



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
6 MARCH 2017**

PRESENT

Chairman	Cllr H M Bass
Vice-Chairman	Cllr Mrs M E Thompson
Councillors	J P F Archer, E L Bamford, M F L Durham, J V Keyes, A K M St. Joseph, D M Sismey and Miss S White
Ex-Officio Non-Voting Member	Councillor Mrs P A Channer, CC

1061. CHAIRMAN'S NOTICES (PLEASE SEE OVERLEAF)

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

1062. APOLOGIES FOR ABSENCE

There were none.

1063. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 6 February 2017 be approved and confirmed.

1064. DISCLOSURE OF INTEREST

Councillor J V Keyes declared an interest in Agenda Item 9 – OUT/MAL/17/00072 – Land at Broadfield Farm, Braxted Park Road, Great Braxted, as he knew the Applicant and had carried out haulage work for them in the past.

Councillor Miss S White declared that due to various issues she would leave the Council Chamber for Agenda Item 7 – FUL/MAL/16/01426 – Oakfield Farm, Hyde Chase, Purleigh – as would Councillor J P F Archer.

Councillor M F L Durham declared in the interests of openness and transparency in relation to Agenda Item 6 – FUL/MAL/16/01373 – The Warren, Lodge Park, Herbage Park, Herbage Park Road, Woodham Walter as he was previously employed by the company but that was no longer the case. He had consulted with the Monitoring Officer

and the Deputy Monitoring Officer and they confirmed that he did not have a pecuniary interest.

Councillor Mrs P A Channer, CC declared a non-pecuniary interest as she was also a Member of Essex County Council who was consulted on highway safety, access and other matters as well as some educational matters that may relate to applications being considered.

1065. MEMBERS' BRIEFING

The Chairman advised that there would not be a Members' Briefing at this meeting.

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

1066. FUL/MAL/16/01373 - THE WARREN LODGE PARK, HERBAGE PARK, HERBAGE PARK ROAD, WOODHAM WALTER

Application Number	FUL/MAL/16/01373
Location	The Warren Lodge Park Herbage Park Herbage Park Road Woodham Walter Essex
Proposal	28 new holiday lodges with associated infrastructure and access
Applicant	The Warren Estate
Agent	Mr D Wallis - Smart Planning Ltd
Target Decision Date	9 March 2017
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	WOODHAM WALTER
Reason for Referral to the Committee / Council	Major Application

Following the Officer's presentation of the report, Councillor Joanna Symons from Woodham Walter Parish Council and David Wallis, the Agent both addressed the Committee.

Councillor M F L Durham, a Ward Member, stated that in accordance with his previous declaration he had previously been one of the owners of the site. Councillor Durham was of the opinion that, taking into account planning considerations and applying the relevant criteria, there were very few planning grounds to refuse this application. Provided the nature conservation area that was secured under a Section 106 agreement remained, he proposed that this application be approved in accordance with the Officers' recommendation.

Members debated this application in some depth and concern was raised regarding the occupation of the site for the majority of the year, excluding two weeks in January.

Some Members felt that this did not make the site for holiday accommodation only. However, as other sites in the District had the same restrictions imposed, it was considered that it would be inconsistent to apply different restrictions to this site. Furthermore, conditions could not be inconsistent relation to different accommodation on the same site.

The Group Manager for Planning Services reiterated the need for fairness and consistency to be applied when imposing conditions. There must be an assumption of reasonableness on the part of residents of these sites, otherwise it would make the provision of tourist accommodation very difficult. The conditions proposed in this case were in line with Government guidance, consistent with the Authority and in line with conditions imposed by Planning Inspectors in the past.

Councillor Miss S White declared an interest as she worked partly in the tourist industry.

In response to questions, the Group Manager for Planning Services advised:

- that procedures were already in place regarding checking booking registers to ensure that the accommodation was booked as holiday accommodation;
- that the Section 106 Agreement in place related to part of the land that was not subject to this application and would, therefore, be unaffected;

