



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
5 FEBRUARY 2018**

PRESENT

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

786. CHAIRMAN'S NOTICES

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

787. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors E L Bamford and A K M St. Joseph.

788. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 8 January 2018 be approved and confirmed.

789. DISCLOSURE OF INTEREST

Councillor Mrs M L Thompson declared a non-pecuniary interest in relation to the following applications, as she was a Member of Tolleshunt Knights Parish Council:

- Agenda Item 9 – **FUL/MAL/17/01230** – Rosemead, D'Arcy Road, Tolleshunt Knights
- Agenda Item 11 - **TPO12/17** – Beatbush Wood, Park Lane, Tolleshunt Knights.

Councillor M F L Durham CC declared that he was also a Member of Essex County Council and that he had a non-pecuniary interest in relation to any matter pertaining to that organisation.

Councillor Mrs P A Channer CC declared that she was also a Member of Essex County Council and had a non-pecuniary interest in relation to any matter pertaining to that authority in relation to highways, access, education etc.

Councillor J V Keyes declared a non-pecuniary interest as he was also a Member of Great Totham 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.

790. MLA/MAL/17/00582 LAND OPPOSITE 34 HALL ROAD, GREAT TOTHAM

Application Number	MLA/MAL/17/00582
Location	Land Opposite 34 Hall Road, Great Totham
Proposal	Variation of Existing Section 52 Agreement to remove requirement not to erect or apply for planning permission for the erection of any permanent structures on land as edged green on the plan accompanying the Agreement
Applicant	Smart Planning Limited
Agent	Ms Louise Cook
Target Decision Date	08 February 2018
Case Officer	Mark Woodger
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	No scheme of delegation applies.

The Committee discussed this matter prior to the report being presented and decided that the report would be presented, followed by any public speaking and then the decision would be made whether it was necessary to consider the report in private session.

The Development Management Team Leader presented the report to the Committee and this was followed by Mr R P Garrod of 42 Seagers, Great Totham, an Objector and Mr R Forde, the Applicant's Agent, addressing the Committee.

The Chairman proposed that the Committee resolved under Section 100A (4) of the Local Government Act 1972 that the public be excluded from the meeting for this item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A to the Act and that this satisfied the public interest test.

The proposal was duly seconded and the resolution was carried.

The Chairman then adjourned the meeting for a short time to enable the members of the public to leave the Council Chamber.

There followed a lengthy debate about this application and the difficulties involved in determining it due to changes in legislation since the original planning application was made.

Councillor M F L Durham CC proposed that this application (together with Agenda Item 14 – MAL/MAL/17/00582 – Land Opposite 34 Hall Road, Great Totham) be deferred pending Counsel’s opinion.

This was duly seconded and upon a vote the motion was carried.

RESOLVED that this application be deferred so that Counsel’s opinion be sought and considered.

The Chairman adjourned the meeting to enable members of the public to return to the Council Chamber.

The meeting reconvened at 8.25pm and the Chairman advised the members of the public that this item had been deferred so that legal advice could be sought.

791. FUL/MAL/17/00776 LAND WEST OF FAMBRIDGE ROAD, NORTH FAMBRIDGE

Application Number	RES/MAL/17/00776
Location	Land West Of Fambridge Road North Fambridge Essex
Proposal	Reserved matters application for the approval of access, appearance, landscaping, layout and scale on approved planning application OUT/MAL/14/01016 (Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floor space, a 1.8ha village green and public open space.)
Applicant	David Wilson Homes
Agent	Mr Andy Butcher - Strutt And Parker
Target Decision Date	03.11.2017 – Extension of Time: 6 February 2018
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	NORTH FAMBRIDGE
Reason for Referral to the Committee / Council	Member Call In

Following the Officer’s presentation of the report, Mr Boden of Langmeil, The Avenue, North Fambridge, an Objector, Mrs S Nunn from North Fambridge Parish Council and Mr S Martin of David Wilson Homes, the Applicant, all addressed the Committee.

In response to a question, the Development Management Team Leader advised that the application before the Committee was for reserved matters only. The discharge of conditions matters of sewerage and foul water would be dealt with under delegated powers.

Several questions were raised by Members and the Development Management Team Leader advised as follows:

- The viability and affordable housing was agreed at the outline planning permission stage;

- The housing mix – this was not a matter for the Council to refuse this application on as there were no such conditions;
- The access at Church Lane – there was a construction management plan that required access to be agreed;
- The access to the site – the main access to the east of the site was shown on the map;
- The flood risk – this was on part of the site that was not being developed;
- The discharge of condition application – the Environment Agency (EA), Anglian Water and the Sustainable Urban Drainage (SUDs) team had been consulted and this was being dealt with separately.

