Agent	Mr Russell Forde – Smart Planning Ltd
Target Decision Date	23 August 2016
Case Officer	Emily Hall
Parish	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	Major Application

Following the Officers' presentation of the report, Mr Russell Forde, the Agent, addressed the Committee.

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 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, detailed plans of any alterations to the levels of the site shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the scheme as approved.
5. 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.

6. 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.
7. No development shall commence until details of the surface water drainage scheme to serve the development have been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.
8. 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.
9. Prior to the occupation of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter. The development shall be carried out in accordance with the details/samples as agreed.

10. No unbound materials shall be used in the surface treatment of the vehicular access within 6m of the highway boundary.
11. The outbuildings 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.
12. No means of external illumination of the site shall be installed unless otherwise agreed in writing by the local planning authority. The external illumination shall be retained as such thereafter.

POSITIVE AND PROACTIVE STATEMENT

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

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

373. FUL/MAL/16/00626 - FORMER LYNFIELD, POST OFFICE ROAD, 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/16/00626
Location	Former Lynfield, Post Office Road, Woodham Mortimer
Proposal	Variation of Condition 2 on approved planning permission FUL/MAL/15/00819 to vary the design and position of the garage and the parking arrangement to the front of Plot 1 and Plot 2.
Applicant	Mr David Brown
Agent	N/A
Target Decision Date	2 August 2016
Case Officer	Yee Cheung
Parish	WOODHAM MORTIMER
Reason for Referral to the Committee / Council	Previous Committee Decision

Following the Officer's presentation, Members' were advised of a minor amendment to Condition 3 which could be found on the Members' Update.

Members debated this application at length and raised concerns regarding the siting of the garages and the dominance to the streetscene. Garages should be subservient and this looked very odd.

Councillor H M Bass, a Ward Member, commented that he suspected that where the garage was previously it blocked the view to the front window and it now blocked the front door. He was in favour of this application being granted.

In response to a question, The Group Manager Planning and Policy explained there were a number of other dwellings where adjoining sites have double garages. However, the drawing for this application did not represent the site particularly well.

A question was asked as to what the design guide said on this type of thing. The Group Manager Planning and Policy advised that it did contain references to siting garages in the front of a property, but in summary good planning was the overriding issue including dominance of the streetscene. There were other properties in the locality with garages sited at the front of the property.

Councillor D M Sismey commented that he was not objecting to this, but was of the opinion that it was not so much that it is in front of the house but that there is a combined garage serving both properties and right in front of the middle of the houses. This site probably did not support two garages and it did not enhance the streetscene.

In response to a question, the Officer explained that in the Members' Update the proposed materials were not the same as the dwellings.

Councillor Miss S White would like to refuse this as it was almost making the house subservient to the garage and was of poor design. Councillor Miss White proposed refusal contrary to the Officers' recommendation and this was duly seconded.

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

- 1 The proposed garages, by reason of their poor design and siting, would result in an incongruous and dominant form of development that would be detrimental to the character and appearance of the site and the locality, contrary to policy BE1 of the Maldon District Replacement Local Plan, policies S1, D1 and H4 of the Maldon District Local Development Plan and Government guidance as contained within the National Planning Policy Framework where it advises that development of poor design that fails to take the opportunities available for improving that character and quality of the area and the way it functions should be refused.

POSITIVE AND PROACTIVE STATEMENT

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

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development. Furthermore, Members of the planning committee which took the decision to refuse planning permission as the proposal has been considered unacceptable.

374. OUT/MAL/16/00702 - SHRUB HILL FARM, MALDON ROAD, TIPTREE

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/16/00702
Location	Shrub Hill Farm, Maldon Road, Tiptree
Proposal	4 no. four bedroom detached houses with detached garage, access drive and landscaping
Applicant	MR G K Hazell
Agent	Mr Simon Plater – Plater Claiborne Architecture and Design
Target Decision Date	16 August 2016
Case Officer	Yee Cheung
Parish	GREAT BRAXTED
Reason for Referral to the Committee / Council	Parish Trigger

Following the Officer's presentation of the report, Mr G Hazell, the Applicant addressed the Committee.

In response to a question the Officer confirmed that reference in the report to on-street parking was in error.

