



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
15 MAY 2017**

PRESENT

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

52. CHAIRMAN'S NOTICES (PLEASE SEE OVERLEAF)

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

53. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Mrs P A Channer CC.

54. MINUTES OF THE LAST MEETING

RESOLVED

- (i) That the Minutes of the meeting of the Committee held on 3 April 2017 be received;

Minute number 1144 – OUT/MAL/17/00137 – Land North of 29 Green Trees Avenue, Cold Norton

There was a typographical error in the last paragraph and the word “REFUSED” should be substituted for the word “REFUSAL”.

- (ii) That subject to the above amendment the Minutes of the meeting of the Committee held on 3 April 2017 be confirmed.

55. DISCLOSURE OF INTEREST

Councillor J V Keyes declared an interest as he sat on Great Totham Parish Council.

Councillor Mrs M E Thompson declared an interest as she sat on Tolleshunt Knights Parish Council.

The Committee received the reports of the Director of Planning and Regulatory 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.

56. OUTMAL1700028 - LAND TO THE SOUTH EAST OF TIPTREE ROAD, WICKHAM BISHOPS, ESSEX

Application Number	OUT/MAL/17/00028
Location	Land to the South East of Tiptree Road, Wickham Bishops, Essex
Proposal	Erection up to 15 dwellings
Applicant	Mr A Collier
Agent	Phillip McIntosh – Melville Dunbar Associates
Target Decision Date	14 April 2017
Case Officer	Terry Hardwick, TEL: 01621 875860
Parish	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	Member Call In

Following the Officer's presentation of the report, David Gladman, an objector and Ian Wardrop, a Parish Councillor, addressed the Committee.

There was a proposal in the name of Councillor H M Bass to refuse the application in line with the Officer's recommendation with the additional reasons of XXX, this was put to the meeting and agreed.

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

1. The application site is in a rural location outside of the defined settlement boundary for Wickham Bishops where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Local Development Plan to meet the objectively assessed needs for housing in the District. It is considered the proposed development would fundamentally alter the open character, on the north eastern edge of Wickham Bishops. If approved, the site would be poorly connected with the existing village, would be out of keeping with the existing pattern of development and urban grain thus failing to protect and enhance to the character and appearance of the rural area. Furthermore, the built form would have an urbanising effect on the rural character of the area and would result in an unwelcome visual intrusion into the undeveloped countryside, contrary to policies S2, H1, BE1, CC6, CC7 and T2 of the adopted Maldon District Replacement Local Plan, policies S1, S8, D1, H4, N2 and T2 of the Maldon District

Local Development Plan and the guidance and provisions of the National Planning Policy Framework.

2. In the Council's Strategic Housing Market Assessment (SHMA), it identifies that there is a need for a higher proportion of two bedroom units to create a better housing offer an address the increasing need for smaller properties due to demographic and household formation change. Policy H2 of the Maldon District Local Development Plan which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA), shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units. The Council is therefore encouraged to provide a greater proportion of smaller units to meet the identified needs and demands of the District. In this instance, the development proposal would fail to meet the local need and mix as set out in the Strategic Housing Market Assessment (SHMA) for the District thus failing to provide a supply of housing required to meet the needs of present and future generations, contrary to Policy H2 of the Maldon District Local Development Plan, and Government advice contained within the National Planning Policy Framework.

57. **HOUSEMAL1700161 - PADDOCK HOUSE, MALDON ROAD, LANGFORD**

Application Number	HOUSE/MAL/17/00161
Location	Paddock House, Maldon Road, Langford
Proposal	Installation of 3 No. Velux windows and dormer to rear elevation. Erection of 1.8m high close boarded fence to east elevation.
Applicant	Mr S Lucy
Agent	John Finch Partnership
Target Decision Date	19 May 2017
Case Officer	Devan Lawson, TEL: 01621 875845
Parish	LANGFORD
Reason for Referral to the Committee / Council	Parish Trigger

Following the Officer's presentation of the report, a question was raised about whether the posts for the fence would be concrete or timber. It was agreed by the committee to approve the application in line with the Officer's recommendation with the added condition of the posts for the fence to be timber.

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

1. The development hereby permitted shall be carried out in complete accordance with approved drawing: 2952:01, 265:032/2
2. The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application.
3. The fence to the eastern boundary hereby approved shall be constructed wholly of timber and will be retained as such thereafter.