Members raised serious concerns regarding flooding and drainage and were of the opinion that a completely new system was necessary to alleviate the problems in North Fambridge. The Development Management Team Leader advised that the surface water scheme contained a variety of measures to deal with the water. There were cells, ponds and other measures within the development. Neither the EA nor the SUDs teams had objected to this application and they would have done if there was an increase in water flow.

Members requested that officers considered the feedback given by Members on the flooding and sewerage issues and that stringent conditions would be imposed should this application be approved.

A question was raised about access and roads and the comments made by Essex Fire and Rescue which were summarised in the report. In response the Development Management Team Leader advised that conversations were ongoing regarding conditions and matters were progressing. Moreover, the fire turning circle would be dealt with under building regulations rather than planning.

Members further raised concerns regarding the discharge of conditions and the Development Management Team Leader noted these comments and reminded Members that they must deal with the application before them and that the discharge of conditions was to be dealt with at a later date.

Councillor H M Bass proposed that all sewerage and relevant conditions be brought back to this Committee for determination.

This proposal was duly seconded and the motion carried.

Councillor D M Sismey then proposed that the Officer's recommendation be agreed. This was duly seconded.

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 specifically referenced on this decision notice.
- 2 The development shall be constructed of the external materials specified on Drawing No: 745. 204.06 dated 04.12.2017 Materials Plan and 745. 231 .04 dated 04.12.2017.

- 3 The hard landscaping for the site shall be constructed in complete accordance with materials specified on Drawing No: 745. 231.04 dated 04.12.2017 and retained as such thereafter.
- 4 The tree protection and soft landscaping for the site shall be carried out in complete accordance with the following details and Drawing No:-
 - JBA 17/005/1 Rev I dated June 2017
 - JBA 17/005/2 Rev I dated June 2017
 - JBA 17/005/3 Rev I dated June 2017
 - JBA 17/005/4 Rev I dated June 2017
 - JBA 17.005.5 Rev I dated June 2017
 - JBA 17/005-06 Rev H dated July 2017
 - JBA 17/005-07 Rev G dated July 2017
 - JBA 17/005-08 Rev H dated July 2017
 - JBA 17/005-09 Rev H dated July 2017
 - JBA 17/005-SK01 Rev E dated December 2017
 - JBA 17/005 TP01 Rev A dated 04.07.2017
 - Arboricultural Method Statement prepared by James Blake Associates Ltd (reference: JBA 17/005 AR02 Rev A dated 30 November 2017)
 - Tree Protection Warning Signs
 - Tree Survey Schedule dated 5 December 2017
 - Tree Works Schedule dated 5 December 2017
- 5 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.
- 6 Prior to the first occupation of the dwelling annotated Plot 50 on Drawing No: 745.201.06 dated 04.12.2017, the first floor window serving the bathroom and the roof light serving the en-suite shall be glazed with opaque glass and be retained as such thereafter.
- 7 Prior to the first occupation of the dwelling annotated Plot 51 on Drawing No: 745.201.06 dated 04.12.2017, the First floor window serving the dressing room shall be glazed with opaque glass and be retained as such thereafter.
- 8 Prior to the first occupation of the dwelling annotated Plot 52 on Drawing No: 745.201.06 dated 04.12.2017, the first floor windows serving the bathroom and the en-suite shall be glazed with opaque glass and be retained as such thereafter.
- 9 Details of the sub-station and pumping station, including the design, height, noise emission shall be submitted to and approved by the Local Planning Authority. The details as approved shall be constructed prior to the first occupation of the respective dwellings to which it relates and be retained as such thereafter.

792. FUL/MAL/17/00802 BLACKSTONE FARM, LODGE LANE., PURLEIGH

Application Number	FUL/MAL/17/00802
Location	Blackstone Farm Lodge Lane Purleigh Essex CM3 6PW

Proposal	Retrospective – siting of two (2) containers for agricultural use
Applicant	Ms. E. Padfield
Agent	-
Target Decision Date	21.02.2018
Case Officer	Spyros Mouratidis
Parish	PURLEIGH PARISH COUNCIL
Reason for Referral to the Committee / Council	Member Call In

Following the Officer's presentation of the report, Ms E Padfield, the Applicant, addressed the Committee.

RESOLVED that this application be **APPROVED**.

