



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
12 JUNE 2017**

PRESENT

Chairman	Councillor Mrs M E Thompson
Vice-Chairman	Councillor E L Bamford
Councillors	J P F Archer, H M Bass, M F L Durham, CC, D M Sismey, A K M St. Joseph
¹ Ex-Officio Non- Voting Member	Councillor Mrs P A Channer, CC

116. CHAIRMAN'S NOTICES

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

The Chairman adjourned the meeting at 19:32 to enable Members to read through the second Members' Update which had only been issued shortly before the meeting commenced.

Members asked various questions relating to this Members' Update and the Group manager for Planning Services advised that he would take Members through this after the Officer had presented the report.

The meeting reconvened at 19:39.

117. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J V Keyes and Miss S White.

118. MINUTES OF THE LAST MEETING

RESOLVED

- (i) That the Minutes of the meeting of the Committee held on 15 May 2017 be received:

Minute number 65 – TPO 11/16 – 83 East Street, Tollesbury

It was agreed that the decision should have read that it be resolved that this Tree Preservation Order be not confirmed and that this decision be notified to the owner and objector accordingly.

¹ Minute 230 (10/07/17)

RESOLVED

- (ii) That subject to the above amendment the Minutes of the meeting of the Committee held on 15 May 2017 be confirmed.

119. DISCLOSURE OF INTEREST

Councillor J P F Archer declared a non-pecuniary interest in Agenda Item 5 – **FUL/MAL/16/01142 – Stow Maries Aerodrome, Hackmans Lane, Cold Norton, Essex** – as planes fly across his house.

Councillor Mrs P A Channer, CC declared a non-pecuniary interest in the following Agenda Items, as she was also a Member of Essex County Council who was consulted on highways, access, education and other matters:

- Agenda Item 5 - **FUL/MAL/16/01142 – Stow Maries Aerodrome, Hackmans Lane, Cold Norton, Essex;**
- Agenda Item 6 - **FUL/MAL/16/01143 – Stow Maries Aerodrome, Hackmans Lane, Cold Norton, Essex;**
- Agenda Item 7 - **HOUSE/MAL/17/00346 – Leys Manor, Langford Road, Wickham Bishops, Essex CM8 3JQ;**
- Agenda Item 8 - **OUT/MAL/17/00364 – Rear of Strawberry Lane, Tolleshunt Knights, Essex;** and
- Agenda Item 9 - **FUL/MAL/17/00389 – Land Adjacent Park House, Wickham Hall Lane, Wickham Bishops.**

Councillor Channer also declared a non-pecuniary interest in relation to Agenda Item 5 – **FUL/MAL/16/01142 – Stow Maries Aerodrome, Hackmans Lane, Cold Norton, Essex** as both Maldon District Council and Essex County Council (for whom she was divisional member for Maldon) had given funding to Stow Maries Aerodrome. Furthermore, she had attended events at Stow Maries Aerodrome and she also knew the Trustees and some Objectors.

Councillor A K M St. Joseph made the following declarations:

- In relation to Agenda Item 5 – **FUL/MAL/16/01142 – Stow Maries Aerodrome, Hackmans Lane, Cold Norton, Essex** – he declared a non-pecuniary interest as he knew some of the Objectors; and
- Agenda Item 8 - **OUT/MAL/17/00364 – Rear of Strawberry Lane, Tolleshunt Knights, Essex** – he declared a non-pecuniary interest as he knew the Applicant.

Councillor M F L Durham, CC declared the same non-pecuniary interests as Councillor Mrs P A Channer, CC as he was also a Member of Essex County Council.

Councillor Mrs M E Thompson declared a non-pecuniary interest in the latter application as she was a Member of Tolleshunt Knights Parish Council.