**58. FULMAL1700165 - THE ROWANS, TUDWICK ROAD, TIPTREE
(TOLLESHUNT D'ARCY)**

Application Number	FUL/MAL/17/00165
Location	The Rowans, Tudwick Road, Tiptree (Tolleshunt D'Arcy)
Proposal	Replacement three bed bungalow
Applicant	Mr. & Mrs. R Vallis
Agent	Mr. Peter Le Grys – Stanfords
Target Decision Date	04 May 2017
Case Officer	Hilary Baldwin, TEL: 01621 875730
Parish	TOLLESHUNT D'ARCY
Reason for Referral to the Committee / Council	Member Call In

Following the Officer's presentation of the report, a question was raised about a demolition condition being added. It was agreed by the committee to approve the application in line with the Officer's recommendation with the added condition of demolition.

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 drawings referenced 1378 03 and 1378 04, 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 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. The scheme shall ensure that for a minimum, run-off from the site is limited to greenfield rates for a storm event that has a 100% chance of occurring each year (1 in 1 year event). The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
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. 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 3.7 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

7. No unbound material shall be used in the surface treatment of the vehicular access within 6m of the highway boundary.
8. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
9. 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.
10. 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.
11. 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.

59. OUTMAL1700171 - LAND ADJACENT TO THE POPLARS, PLAINS ROAD, LITTLE TOTHAM

Application Number	OUT/MAL/17/00171
Location	Land Adjacent to The Poplars Plains Road Little Totham
Proposal	Erection of Detached Dwelling in lieu of authorised Scrap Yard and Licensed Scrap Metal Business
Applicant	Mr & Mrs Wakeling
Agent	Stanfords
Target Decision Date	12 April 2017
Case Officer	Terry Hardwick, TEL: 01621 876220
Parish	LITTLE TOTHAM
Reason for Referral to the Committee / Council	Departure from the Local Plan 2005

Following the Officer's presentation of the report, a question was raised about a whether a condition should be added to include removal of business buildings prior to a residential dwelling being built. It was agreed by the committee to approve the application in line with the Officer's recommendation with the added condition of prior removal of business buildings.

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. As part of the Reserved Matters 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.
5. As part of the Reserved Matters 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 boundary treatment 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. As part of the Reserved Matters 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. Prior to first occupation of the proposed development, the proposed vehicular access shall be constructed at right angles to the highway boundary and to a width of 3.7 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.
8. 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.
9. 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.
10. No unbound material shall be used in the surface finish of the driveway within a distance of 6.0m from the highway boundary of the site.
11. Any gates that may be erected at the vehicular access shall be inward-opening into the site only and shall be recessed a minimum of 6m from the highway boundary
12. Notwithstanding the details submitted with this application, no development shall commence, other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site.

The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) a survey of extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - properly (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

- adjoining land,
- groundwaters and surface waters
- ecological systems
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted by a competent person and 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.

13. 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.

This must be conducted by a competent person and 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.

14. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. 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. This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11' 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.
15. Prior to the commencement of the development, a sustainable surface water urban drainage scheme (SuDS) 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. The applicant shall demonstrate that the surface water scheme will ensure that as a minimum:
- Run-off from the site is limited to greenfield rates for a storm event that has a 100% chance of occurring each year (1 in 1 year event). The development should be able to attenuate (manage water on site) for 1 in 100 year events plus 40% climate change allowance;
 - If the land is designated as a Brownfield Site it should aim to limit run-off for a storm event that has a 100% chance of occurring each year (1 in 1 year event) OR demonstrate 50% betterment of the current rates.
16. 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.
17. The construction of the new dwelling hereby permitted shall not commence unless and until the existing structures on the site has been demolished and the resulting material removed from the site.

60. ADVMAL1700190 - SPLENDID HAND CAR WASH, MALDON ROAD, WOODHAM MORTIMER

Application Number	ADV/MAL/17/00190
Location	Splendid Hand Car Wash Maldon Road Woodham Mortimer Essex CM9 6TF
Proposal	Application for advertisement consent for 3No. fascia signs.
Applicant	Mr Handi Neziri
Agent	Mr Graham Waller - GJW Design Ltd
Target Decision Date	21.04.2017 – E.o.T. 19.05.2017
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, a question was raised about adding a condition that the original sign be removed. The response from the Group Manager for Planning Services was that you cannot condition something to be removed when it legally shouldn't be there.

