



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

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, J V Keyes, A K M St. Joseph, Miss S White and Mrs P A Channer, CC
Ex-Officio Non- Voting Member	Mrs P A Channer, CC

853. CHAIRMAN'S NOTICES

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

854. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor D M Sismey.¹

855. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 5 February 2018 be approved and confirmed.

856. DISCLOSURE OF INTEREST

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 item on the Agenda pertaining to that authority, including access, highways and education.

Councillor J V Keyes declared that he was also a Member of Great Totham Parish Council and, therefore had a non-pecuniary interest in relation to Agenda Item 5 – FUL/MAL/17/01228 – Poultry Sheds, Moors Farm, Moors Farm Chase, Little Totham, Essex.

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

¹ Minute No. 959 03/04/18)

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.

857. FUL/MAL/17/01228 - POULTRY SHEDS MOORS FARM CHASE LITTLE TOTHAM ESSEX

Application Number	FUL/MAL/17/01228
Location	Poultry Sheds Moors Farm Moors Farm Chase Little Totham Essex
Proposal	Section 73A application for the use of part of site for open storage of building materials together with the formation of a hard surfaced area as a vehicle turning facility and the use by two machines/vehicles, following demolition of two poultry rearing houses.
Applicant	Mr. Purdy
Agent	Mr. Peter Le Grys - Stanfords
Target Decision Date	16.03.2018
Case Officer	Spyros Mouratidis, Tel: 01621 875841
Parish	LITTLE TOTHAM
Reason for Referral to the Committee / Council	Member Call In

The Officer presented the report to the Committee and drew attention to the Members' Update which contained detail of responses received from both the Highways Authority and the Lead Local Flood Authority. The Officer then highlighted details of an email received from the Agent that contained the following:

- Permission had been given in 2015, but the Officer advised that this was for storage within the buildings only;
- Section 5.4.4 of the report addressed highways issues;
- Environmental Health had looked into the issue of noise and this was addressed at section 7.3 of the report;
- Landscaping had been introduced, but would only offer limited screening.

Following the Officer's presentation Mr P Le Grys, the Agent, addressed the Committee.

There followed a lengthy debate on this application and Councillor J V Keyes, a Ward Member proposed that this application be approved contrary to the Officer's recommendation. He was of the opinion that the previous use of the site would have involved much more noise, the fence that was there was necessary for security and hedging had been planted to provide screening, it was possible to turn a lorry at the end of the road and the sheds were only to be used to store second hand material.

The proposal was duly seconded.

Members had previously requested that the Applicant provide a more specific application giving greater detail. The Applicant had complied with that request and

Members were minded to approve the application in light of the new application. It was difficult to refuse when the Applicant had done what Members asked of them.

Members were content to put the contrary motion to a vote, provided there were stringent conditions imposed to protect neighbours and to limit vehicle access.

In response to a question regarding the future use of the site, the Development Management Team Leader confirmed that future use of the site could be changed if it were not a material change of use and this could not be avoided. All conditions would have to satisfy tests of enforceability. The Development Management Team Leader reiterated that the reason for recommending refusal was the significant visual impact as the storage exceeded 2m in height, together with the increase in noise.

A question was asked as to the current use of the site and the Development Management Team Leader confirmed that it was B8 use.

Members considered the site to have changed enormously and the Development Management Team Leader advised that an informative would be added to reflect the request for a shelter belt with trees planted.

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

- 1 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order), premises shall only be used for purposes related to the storage of building materials (such as timber boards, bricks, tiles, concrete slabs and sealed packs of scaffolding poles (not loose poles that can be individually moved) etc.) falling within Class B8 of the Schedule to the Town & Country Planning Use Classes (Amendment) Order 2005 (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.
REASON: In order to ensure the appropriate use of the site in the interests of projecting the amenities of adjacent occupiers in accordance with policies D1 and D2 of the adopted Maldon District Replacement Local Plan.
- 2 The use of the premises shall only operate between 07:30 hours and 17:00 hours Mondays to Fridays, 07:30 hours and 13:00 on Saturdays and at no time on Sundays, Bank and Public Holidays.
REASON: To ensure appropriate use of the site in the interests of protecting the amenities of adjacent occupiers in accordance with policies D1 and D2 of the adopted Maldon District Replacement Local Plan.
- 3 No machinery shall be operated nor shall any process be carried out and no deliveries or collections undertaken at the site other than between 07:30 hours and 17:00 hours on weekdays and between 07:30 hours and 13:00 hours on Saturdays and not at any time on Sundays and Public Holidays.
REASON: To ensure appropriate use of the site in the interests of protecting the amenities of adjacent occupiers in accordance with policies D1 and D2 of the adopted Maldon District Replacement Local Plan.
- 4 No machinery other than a forklift truck and a dumper truck shall be used outside the building.
REASON: To ensure appropriate use of the site in the interests of protecting the amenities of adjacent occupiers in accordance with policies D1 and D2 of the adopted Maldon District Replacement Local Plan.