Councillor Sismey, a Ward Member, commented that it may be appropriate in the context of the rural site allocation but would seem premature in that context at the moment, and couldn't see any reason to support this. Councillor J V Keyes, the other Ward Member, agreed with Councillor Sismey.

The Group Manager Planning and Policy clarified that the report should refer to parking in the reason for refusal and not on-street parking.

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

- 1 Policies S2 and H1 of the adopted Maldon District Replacement Local Plan and policies S1 and S8 of the Maldon District Local Development Plan seek to provide control over new buildings in rural areas that are beyond defined settlement boundaries and to ensure that new residential developments are directed to appropriate and sustainable locations. In addition, policies BE1, CC6 and CC7 of the adopted Maldon District Replacement Local Plan and policies S1, D1, H4 and N2 of the Maldon District Local Development Plan require that new developments in rural locations do not adversely affect the character of the rural landscape. In this instance, it is considered that the proposed development with associated garages, on-street parking, hardstanding and domestic paraphernalia would be an unwelcome visual intrusion into the open and undeveloped part of the countryside, resulting in an urbanisation of the site to the detriment of the character and appearance of the rural area, contrary to the aforementioned policies and the core planning principles 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 determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

375. FUL/MAL/16/00714 - LAND NORTH OF SANDILANDS AND ASHDOWN, CHURCH 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/16/00714
Location	Land North of Sandilands and Ashdown, Church Road, North Fambridge
Proposal	Variation of condition on approved planning permission FUL/MAL/13/01079 – Erection of five new two bedroom detached bungalows. Condition 2 – plans
Applicant	Mr S Wheelhouse (Moody Homes Ltd)
Agent	None
Target Decision Date	2 August 2016
Case Officer	Koko Ekanem
Parish	NORTH FAMBRIDGE
Reason for Referral to the Committee / Council	Departure from the Local Plan 2005

Members raised concerns regarding this application and, in particular, that the application was originally for 2 bedroomed properties and now there are two 3 bedroomed properties. In response to a question, The Group Manager Planning and Policy advised that it would be difficult to refuse this application for this reason as demonstrable harm must be shown when refusing an application.

The Group Manager Planning and Policy advised Members that there was an error in proposed condition 1 and the time frame should be 3 years from the date of the appeal decision and should Members be minded to approve this application he would recommend that this be imposed.

In response to a question, the Officer advised that the site had been reduced from 0.56 hectares to 0.5 hectares.

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

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
2. The development hereby permitted shall be carried out in complete accordance with the following approved plans and documents:
 - (i) Drawing no. 1/16/010
 - (ii) Drawing no. 1/16/401
 - (iii) Drawing no. 1/16/501
 - (i) Drawing no. 1/16/601
 - (v) Drawing no. 1/16/701
 - (vi) Drawing no. 0955/02B
 - (vii) Drawing no. 0955/03A
 - (viii) Drawing no. 0955/04A
 - (ix) Drawing no. 0955/06A
 - (x) Drawing no. 0955/07A
 - (xi) Drawing no. 0955/08
 - (xii) Private Drainage Layout 2168/E/1 Rev B
 - (xiii) Surface Water Drainage Strategy
3. No development shall take place until samples of the 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. Development shall be carried out in accordance with the approved details.
4. 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.
5. Within the first available planting season (October to March inclusive) following the commencement of the development the landscaping works as shown on the approved plan(s) drawing number(s) 08 and specifications attached to and forming part of this permission shall be fully implemented. 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 replacement for it, is removed, uprooted or destroyed or 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 at the same place, unless the local planning authority gives its written consent to any variation.
6. No development shall commence until details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) 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.
7. No development shall commence until details of the materials and construction specifications to be used for the driveways and footpaths within the site have been submitted to and approved in writing by the Local Planning Authority. Such details shall ensure that a permeable surface treatment is provided to prevent compaction and allow water penetration of the sub-soil.