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

1. The express consent hereby granted shall be for a period of 5 years beginning from the date hereof.
2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
3. No advertisement shall be sited or displayed so as to:
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military)

- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purposes of security or surveillance or for the measuring the speed of any vehicle.
4. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
 5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
 6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

61. FULMAL1700203 - LAND ADJACENT ORCHARD COTTAGE, HATFIELD ROAD, LANGFORD, ESSEX

Application Number	FUL/MAL/17/00203
Location	Land Adjacent Orchard Cottage, Hatfield Road, Langford, Essex
Proposal	Proposed outbuilding for storage of historic motor vehicles with change of use to private garages in association with the main property.
Applicant	Mr Lester Magness
Agent	Mr Tony James - Anthony. G. James RIBA
Target Decision Date	22.05.2017
Case Officer	Yee Cheung TEL: 01621 876220
Parish	LANGFORD
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. 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 a 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 The development hereby permitted shall only be used for those purposes incidental to the use of the dwelling house ‘Orchard Cottage’ to which it relates.

6 The development hereby approved shall be carried out in strict accordance with the approved Flood Risk Assessment (FRA) prepared by Ken Rush Associates, referenced 14-5548 and dated January 2017 (Rev E) and the FRA Addendum dated March 2017 and the following mitigation measures detailed within the FRA:-

1. Finished ground floor levels are set no lower than 7.48 metres above Ordnance Datum (AOD).
2. The compensatory storage scheme involving the removal of the raised bund and the extension of the ditch shall be completed prior to completion of the proposed development.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

62. FULMAL1700210 - FAIRVIEWS, POST OFFICE ROAD, WOODHAM MORTIMER, ESSEX

Application Number	FUL/MAL/17/00210
Location	Fairviews Post Office Road Woodham Mortimer Essex CM9 6ST
Proposal	Retrospective - Amendment to planning permission FUL/MAL/15/01099- Installation of window to rear of second floor and roof lights to rear, front, southern and northern elevations.
Applicant	Mr. Samuel Taylor - Taylormade Property Development Ltd
Agent	-
Target Decision Date	24 May 2017
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, a question was raised about the need for obscure glass in all the windows. It was agreed by the committee to approve the application in line with the Officer’s recommendation with the amendment to the condition regarding the obscure glass.

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 which are attached to and form part of this permission.

2. Prior to the first occupation of the development hereby permitted, the windows on the north facing elevation and roof slope shall be obscure glazed with opaque glass and retained as such thereafter.
3. No gates or fencing shall be erected within or around the application site unless otherwise agreed in writing with the Local Planning Authority.
4. The existing hedgerow shall be retained to the entire front (west) and side (south) of the application site in perpetuity.
5. Prior to the beneficial occupation of the development hereby approved, the hard landscape works shall be carried out in complete accordance with the approved drawing RA223/14/11 dated September 2015 which was submitted and approved under application 16/05027/DET. Within the first available planting season (October to March inclusive) prior to the beneficial occupation of the development hereby approved, the soft landscape works shall be carried out in complete accordance with the approved drawing RA223/14/11 dated September 2015 which was submitted and approved under application 16/05027/DET. 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.
6. Prior to the first occupation of the development the surface water drainage scheme to serve the development shall be implemented in accordance with the details and drawings contained in the approved Geo-Environmental Report referenced 1405/Rpt 1v1 dated April 2015 and the approved details on the email by D.J. Burton Associates received by the Council on 18th March 2016, both of which were submitted and approved under application 16/05027/DET.
7. Prior to the first occupation of the development the foul drainage scheme to serve the development shall be implemented in accordance with the details and drawings contained in the approved Geo-Environmental Report referenced 1405/Rpt 1v1 dated April 2015 and the approved details on the email by D.J. Burton Associates received by the Council on 18th March 2016, both of which were submitted and approved under application 16/05027/DET.
8. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.
9. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

63. FULMAL1700233 - 13 BARNHALL ROAD, TOLLESHUNT KNIGHTS

Application Number	FUL/MAL/17/00233
Location	13 Barnhall Road, Tolleshunt Knights
Proposal	Demolition of existing bungalow, garage & outbuildings and erection of two 4 bedroom detached dwellings complete with detached double garages.
Applicant	Mr. C Pullum
Agent	Mark Perkins - Mark Perkins Partnership
Target Decision Date	08 May 2017
Case Officer	Hilary Baldwin, TEL: 01621
Parish	TOLLESHUNT KNIGHTS
Reason for Referral to the Committee / Council	Member Call In

Following the Officer's presentation of the report, Heather Allan, an objector, Cliff Pullun, speaking on behalf of a Supporter and Peter Legrys, the Agent, addressed the Committee.