120. FUL/MAL/16/01142 - STOW MARIES AERODROME, HACKMANS LANE, COLD NORTON

Application Number	FUL/MAL/16/01142
Location	Stow Maries Aerodrome Hackmans Lane Cold Norton Essex
Proposal	<p>Planning Application for operational arrangements for the use of the Airfield at Stow Maries Great War Aerodrome including hours of operation, restrictions on the number of take-offs and landings, and arrangements for Special Public Event days. The arrangements to be as follows:</p> <ul style="list-style-type: none"> • The airstrip to be used by fixed wing and propeller driven aircraft; helicopters, apart from emergency services machines, may only use the site in the event of emergency or during Public Event days • Take-offs and landings only after 08.00 hours and no later than either 20.00 hours, or sunset whichever is earlier • In the Winter months (November to April inclusive) there shall be no more than 25 landings and 25 take-offs per day • In the Summer months (May to October inclusive) there shall be no more than 25 landings and 25 take-offs on weekdays • In the Summer months (May to October inclusive) there shall be a maximum of 50 landings and take-offs per day at weekends and bank holidays apart from Special Public Event Flying days when maximum landings and take-offs are increased to 75 take-offs and 75 landings per day
Applicant	The Trustees - Stow Maries Great War Aerodrome Trust
Agent	Ms Sarah Threlfall - TMA Chartered Surveyors
Target Decision Date	24.01.2017
Case Officer	Yee Cheung, Tel: 01621 876220
Parish	COLD NORTON
Reason for Referral to the Committee / Council	Major Application Member Call In

The Officer presented the report of the Chief Executive on this planning application in conjunction with the report for Agenda Item 6 and the Group Manager for Planning Services advised Members that the second Members' Update produced did not add any additional information. It had been produced to clarify the report to Members and should be read in conjunction with it. In particular, the second Members' Update:

- Listed all proposed conditions and not just those that had been amended;
- Highlighted the maximum amount of take-offs and landings;
- Highlighted that the site was already an aerodrome;
- Clarified that a maximum of 12 movements (i.e. take-offs and landings) per day had originally been imposed.

He reminded Members that the scheme before them must be assessed on what it proposed and just because proposed movements would increase did not automatically mean that there was harm. The Group Manager for Planning Services then read out

paragraph 1.8 of the second Members' Update for the benefit of Members which dealt with noise.

Mr P Brady, an Objector, of The Planning Law Practice, Wood End, 20 Oaklands Park, Bishops Stortford, Hertfordshire, Mr S Hollington from Stow Maries Parish Council and Mr T Matthews, the Agent, then all addressed the Committee.

Following this the Chairman asked the Environmental Health and Licensing Manager to explain the law on noise.

The Environmental Health and Licensing Manager advised that noise was an important and emotive part of airfield planning applications and, once permission had been granted, then noise would fall outside the scope of statutory nuisance which would mean that neither the Council nor the Civil Aviation Authority would be able to take any action. Therefore, it was important to get the noise aspect right at the planning stage. However, ground noise was different and if the airfield was to develop as a maintenance base or similar, then the Council could deal with noise associated to that.

The Environmental Health and Licensing Manager advised that if noise was above the lowest observed significant effect level, then noise should be controlled by conditions. However, that would not necessarily be sufficient to refuse an application. When the highest observed significant effect level was reached then a development should not go ahead unless it could be mitigated. The more the highest level was exceeded, then the more it would lean towards refusal.

Councillor J P F Archer, a Ward Member, was in agreement with the objector and was of the opinion that the Council was trying to expand the aerodrome too much and that the roads in the vicinity could not cope with the potential increase in traffic. Furthermore, he considered that there would need to be increased storage for aircraft as the storage currently there was not sufficient. Councillor Archer was not in support of approving this application and felt that the decision made by this Committee in 2009 was correct. Any expansion of the aerodrome needed to be managed sensibly and the site was not big enough to warrant a massive influx of aircraft or visitors.

In response to a technical question on noise, the Environmental Health and Licensing Manager advised that aircraft noise was dealt with on a long term average which came from national guidance. The noise would be assessed over working days, whereby each aircraft movement was measured, the level was condensed to a one second movement and the movements were added together to get the daily allowance. By way of clarification, unless the minimum level of noise was exceeded then any changes in noise level would not be relevant. The consultant's approach to assessing noise was considered to be sound.

Members raised concerns about this application being submitted for determination by this Committee as it was a complicated and significant application for the Council. Stow Maries aerodrome was one of the most significant attractions in the District and had the potential to become even more significant. Whilst the tourism that could bring to the district must be welcomed, it must be balanced with the demands on infrastructure etc.

Councillor M F L Durham, CC proposed that this application be deferred to be considered by full Council and this was duly seconded.

The Group Manager for Planning Services advised that this application was before this Committee in accordance with the scheme of delegation. Decisions by area planning committees should be made on behalf of the Council as a whole and should be based on policies and any demonstrable harm for the District.

Members voted in favour of this application and application **LBC/MAL/16/001143 – Stow Maries Aerodrome, Hackmans Lane, Cold Norton, Essex** – being determined by full Council.

Councillor J P F Archer requested that his vote against this proposal be recorded.