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 Location Plan No: 15.3071/M002 dated 18.04.2016 and Site Plan No: 15.3071/P201 Revision B dated 24.07.2015 and Plans and Elevations No: 15.3071/P204 dated 26.08.2015 specifically referenced on this decision notice.
- 3 No holiday lodges shall be used as a person's sole or main place of residence and shall be used for holiday purposes only.
- 4 The holiday lodges shall not be used for human habitation between 15 January and 28 January (inclusive).
- 5 The owners / operators of the site shall maintain an up-to-date register of the names of all owners / occupiers of individual holiday accommodation units on the site, dates of arrival and departure from the site, their main home addresses and place(s) of employment. The register shall be made available at all reasonable times for inspection and copying by the Local Planning Authority for record keeping purposes.
- 6 With the exception of any building or structure required to be provided by conditions on a site licence issued under the Caravan Sites and Control of Development Act 1960, no structures, tents or similar items shall be erected or placed on the site without the prior approval in writing of the Local Planning Authority.
- 7 The use of the site for holiday purposes shall be undertaken only in conjunction with and ancillary to the use of The Warren Golf Club.
- 8 Notwithstanding the provisions of the Caravan Sites and Control of Development Act 1960, the location and siting of any timber holiday lodge shall only be in

- accordance with the layout plan which is attached to and forms part of this permission unless otherwise agreed in writing by the Local Planning Authority.
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order) no wall, fence, gate or other means of enclosure shall be erected within or around the site without the prior grant of planning permission by the Local Planning Authority.
 - 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order) no hardstanding, access road or similar hard surface shall be laid within or around the site other than shown on the Site Plan No: 15.3071/P201 Revision B dated 24.07.2015 without the prior approval in writing by the Local Planning Authority.
 - 11 No trees within the site shall be felled, cut back, damaged or removed, unless otherwise first agreed in writing with the Local Planning Authority. Prior to the commencement of the development fencing to protect the trees shall be erected in accordance with British Standard 5837 (Trees in relation to construction) unless otherwise agreed in writing. The protective fencing shall be erected before the commencement of any clearing, demolition and building operations and shall be retained 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 an existing tree is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement tree 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.
 12. Details of the means of refuse storage including details of any bin stores to be provided shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details and provided prior to the first occupation of the development and retained for such purposes at all times thereafter.

Councillors J P F Archer and Miss S White left the Council Chamber at this point in the meeting.

1067. FUL/MAL/16/01426 - OAKFIELD FARM, HYDE CHASE, PURLEIGH

Application Number	FUL/MAL/16/01426
Location	Oakfield Farm Hyde Chase Purleigh Essex
Proposal	Retrospective - Two brick piers, five bar gate and entrance fence panels
Applicant	Mr Michael King
Agent	-
Target Decision Date	21 March 2017
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Major Application

RESOLVED that this application be **APPROVED**.

Councillors J P F Archer and Miss S White returned to the Council Chamber at this point in the meeting.

1068. RES/MAL/16/01475 - THE SUMMER HOUSE, BACK LANE, WICKHAM BISHOPS

Application Number	RES/MAL/16/01475
Location	The Summer House Back Lane Wickham Bishops Essex
Proposal	Reserved matters application for the approval of appearance, landscaping, layout & scale on approved planning application OUT/MAL/13/00118 allowed on appeal ref APP/X1545/A/13/2201061 (Demolition of two storey detached double garage with workshop and demolition of storage shed. Removal of hard surfaced tennis court including means of enclosure and erection of single dwelling house)
Applicant	Mr David Brown
Agent	N/A
Target Decision Date	02 March 2017
Case Officer	Yee Cheung
Parish	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	Member Call In

Following the Officer's presentation of the report, David Pearl, an Objector, of 26 Grange Road, Wickham Bishops, Witham, Councillor Ian Wardrop of Wickham Bishops Parish Council and Jonathan Brown, on behalf of the Applicant, all addressed the Committee.

The Group Manager for Planning Services advised the Committee that whilst the layout was included when the application was submitted, the amended form had been manually included in the application, although not uploaded electronically. There were no points regarding layout on the application for this Committee to consider. He also advised that there was no Tree Preservation Order in place on this site.

Members raised concern about the legality of this application and whether it was valid. Although Members were generally satisfied with this application in terms of design, they were concerned about issues regarding process and would be happier if this application was deferred to afford Officers the opportunity to look into this.

In response to a question regarding drainage, the Group Manager for Planning Services reassured Members that conditions could be imposed following the reserved matters stage.

The Chairman proposed that, in order to address the concerns of Members regarding the legal process, this application was delegated to the Interim Head of Planning Services together with the Ward Members and himself. As he was one of the Ward Members the Chairman asked that the Vice-Chairman, Councillor Mrs M E Thompson, be included in the deliberation. This proposal was duly seconded and upon a vote, the motion was carried.

RESOLVED that determination of this application be **DELEGATED** to the Interim Head of Planning Services, in consultation with the Chairman of the North Western Area Planning Committee, together with the Ward Members.