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

1. The proposed dwelling at Plot 2, by virtue of its height, siting and proximity to No. 17 Barnhall Road would result in an overbearing and unneighbourly form of development that would impact the level of natural light and sunlight received by the windows on the rear (western) elevation of Barnhall Road, particularly those at the southern end of that elevation, resulting in an adverse effect on the living conditions of the occupiers of No. 17 Barnhall Road to an extent which would be unacceptable, contrary to the stipulations of policies BE1 and BE6 of the adopted Maldon District Replacement Local Plan, policy D1 of the emerging Local Development Plan and the guidance and provision as contained within the National Planning Policy Framework.

63A HOUSEMAL1700342 - OLD TIMES COTTAGE, MILL LANE, TOLLESHUNT MAJOR

Application Number	HOUSE/MAL/17/00342
Location	Old Times Cottage Mill Lane Tolleshunt Major
Proposal	Ground and first floor extension and garden store
Applicant	S Norrington & H Tarling
Agent	W G Goodall
Target Decision Date	29 May 2017
Case Officer	Hannah Bowles, TEL: 01621 875733
Parish	TOLLESHUNT MAJOR
Reason for Referral to the Committee / Council	Councillor / Member of Staff

Following the Officer's presentation of the report, there was some debate around the application with regards to the design and space on the site.

Councillor Miss S White proposed to approve this application, this proposal was not seconded.

It was agreed by the committee to refuse the application in line with the Officer's recommendation with Members advising Officers to work closely with the applicant, as it was felt an application for a large extension designed correctly would be more appropriate.

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

1. The proposed development, due to its design, including its scale, bulk, siting and relationship with the existing dwelling would result in an incongruous and contrived form of development to the detriment of the character and appearance of the streetscene and the original dwelling contrary to saved policies BE1 and BE6 of the Replacement Local Plan, emerging policy D1 of the submitted Local Development Plan and guidance contained within the National Planning Policy Framework.

Councillors Miss S White and J P F Archer left the meeting at this point and did not return.

63B TPO1116 – 83 EAST STREET, TOLLESBURY

Tree Preservation Order	TPO 11/16
Location	83 East Street Tollesbury
Proposal	Confirmation of TPO 11/16
Owner	Mr D Young
Agent	-
Confirmation by	14 September 2016
Case Officer	Hannah Bowles, Planning Officer (01621 875822)
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

Following the Officer's presentation of the report, there was some debate around whether or not there was a need to TPO this specific tree.

There was a proposal in the name of Councillor D M Sismey to not uphold the TPO and this was duly seconded by Councillor E L Bamford.

RESOLVED that this TPO not be confirmed for the following reasons:

63C 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: 04/04/2017

Application Number: FUL/MAL/16/01231 (APP/X1545/W/17/3169458)

Site: J A P Contracts The Old Dairy Broad Street Green Road Great Totham

Proposal: Extension to office building to form an attached live/work unit

Appeal by: Mr A Lawson

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 13/04/2017

Application Number: FUL/MAL/16/00681 (APP/X1545/W/17/3171748)

Site: Little Orchard, Kitchener Road, North Fambridge, Essex, CM3 6NJ

Proposal: Demolition of existing bungalow & erection of replacement dwelling with associated parking.

Appeal by: Mr T Mitchell & Ms N Dunkley

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 08/05/2017
Application Number: HOUSE/MAL/16/01449 (APP/X1545/D/17/3173096)
Site: 26 Walden House Road Great Totham
Proposal: Roof conversion and alterations to a domestic property.
Appeal by: Mr Tom Holmes
Appeal against: Refusal
Appeal procedure requested: Householder Appeals Service (HAS)

Appeal Start Date: 09/05/2017
Application Number: FUL/MAL/16/00265 (APP/X1545/W/17/3173125)
Site: Land Adjacent To Langford Waterworks - Hatfield Road - Langford
Proposal: Proposed application for the development of six detached dwellings with associated garage & parking and access road (formerly consented for four detached dwellings - consent has been implemented)
Appeal by: Sunbury Developments LLP
Appeal against: Refusal
Appeal procedure requested: Written Representations