8. The garages and car parking spaces hereby approved shall permanently be retained for the parking of private motor vehicles solely for the benefit of the occupants of the corresponding dwellings hereby approved and their visitors and for no other purposes unless otherwise agreed in writing by the Local Planning Authority.
9. No development shall commence until details of the foul drainage scheme to serve the development have been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development and retained thereafter.
10. In the event potential contamination (such as unknown infill or buried waste) is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with current guidance on investigation into the potential presence of contaminated land and where remediation is necessary a remediation and validation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.
11. Prior to 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 and retained thereafter.
12. Prior to commencement of the development, the areas within the curtilages of the site for the purpose of loading/unloading/reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be identified clear of the highway. Details to be submitted to and approved in writing by the Local Planning Authority.
13. Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway and consistent with details set out in approved plan Drawing no. 08 and in consultation with Highways Authority.
14. All existing trees, shrubs and other natural features not scheduled for removal shall be fully safeguarded during the course of any demolition, site works and building operations. No work shall commence on site until all trees, shrubs or features to be protected are fenced along a line to be agreed with the Local Planning Authority of: 1.2m minimum height chestnut paling to BS 1722 Part 4 securely mounted on scaffold poles; Such fencing shall be maintained during the course of the works on site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area.
15. All existing hedges or hedgerows shall be retained, unless shown on the approved plans as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. This shall be to the satisfaction of the Local Planning Authority in accordance with relevant British Standards BS 5837 (2005). Any parts of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with

- plants of such size and species and in such positions as may be agreed with the Authority.
16. No development shall take place until details of the finished ground and floor levels of the development in relation to the levels of the surrounding area have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
 17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no additional window, opening or other form of glazed area shall be constructed at or above first floor level in the dwellings hereby permitted without planning permission have been obtained from the Local Planning Authority.
 18. Prior to commencement of works on site, the applicant shall agree in writing with the Local Planning Authority the following details: (i) refuse, (ii) recycling and (iii) bicycle storage facilities; at each of the hereby-approved dwellings. The agreed details shall be implemented in full before first occupation of the dwellings and be retained thereafter.

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.

376. FUL/MAL/16/00586 - ROHAN HOUSE, BROADOAK CHASE, MILL ROAD, GREAT TOTHAM NORTH

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/16/00586
Location	Rohan House, Broadoak Chase, Mill Road, Great Totham North
Proposal	Proposal to replace the existing metal hay barn with a new hay barn
Applicant	Mrs Joanna Mitchell
Agent	N/A
Target Decision Date	22 August 2016
Case Officer	Hilary Baldwin
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Major Application

Councillor D M Sismey, a Ward Member, asked what size was existing building was. The Officer advised that the current barn is 10m x 4m and the size of the barn in the application was 11m x 14m. Although this was a significant increase in size, the site was reasonably large and acceptable.

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 No floodlighting or other external form of illumination of the site shall be undertaken.

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.

377. 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: 11/07/2016

Application Number: OUT/MAL/15/00946 (APP/X1545/W16/W3152589)

Site: Land Rear Of 60 To 68 Colchester Road - Great Totham

Proposal: Outline planning permission to extend and alter access drive, erect ten houses comprising 9No. Two-storey houses and 1No. bungalow, construct garages, lay out parking and turning areas, and form amenity areas. Including details of means of access and layout with all other matters reserved.

Appeal by: CCC Property

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 08/07/2016

Application Number: FUL/MAL/16/00202 (APP/X1545/W/16/3151358)

Site: Land At Corner Of Fambridge Road And St Stephens Road - Cold Norton

Proposal: Siting of mobile home as agricultural workers dwelling for temporary period of 3 years

Appeal by: Miss Anne-Marie Pharoah
Appeal against: Non-Determination
Appeal procedure requested: Informal Hearing

OUT/MAL/14/00432 (Appeal Ref: APP/X1545/W/15/3014882)
Proposal: Residential development to provide approximately 67 units with access from London Road together with landscaping, infrastructure and ancillary works
Address: Land Rear Of 50 To 58 London Road - Maldon

APPEAL WITHDRAWN – 27 July 2016

FUL/MAL/15/00183 (Appeal Ref: APP/X1545/W/15/3138975)
Proposal: Residential development to provide 66 dwellings with access from London Road together with landscaping, infrastructure and ancillary works.
Address: Land Rear Of 50 To 58 London Road - Maldon
APPEAL WITHDRAWN – 27 July 2016