793. FUL/MAL/17/01197 E J TAYLOR & SONS, MILL WORKS, BURNHAM ROAD, HAZELEIGH

Application Number	FUL/MAL/17/01197
Location	E J Taylor And Sons Ltd Mill Works Burnham Road Hazeleigh Essex
Proposal	Addition of two extensions for office use to the existing cottage/office building, creating a total additional floor area of 962sqm, and the provision of further parking facilities
Applicant	Mr Bob Taylor - EJ Taylor & Sons Ltd
Agent	Miss Heather Organ
Target Decision Date	1 February 2017
Case Officer	Yee Cheung Tel:01621 876220
Parish	HAZELEIGH
Reason for Referral to the Committee / Council	Member Call In

Following the Officer's presentation Mr J Crisp of EJ Taylor & Sons Ltd, the Applicant, addressed the Committee.

Councillor M F L Durham CC, a Ward Member considered that this application would improve the appearance of the building and that the Applicant was both an important business to the District and a significant employer. Councillor Durham then proposed that this application be approved contrary to the Officer's recommendation.

This was duly seconded and adequate landscaping conditions were requested.

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

- 1 The development hereby permitted shall begin no later than three years from the date of this decision.

REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development shall be carried out in accordance with the following approved plans and documents: 17/03/01; 17/03/02; 17/03/05A; 17/03/03; 17/03/04; 17/03/06; 17/03/07A; 17/03/08

REASON: For the avoidance of doubt as to the extent of this permission.

- 3 No development shall take place until samples of the facing material to be used, including glazing, have been submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved details.

REASON: To ensure that the external material to be used in the construction of the development would be appropriate to the building and the character and appearance of the area in accordance with Policy D1 of the Maldon District Local Development Plan; the Maldon District Design Guide; and Government advice contained in the National Planning Policy Framework

- 4 Details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be 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

REASON: To ensure the boundary treatments are appropriate and to protect the visual amenity of the area in accordance with Policies S1 and D1 of the Maldon District Local Development Plan; the Maldon District Design Guide; and Government advice as contained in the National Planning Policy Framework.

- 5 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.

REASON: To ensure the soft and hard landscaping are appropriate and to protect the visual amenity of the area in accordance with Policies S1 and D1 of the Maldon District Local Development Plan; Maldon District Design Guide; and Government advice as contained in the National Planning Policy Framework.

- 6 Prior to first occupation of the proposed development, the proposed vehicular access shall be reconstructed at right angles to the highway boundary and to a width of 4.8m and shall be provided with an appropriate dropped kerb vehicular

crossing of the footway/highway verge to the specifications of the Highway Authority.

REASON: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy T2 of the Maldon District Local Development Plan.

- 7 The development shall not be occupied until such time as the car parking and turning area, has been provided in accord with the details shown in Drawing No: 17/03/05 rev A. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

REASON: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policies D1 and T2 of the Maldon District Local Development Plan.

- 8 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

REASON: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy T2 of the Maldon District Local Development Plan.

- 9 The Powered two wheeler/bicycle parking facilities as shown on Drawing No: 17/03/05 rev A are to be provided prior to the first occupation of the development. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

REASON: To promote the use of sustainable means of transport in accordance with Policies S1 and T2 of the Maldon District Local Development Plan.

- 10 No means of external illumination of the site shall be installed on site.

REASON: To protect the visual amenity of the rural area and the residential amenity of neighbouring properties in accordance with Policies D1 and D2 of the Maldon District Local Development Plan.

- 11 Prior to the commencement of the development details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:

1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.

2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)

In order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

REASON: To ensure that surface water drainage is available for the site in accordance with Policy D2 of the Maldon District Local Development Plan

- 12 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.
REASON: To ensure that foul drainage scheme is available for the site in accordance with Policy D2 of the Maldon District Local Development Plan
- 13 The development hereby permitted shall be used solely as offices ancillary to the principal permitted use of the application site and not for other purpose (including any other purpose in Class A1-A5, B1-B8, C1-C3, D1-D2 of the Schedule to The Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).
REASON: To protect the residential amenity of neighbouring properties in accordance with Policies D1 and D2 of the Maldon District Local Development Plan.

INFORMATIVE

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford CM2 5PU.

Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future.

The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.

The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:

- a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
- b) No dust emissions should leave the boundary of the site;
- c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;

- d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

794. FUL/MAL/01230 ROSEMEAD, D'ARCY ROAD, TOLLESHUNT KNIGHTS

Application Number	FUL/MAL/17/01230
Location	Rosemead, D'Arcy Road, Tolleshunt Knights
Proposal	Demolition of stable block and erection of detached bungalow with associated parking
Applicant	Mr. & Mrs. D Dwyer
Agent	Mr. Peter Le Grys - Stanfords
Target Decision Date	19 January 2019
Case Officer	Hilary Baldwin Tel: 01621 875730
Parish	TOLLESHUNT KNIGHTS
Reason for Referral to the Committee / Council	Member Call In Departure from the Local Plan

The Officer presented the report and confirmed receipt of a letter of representation in support of the application which she summarised. The Officer then drew attention to an error in the report at section 7.4.1 and read out the correct comment to the Committee.