Appeal Start Date: 11 May 2017
Application Number: FUL/MAL/16/01267 (APP/X1545/W/17/3169727)
Site: Land Rear Of 18 Prince Of Wales Road Great Totham
Proposal: Demolition of existing rear single garage. Construction of a 2 bedroom bungalow with a flat green roof over.
Appeal by: Mr Jamie Hunter
Appeal against: Refusal
Appeal procedure requested: Written Representation

(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/15/01200 (Appeal Ref: APP/X1545/W/16/3154913)
Proposal: Replace existing B1 industrial building with proposed children's day nursery and one dwelling
Address: J A P Contracts - The Old Dairy - Broad Street Green Road - Great Totham
APPEAL DISMISSED – 11 April 2017
THE APPLICATION MADE BY THE APPELLANT FOR THE PARTIAL AWARD OF COSTS AGAINST THE COUNCIL - REFUSED
THE APPLICATION MADE BY THE COUNCIL FOR THE PARTIAL AWARD OF COSTS AGAINST THE APPELANT - REFUSED
DECISION LEVEL: Delegated

FUL/MAL/15/01200 (Appeal Ref: APP/X1545/W/16/3162966)
Proposal: One dwelling
Address: Land North Of Poplar Grove Chase - Great Totham
APPEAL DISMISSED – 11 April 2017
THE APPLICATION MADE BY THE APPELLANT FOR THE PARTIAL AWARD OF COSTS AGAINST THE COUNCIL - REFUSED

**THE APPLICATION MADE BY THE COUNCIL FOR THE PARTIAL
AWARD OF COSTS AGAINST THE APPELANT - REFUSED**
DECISION LEVEL: Delegated

FUL/MAL/16/00460 (APP/X1545/W/16/3163932)

Proposal: Erection of nine dwellings, creation of new accesses to Goat Lodge Road and Staplers Heath, estate roads, garages and car spaces, foul and surface water drainage and landscaping.

Address: Land At Goat Lodge Road Great Totham

Decision Level: Delegated

APPEAL DISMISSED – 28 April 2017

FUL/MAL/15/00779 (Appeal Ref: APP/X1545/W/16/3150701)

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.

Address: Field To West Of Blood Lagoon, Hackmans Lane, Purleigh, Essex

Decision Level: Committee overturned Officer recommendation to approve

APPEAL ALLOWED – 25 April 2017

Enforcement Appeal Decisions:

ENF/13/00260/BC (Appeal Reference Number: APP/X1545/C/16/3153960)

Address: Land At Oakfield Farm - Hyde Chase - Purleigh

Appeal against: Without planning permission the use of barn for residential occupation

**THE APPEAL IS DISMISSED AND THE ENFORCEMENT NOTICE IS
UPHELD WITH CORRECTIONS**

ENF/16/00019/CU (Appeal Reference Number: APP/X1545/C/16/3156806)

Address: Land opposite Old Post Office, Maldon Road, Langford, Essex

Appeal against: Without planning permission:

A) The unauthorised material change of use of the land for the storage of building materials and tools.

B) The unauthorised operational development to form a hard surface by laying disused building materials.

**THE APPEAL IS DISMISSED AND THE ENFORCEMENT NOTICE IS
UPHELD SUBJECT TO THE FOLLOWING CORRECTION –**

It is directed that the enforcement notice be corrected by the deletion of the first sentence of paragraph 4 and the substitution therefor of the following sentence: “It appears to the Council that the above breaches of planning control have occurred within the last ten years and the last four years respectively.”

ENF/16/00189/01 (Appeal Reference Number: APP/X1545/C/16/3161468)

Address: Land At Rudley Oaks - Chelmsford Road - Purleigh

Appeal against: Without planning permission

a) the unauthorised change of use of the land to use as residential curtilage

b) The unauthorised erection of two detached outbuildings on the land

c) The unauthorised creation of a swimming pool on the land

d)The unauthorised erection of walls, gates, fences and other means of enclosure on the land

THE APPEAL IS ALLOWED ON GROUND (A), THE ENFORCEMENT NOTICE IS QUASHED AFTER CORRECTION AND VARIATION AND PLANNING PERMISSION IS GRANTED IN THE TERMS SET OUT BELOW IN THE FORMAL DECISION.

25 April 2017

There being no further items of business the Chairman closed the meeting at 9.00 pm.

MRS M E THOMPSON
CHAIRMAN