Appeal Start Date: 28/07/2016
Enforcement Notice Reference Number: 13/00260/C|U
Appeal Reference Number: APP/X1545/C/16/3153960
Site: Oakfield Farm Hyde Chase Purleigh
Alleged Breach of Planning Control: Without planning permission the unauthorised use of barn for residential occupation
Appeal by: Mr Michael King
Grounds of Appeal:

Ground D

that, at the time of the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice
Appeal procedure requested: Public Inquiry

Appeal Start Date: 02/08/2016
Application Number: OUT/MAL/15/00691 (APP/X1545/W/16/3148836)
Site: Treelawn Nursery - Chelmsford Road - Purleigh
Proposal: Outline application for the demolition of existing chalet dwelling and erection of 3No. detached houses
Appeal by: Mr & Mrs Brown
Appeal against: Refusal
Appeal procedure requested: Written Representations

Appeal Start Date: 02/08/2016
Application Number: OUT/MAL/16/00001 (APP/X1545/W/16/3148839)
Site: Treelawn Nursery - Chelmsford Road - Purleigh
Proposal: Demolition of existing chalet dwelling and erection of 2No. detached houses
Appeal by: Mr & Mrs Brown
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.

FUL/MAL/15/01348 (Appeal Ref: APP/X1545/W/16/3144107)

Proposal: Retention of 3 static caravans (2 of which are to be occupied as residential) and retention of temporary storage of 3 touring caravans and 2 heavy goods vehicles - limited to six months

Address: Springfield Nurseries - Steeple Road - Latchingdon

APPEAL DISMISSED – 13 July 2016

DECISION LEVEL: Delegated

FUL/MAL/15/00107 (Appeal Ref: APP/X1545/W/15/3137006)

Proposal: Removal of Condition 8 : FUL/MAL/11/00729 Prior to the occupation of the dwelling house hereby approved, the existing dwelling house, detached garage and sheds as shown on Drawing No: 10/03/06 REV A dated 11 August 2011 and 10/03/14 REV D dated 11 August 2011 shall be demolished and the resulting materials and spoil removed from the site.

Address: Bullace Cottage Office Lane Little Totham

APPEAL DISMISSED & COSTS REFUSED – 18 July 2016

DECISION LEVEL: Delegated

COUPA/MAL/15/01043 (Appeal Ref: APP/X1545/W/16/3142709)

Proposal: Prior approval of proposed change of use of agricultural building to 2 No dwellinghouses (class C3) and for associated operational development

Address: Flambirds Farm - Hackmans Lane - Purleigh

APPEAL ALLOWED – 22 July 2016

DECISION LEVEL: Delegated

HOUSE/MAL/15/01252 (Appeal Ref: APP/X1545/D/16/3149416)

Proposal: Garage and store

Address: Gate House, Toad Hall, Loamy Hill Road, Tolleshunt Major

Decision Level: Delegated

APPEAL ALLOWED – 27 July 2016

COUPA/MAL/15/00994 (Appeal Ref: APP/X1545/W/16/3147960)

Proposal: Prior approval of proposed change of use of agricultural building to dwelling house (C3) and for associated operational development.

Address: Old Orchard Barn, Lea Lane, Great Braxted

Decision Level: Delegated

APPEAL DISMISSED – 27 July 2016

COSTS REFUSED – 27 July 2016

FUL/MAL/14/00788 (Appeal Ref: APP/X1545/W/15/3053104)

Proposal: The demolition of existing structures and construction of 45 residential units, access and landscaping.

Address: Oval Park Hatfield Road Langford

APPEAL DISMISSED – 29 July 2016

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

OUT/MAL/15/00220 (Appeal Ref: APP/X1545/W/15/3134878)

Proposal: Residential development comprising five bungalows incorporating new access road

Address: Barn Hayes 29 Beacon Hill Wickham Bishops

APPEAL DISMISSED & COSTS ALLOWED – 01 August 2016

DECISION LEVEL: Committee (Refuse as per Officer recommendation)

HOUSE/MAL/15/01329 (Appeal Ref: APP/X1545/D/16/3148930)

Proposal: Swimming pool to garden area

Address: The Bungalow At Venn Farm Tudwick Road Tiptree

APPEAL ALLOWED – 02 August 2016

DECISION LEVEL: Delegated

There being no further items of business the Chairman closed the meeting at 8.40 pm.

H M BASS
CHAIRMAN