1069. OUT/MAL/17/00072 - LAND AT BROADFIELD FARM, BRAXTED PARK ROAD, GREAT BRAXTED

Application Number	OUT/MAL/17/00072
Location	Land at Broadfield Farm Braxted Park Road Great Braxted Essex
Proposal	Demolition of former packing house buildings and erection of one dwelling
Applicant	Stanfords
Agent	Mr Peter Le Grys
Target Decision Date	24 March 2017
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	GREAT BRAXTED
Reason for Referral to the Committee / Council	Member Call In

Following the Officer's presentation of the report, Peter Le Grys, the Agent, addressed the Committee.

The Interim Head of Planning Services advised the Committee that, for the avoidance of doubt, there was no need to supply housing over and above the five year housing land supply.

In response to questions raised, the Group Manager for Planning Services advised:

- that the recent development of 14 houses near to this site had been an enabling development and should not be used as a material consideration in relation to this application;
- there was no recorded planning permission in existence on this site, but there was historical use of the site for packing purposes;
- no response had been received from Highways.

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

- 1 Policies S2 and H1 of the 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, to ensure that new residential developments are directed to appropriate and sustainable locations and that the countryside is protected for its landscape value as well as its intrinsic character and beauty. The application site, edged in red, is currently free from built form and undeveloped. The site is wholly rural and tranquil feel which makes a positive contribution to the character and appearance of the area. The proposed development, if approved, would urbanise the site and represent an unwelcome visual intrusion into the open and undeveloped countryside. The remote nature of the application site also means that future occupiers would be reliant on the private motor vehicle thus represent an unsustainable form of development. As such, the proposal would be contrary to policies S2, BE1, H1, CC6, T2 of the adopted Maldon District Replacement Local Plan, policies D1, S1, S8, H4, T2 of the Maldon District Local Development Plan, and the core planning principles and guidance contained in the National Planning Policy Framework.

1070. 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: 14/02/2017

Application Number: LDP/MAL/16/01165 (APP/X1545/X/17/3168107)

Site: Lodge Farm - Old London Road - Woodham Mortimer

Proposal: Claim for Lawful Development Certificate for proposed development: Change of use of two agricultural buildings to residential

Appeal by: Mr Ian Fowler

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.

HOUSE/MAL/16/00921 (Appeal Ref: APP/X1545/D/17/3166724)

Proposal: Erection of an approximately 1800 mm high fence along the boundary of the property

Address: 48 Maldon Road Great Totham

Decision Level: Delegated

APPEAL DISMISSED – 21.02.2017

FUL/MAL/16/00440 (Appeal Ref: APP/X1545/W/16/3159546)

Proposal: Construction of an agricultural storage building to serve farm holding utilising existing farm access to Sheepcoates Lane

Address: Land Rear Of Krallis Tan, Sheepcoates Lane, Great Totham, Essex

Decision Level: Committee as per Officer recommendation to refuse

APPEAL DISMISSED – 17 February 2017

OUT/MAL/16/00858 (Appeal Ref: APP/X1545/W/16/3163300)

Proposal: Proposal for a small two bedroom bungalow (Plot 5). (Plots 1 to 4 as previously approved).

Address: Land South Of Buller Lodge, Buller Road, North Fambridge

Decision Level: Committee as per Officer recommendation to refuse

APPEAL ALLOWED – 23 February 2017

FUL/MAL/16/00819 (Appeal Ref: APP/X1545/W/16/3160262)

Proposal: Change of use of land and proposed development of four, 5 bedroom detached dwellings, with detached/attached garages, together with access drive from new adjoining development.

Address: Land Rear Of 60 Maldon Road, Goldhanger

APPEAL ALLOWED – 27 February 2017

DECISION LEVEL: Delegated

OUT/MAL/15/01319 (Appeal Ref: APP/X1545/W/16/3158808)

Proposal: Outline planning application for twelve dwellings, including four affordable units with all matters reserved for subsequent approval with the exception of vehicular access

Address: Glen Loy - Latchingdon Road - Cold Norton

APPEAL DISMISSED – 1 March 2017

APPLICATION FOR PARTIAL AWARD OF COSTS MADE BY

APPELLANT ALLOWED – 1 March 2017

DECISION LEVEL: Delegated

1071. EXCLUSION OF THE PUBLIC AND PRESS

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

1072. ENFORCEMENT UPDATE

The Committee agreed that as no Enforcement Officer was available at the meeting, the quarterly update on enforcement cases affecting the Committee's area would be deferred until the next meeting of the North Western Area Planning Committee.

There being no further items of business the Chairman closed the meeting at 9.11 pm

H M BASS
CHAIRMAN