Following this, Mr R Long MBE, a Supporter and Mr P Le Grys, the Applicant's Agent both addressed the Committee.

Members debated this application and whilst some Members were of the opinion that the application was contrary to the Local Development Plan (LDP), others were of the contrary view that this was an unobtrusive development, was sustainable and that security would be improved by living on the site.

The Chairman advised that the inspector, when the previous application had gone to appeal, had stated that thefts did not carry significant weight in relation to granting planning permission.

Members were reminded that each application must be considered on its own merits and if there was demonstrable harm then an application should not be allowed. Furthermore, the LDP must be adhered to.

Whilst Members had sympathy with the applicants, the application was substantially the same to the previous one and, therefore, Members of the Committee could not change their minds and approve this when it had previously been refused both by this Committee and on appeal.

Councillor J V Keyes then proposed that this application be approved contrary to the Officer's recommendation and this was duly seconded. Upon a vote the motion failed.

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

1. The proposed development, as a result of its design, siting, and location on an open parcel of land, would result in an incongruous, prominent form of new development that would have an unacceptable urbanising effect by way of visual intrusion and unacceptable encroachment into the rural landscape setting. The poor sustainability credential as defined by the Framework would significantly and demonstrably outweigh the benefits of the proposal when assessed against the approved policies of the Local Development Plan and the National Planning Policy Framework as a whole. The proposal would therefore fail to meet the requirements of policies S1, S8, D1 and H4 of the approved Maldon District Local Development Plan and the core planning principles and guidance as contained within the National Planning Policy Framework.

795. FUL/MAL/17/01407 HONEYWOOD FARM, HONEYPOT LANE, PURLEIGH

Application Number	FUL/MAL/17/01407
Location	Honeywood Farm, Honeypot Lane, Purleigh, Essex
Proposal	Removal of condition 1 on approved planning permission FUL/MAL/16/01044 allowed on appeal APP/X1545/W/17/3167028 (Removal of condition 3 (agricultural occupancy condition) on approved planning permission FUL/MAL/82/00003)
Applicant	Mr A Brown
Agent	Mrs L Frost
Target Decision Date	2 February 2018
Case Officer	Yee Cheung Tel: 01621 876220
Parish	COLD NORTON
Reason for Referral to the Committee / Council	Member Call In

Following the Officer's presentation of the report, Mr A Brown, the Applicant, addressed the Committee.

Members were of the opinion that this application should be approved contrary to the Officer's recommendation. They considered that there had now been evidence of marketing the property and that the Applicant had been unable to sell it. Members had sympathy with the Applicant and the difficulties of making a living in farming which had changed over the years. The purpose of an agricultural tie was to permit farm workers to live close to their place of work and this was no longer a significant requirement.

Councillor Miss S White proposed that this application be approved contrary to the Officer's recommendation. This proposal was duly seconded.

RESOLVED that this application be **APPROVED**.

796. TPO12/17 BEATBUSH WOOD, PARK LANE, TOLLESHUNT KNIGHTS

Tree Preservation Order	TPO 12/17
Location	Beatbush Wood, Park Lane, Tolleshunt Knights

Proposal	Confirmation of TPO 12/17
Confirmation by	01.03.2018
Case Officer	Emma Worby, Planning Officer (01621 875860)
Parish	TOLLESHUNT KNIGHTS
Reason for Referral to the Committee / Council	Decision on confirmation of a Tree Preservation Order as per the Council's scheme of delegation

The Officer presented the report and, in response to a question, confirmed that the related planning application was still within the time limit to be determined.

A Member raised a question regarding the timing of Tree Preservation Orders (TPOs) and the Development Management Team Leader advised that planning guidance suggested that this was the appropriate time to serve a TPO. He agreed that in an ideal world Councils would survey all trees and decide which were suitable for a TPO. However, for practical reasons it was a reactionary process.

RESOLVED that the Tree Preservation Order (TPO) 12/17 with the following modification not be confirmed:

1. Removal of the large clearing to the north west of Beatbush Wood which was included in the TPO 12/17 when served.

There being no further items of business the Chairman closed the meeting at 10.10 pm.

MRS M E THOMPSON
CHAIRMAN