RESOLVED that both this application and application **LBC/MAL/16/01143 – Stow Maries Aerodrome, Hackmans Lane, Cold Norton, Essex** – be referred to full Council for determination.

121. LBC/MAL/16/01143 - STOW MARIES AERODROME HACKMANS LANE COLD NORTON ESSEX

Application Number	LBC/MAL/16/01143
Location	Stow Maries Aerodrome Hackmans Lane Cold Norton Essex
Proposal	Planning Application for operational arrangements for the use of the Airfield at Stow Maries Great War Aerodrome including hours of operation, restrictions on the number of take offs and landings, and arrangements for Special Public Event days.
Applicant	Ms Sarah Threlfall - TMA Chartered Surveyors
Agent	The Trustees - Stow Maries Great War Aerodrome Trust
Target Decision Date	24.01.2017
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	COLD NORTON
Reason for Referral to the Committee / Council	Member Call In

This application was heard in conjunction with Agenda Item 5 – **FUL/MAL/16/001142 – Stow Maries Aerodrome, Hackmans Lane, Cold Norton, Essex** above and it was **RESOLVED** that it would be referred to full Council for determination.

The Chairman adjourned the meeting at 20:43 to allow members of the public to leave the Council Chamber.

The meeting reconvened at 20:49.

122. HOUSE/MAL/17/00346 - LEYS MANOR LANGFORD ROAD WICKHAM BISHOPS ESSEX CM8 3JQ

Application Number	HOUSE/MAL/17/00346
Location	Leys Manor Langford Road Wickham Bishops Essex CM8 3JQ
Proposal	Retrospective - Entrance gates, brickwork and piers
Applicant	Mr Brian Jarvis
Agent	-
Target Decision Date	07.07.2017
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	Member Call In

The Committee considered the report of the Chief Executive on this planning application. Following the Officer's presentation of the report, Mrs J Jarvis, the Applicant, addressed the Committee.

Councillor H M Bass, a Ward Member, was of the opinion that there was nothing wrong with this proposal and that it was in keeping with the style of the house. The piers were quite a long way back from the carriageway. Councillor Bass proposed that this application be approved contrary to the Officers' recommendation. This proposal was duly seconded.

Members considered that there were similar styles of entrance in the vicinity and that in time the vegetation and trees planted would soften the appearance of the entrance.

RESOLVED that this application be **APPROVED**.

123. OUT/MAL/17/00364 - REAR OF STRAWBERRY LANE, TOLLESHUNT KNIGHTS

Application Number	OUT/MAL/17/00364
Location	Rear of Strawberry Lane Tolleshunt Knights Essex
Proposal	Outline planning to erect up to 27 dwellings and form access road onto Brook Close
Applicant	Mr C Newenham - Wilkin & Sons Ltd
Agent	Mr Phillip McIntosh - Melville Dunbar Associates
Target Decision Date	10.07.2017
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	TOLLESHUNT KNIGHTS
Reason for Referral to the Committee / Council	Member Call In

The Committee considered the report of the Chief Executive on this planning application. Following the Officer's presentation of the report, during which she

advised Members that the Agent had requested deferral, the Chairman asked Members if they wished to take a vote on deferring this application. Members declined to vote on deferral.

Mr M Porter of Tolleshunt Knights Parish Council then addressed the Committee.

Although this application would not have come to Committee under the parish trigger rule, the Chairman and Councillor E L Bamford, the Ward Members, had called this in as there were so many objections and they wanted to show support to the residents of Tolleshunt Knights. In addition to the proposed reasons for refusal, there were problems with accessing the bus-stop as there were no pavements, the junction was considered to be dangerous and the density of houses proposed was considered to be out of keeping with the surrounding roads.

Councillor D M Sismey proposed that this should be determined by full Council to demonstrate the Council's opposition to this type of speculative application. This proposal was not seconded. However, Members were of the opinion that their issues should be mentioned and both coalescence and lack of affordable housing were valid reasons for refusing this application.

Members considered that the Highways Authority had let the Council down on this and other applications and requested that the Essex County Council (ECC) Members who were also District Council Members speak to the Cabinet Member for Highways at ECC. The respective ECC Members confirmed that they would do so.

The Group Manager for Planning Services advised Members that concern regarding the bus stop could not form a reason for refusal. However, coalescence could be added as a further reason for refusal. He also advised that if the Highways Authority did not raise an objection then it was difficult for the Council to use highways problems as a reason for refusal. The Committee agreed to refuse the application as recommended by the Officers together with the additional reasons as identified above.

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

- 1 At present, the application site prevents the coalescence of Tolleshunt Knights and Tiptree where it falls under the jurisdiction of Colchester Borough Council. It is considered that the proposed development would fundamentally alter the open character of the north western edge of the village of Tolleshunt Knights, contrary to policies BE1, CC6 of the adopted Maldon District Replacement Local Plan, policies S1, S8, D1 of the Maldon District Local Development Plan and Government advice as contained within the National Planning Policy Framework.
- 2 The application site is in a rural location outside of the defined settlement boundary for Tolleshunt Knights 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. If developed, the site would be disconnected and isolated from the existing settlement, which has limited access and connectivity with the existing village thus would represent an unsustainable form of development. The proposed development would fail to protect and enhance to

the character and appearance of the rural area and the built form would have an urbanising effect resulting in an unwelcome visual intrusion into the undeveloped countryside, to the detriment of the character and appearance of the rural area. Further, the application site is not considered to be in a sustainable location. This is due to lack of footways, together with the distance to local services / facilities means that there would not be a safe or convenient pedestrian access to local services / facilities and it is likely that there would be greater reliance on the private car. The proposal would therefore be contrary to policies BE1 and T2 of the adopted Maldon District Replacement Local Plan; policies S1, S8, D1 and T2 of the Maldon District Local Development Plan; and the three dimensions to sustainable development as contained within the National Planning Policy Framework.

- 3 The application site is located in fluvial Flood Zone 3 which has the high probability of flooding. The Council can demonstrate a Five Year Housing Land Supply, as such residential development should be directed to areas of low risk of flooding. Furthermore, the submitted Flood Risk Assessment is unsatisfactory as it fails to demonstrate that the proposed development would be safe for prospective occupiers of the site. Therefore, the development is contrary to Government guidance and advice contained in the National Planning Policy Framework, the National Planning Practice Guide, and policy D5 of the Maldon District Local Development Plan.
- 4 In the absence of a signed legal agreement the development makes no contribution for affordable housing, which would be required with respect to mitigating the wider impacts of the development on local infrastructure and townscape. As such the proposal is considered to be contrary to policy PU1 of the adopted Maldon District Replacement Local Plan, policies H1 and I1 of the Maldon District Local Development Plan, and the National Planning Policy Framework.

124. FUL/MAL/17/00389 - LAND ADJACENT PARK HOUSE, WICKHAM HALL LANE, WICKHAM BISHOPS

Application Number	FUL/MAL/17/00389
Location	Land Adjacent Park House, Wickham Hall Lane, Wickham Bishops
Proposal	Erect detached timber framed chalet bungalow and detached garage, lay out drive, parking and manoeuvring areas and form vehicular access onto Station Road.
Applicant	Mrs. L Adcock
Agent	Mr. S Rowe – The Planning and Design Bureau Ltd
Target Decision Date	01 June 2017
Case Officer	Hilary Baldwin, TEL: 01621 875730
Parish	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	Member Call In

The Committee considered the report of the Chief Executive on this planning application. Following the Officer's presentation of the report, Mr S Rowe, the Agent, addressed the Committee.

Councillor H M Bass, a Ward Member, advised the Committee that he had called this application in. Whilst he accepted the Officer's reasons for refusal, this application did have green credentials and there were personal circumstances behind the application.

Councillor D M Sismey was of the opinion that the Council should support the philosophy behind this application – i.e. a daughter moving back to the area and in to a large property and her mother moving in to a smaller property on the same land as the donor property. He then proposed that this application be approved contrary to the Officers' recommendation. This was duly seconded.

The Group Manager for Planning Services advised that if Members were minded to approve this application, then he had concerns both about allowing a property in a garden and placing a dwelling at the rear of an existing dwelling.

Upon a vote, the motion failed. Councillor H M Bass then proposed refusal of this application in accordance with the Officers' recommendation. This was duly seconded and agreed.

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

1. The provision of a dwelling on this site, would fail to protect or enhance the natural beauty, tranquility, amenity and traditional quality of the rural landscape setting by introducing unacceptable built form into the site that currently forms an integral part of, and contributes to, the rural quality of the area. The proposal would therefore fail to make a positive contribution to the locality and cause an unacceptable degree of harm to the character and appearance of the locality. Furthermore, in the absence of an Arboricultural Impact Assessment, the Local Planning Authority is unable to fully consider the impact of the development upon existing trees within and adjacent to the site, contrary to policies S2, BE1, H1, CC6 and CC7 of the adopted Maldon District Replacement Local Plan, emerging policy S1, S8, H4, D1, D2 and N2 of the Local Development Plan and core planning principles and guidance contained in the National Planning Policy Framework.
2. The site is not considered to be in a sustainable location. Therefore, the creation of new residential development, remote from community services and essential support facilities, would be contrary to the 'presumption in favour of sustainable development' contained in the National Planning Policy Framework and to policy S2 of the adopted Maldon District Replacement Local Plan. The poor sustainability credentials of the site and its locality, coupled with the impact of development on the character and appearance of the rural locality, would significantly and demonstrably outweigh the benefits of the proposal when assessed against the compliant policies of the Local Plan and the National Planning Policy Framework as a whole.

125. OTHER AREA AND PLANNING 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: 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: 15/05/2017
Application Number: FUL/MAL/16/01044 (APP/X1545/W/17/3167028)
Site: Honeywood Farm, Honeypot Lane, Purleigh, Essex, CM3 6RT
Proposal: Removal of condition 3 (agricultural occupancy condition) on approved planning permission FUL/MAL/82/00003
Appeal by: Mr Adam Brown
Appeal against: Refusal
Appeal procedure requested: Informal Hearing

Appeal Start Date: 22/05/2017
Application Number: FUL/MAL/16/01404 (APP/X1545/W/17/3172133)
Site: Falconers Lodge Offices Oak Farm Road Woodham Walter
Proposal: Retrospective - Use of building as single dwelling house
Appeal by: Mr M Hanham
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/16/00782 (Appeal Ref: APP/X1545/W/16/3165877)
Proposal: Removal of Conditions 2 & 3 on approved application FUL/MAL/11/00531 allowed on appeal APP/X1545/A/11/2160940 (Change of use of existing rural building from stables to self contained holiday accommodation)
Address: The Barn, Mope Lane, Wickham Bishops, CM8 3JP
Decision Level: Committee overturned Officer recommendation to approve

FUL/MAL/16/00450 (Appeal Ref: APP/X1545/W/17/3166842)
Proposal: Removal of redundant agricultural barn to create one new dwelling
Address: Barn Attached To South Of Sewells Farm, Witham Road, Little Braxted, WITHAM, CM8 3ET
Decision Level: Committee as per Officer recommendation to refuse
APPEAL DISMISSED – 22 May 2017

WTPO/MAL/16/01354 (Appeal Ref: APP/TPO/6002)
Proposal: TPO 5/76 - T17 Oak - Thin out new growth, remove dead, damaged branches and reduce the overall size (crown) by 30%
T13 & T14 Oak (back garden) Thin out new growth, remove dead/damaged branches and reduce the overall size (crown) by 30%.

Address: Heath House 13 Heathgate Wickham Bishops
Decision Level: Delegated
APPEAL DISMISSED – 31 May 2017

Enforcement Appeal Decisions:

ENF/15/00093/02 (Appeal Ref: APP/X1545/C/16/3161041)

Address: Tolleshunt Wood Within Chantry Wood Witham Road Wickham Bishops

Appeal Against: Without planning permission the unauthorised operational development to erect a building

APPEAL ALLOWED, THE ENFORCEMENT NOTICE IS QUASHED & PLANNING PERMISSION IS GRANTED ON THE APPLICATION DEEMED TO HAVE BEEN MADE UNDER SECTION 177(5) OF THE TOWN & COUNTRY PLANNING ACT 1990(AS AMENDED) FOR THE DEVELOPMENT ALREADY CARRIED OUT – 16 May 2017

**APPLICATION FOR AWARD OF COSTS MADE BY APPELLANT AGAINST LPA - REFUSED – 16 May 2017 (See costs decision A)
APPLICATION FOR AWARD OF COSTS MADE BY LPA AGAINST THE APPELLANT – PARTIAL AWARD ALLOWED IN RESPECT FOR GROUND C – 16 May 2017 (See costs decision B).**

126. NOMINATION OF A MEMBER TO THE LOCAL AREA HIGHWAYS PANEL

RESOLVED that Councillor H M Bass be appointed as the representative for the North Western Area Planning Committee on the Maldon District Local Area Highways Panel.

There being no further items of business the Chairman closed the meeting at 9.44 pm.

MRS M E THOMPSON
CHAIRMAN