- 5 No extraction or ventilation equipment, vents, air conditioning units or similar plant equipment shall be installed or fitted to any external part of the building except in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The scheme as approved and installed shall be retained as such thereafter.
REASON: In order to ensure the appropriate use of the site and to protect the amenities of neighbouring residents in accordance with policies D1 and D2 of the adopted Maldon District Replacement Local Plan.
- 6 Within three months of the permission hereby granted, a schedule of all existing and proposed external illumination at the site shall be submitted to and approved in writing by the local planning authority. All illumination within the site shall be retained in accordance with the approved schedule. There shall be no other lighting of the external areas of the site other than in accordance with the approved schedule.
REASON: To limit the visual impact of the proposed use of land and the impact on the rural character of the countryside and to protect the amenities of neighbouring residents in accordance within policies S8, D1 and D2 of the approved Maldon District Local Development Plan.
- 7 No retail or wholesale sales shall operate from the site.
REASON: In order to ensure the appropriate use of the site and to protect the amenities of neighbouring residents in accordance with policies S8, D1 and D2 of the adopted Maldon District Replacement Local Plan.
- 8 No items shall be stored at the site at a height in excess of 3 metres above ground level (as measured from the highest ground level adjacent to any item).
REASON: To limit the visual impact of the proposed use of land and the impact on the rural character of the countryside in accordance within policies S8 and D1 of the approved Maldon District Local Development Plan.
- 9 There shall be no more than 12 vehicle movements to or from the site by Heavy Goods Vehicles (vehicles exceeding a weight of 3.5 tonnes) on any day.
REASON: To limit the impact of the proposed use of land on the highway network and the amenities of neighbouring residents in accordance within policies S1, D1, D2 and T2 of the approved Maldon District Local Development Plan.
- 10 The use hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within three months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-
- (i) within 3 months of the date of this decision a scheme for landscaping shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation
 - (ii) if within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State
 - (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State
 - (iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable

If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in replacement for it, is removed, uprooted or

destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation. All approved hedge and tree planting shall be retained in perpetuity.

REASON: To protect the residential amenity of neighbouring occupiers in line with policy D1 of the Local Development Plan and the guidance contained within the National Planning Policy Framework.

- 11 The area marked on the submitted plans as a vehicle turning area at the south of the application site shall be kept entirely clear, used only for the turning of vehicles and not used for the storage of any items or the parking of vehicles.

REASON: In the interests of highway safety and limit the visual impact of the proposed development on the rural character of the countryside, in accordance with policies S8, D1 and T2 of the approved Maldon District Local Development Plan.

INFORMATIVE

Please note that in relation to condition 10 of the permission hereby granted, the Local Planning Authority will expect the amended scheme of landscaping to be of substantial depth and height, representing a 'shelter belt' with tree planting as well as hedges.

858. FUL/MAL/17/01383 - THREE RIVERS GOLF CLUB HONEYPOT LANE STOW MARIES ESSEX

Application Number	FUL/MAL/17/01383
Location	Three Rivers Golf & Country Club Honeypot Lane Stow Maries Essex
Proposal	Erection of grounds maintenance barn and workshop with associated yard, vehicle parking, storage of materials and landscaping
Applicant	Mr G Peachey - Peachey's Retirement And Trust Scheme
Agent	Mrs Shirley Pay - Smart Planning Ltd
Target Decision Date	09.03.2018
Case Officer	Yee Cheung, Tel: 01621 876220
Parish	COLD NORTON
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 begin no later than three years from the date of this decision.
- 2 The development shall be carried out in accordance with the following approved plans and documents: 16.3666/P201 Rev B, 16.3666/E101 Rev A, 16.3666/M002 Rev A, 16.3666/P203, 16.3666/P202, 16.3666/M004, 16.3666/M003, 16.3666/M001.
- 3 No development shall take place until samples of the facing material to be used 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.

- 4 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.

- 5 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 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
- 6 Prior to the commencement of development, details of the surface water schemes to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme schemes shall be implemented prior to occupation of the development hereby approved
- 7 The use of the barn / workshop hereby permitted shall not commence until sound proofing details have been submitted to and approved in writing by the local planning authority. The scheme as approved shall be implemented prior to the first use of the building and retained as such thereafter.
- 8 No floodlighting or other external form of illumination of the site shall be undertaken.
- 9 Prior to the first use of the development, the car parking spaces shown on Drawing No: 16.3666/P201 Rev B dated 22.09.2017 shall be constructed, surfaced and maintained free from obstruction. The spaces shall be retained for staff parking and no other purpose thereafter.
- 10 The use of the storage barn / workshop hereby permitted shall only be used for the storage of materials and equipment directly connected with the maintenance of the Three Rivers Golf Club to which it relates.
- 11 The use of the barn / workshop hereby permitted shall only be undertaken between 06:00 hours and 18:00 on weekdays; between 06:00 hours and 18:00 on Saturdays, Sundays and public holidays.
- 12 No goods, materials, plant, machinery, skips, containers, packaging or other similar items shall be stacked, stored or deposited on the site to a height exceeding 2.0 metres.

859. FUL/MAL/17/01389 - LAND AT JUNCTION OF CAPTAINS WOOD ROAD AND MAYPOLE GREAT TOTHAM

Application Number	FUL/MAL/17/01389
Location	Land at junction of Captains Wood Road and Maypole Road, Great Totham
Proposal	Variation of condition 3 (number of caravans), 4 (siting of static caravan) and 12 (approved plans) of Appeal Decision ref: APP/X1545/A/14/222038; change of use of part of the land for the stationing of caravans for residential purposes as an extension to an existing Gypsy and Traveller site; and relocation of existing stable building
Applicant	Mr Cooper
Agent	Green Planning Studio Ltd.
Target Decision Date	06.03.2018
Case Officer	Kathryn Mathews, Tel: 01621 875805
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Member Call In

The Officer presented the report to the Committee and drew Members' attention to the Members' Update which contained details of additional objections received to the application. The Officer also advised that a further four objections had also been received, together with a letter from the Member of Parliament. All objections stated that there should have been wider consultation. However, Officers had made the appropriate consultations that were required.

Following the Officer's presentation Mr Lederman, a Solicitor on behalf of Mr Yardsley, an Objector, of Gun Farm, Maypole Road, Great Totham and Mr Green, the Agent, of Green Planning Studio Ltd both addressed the Committee.

Members raised concerns about this application as the current permission on this site was passed in 2015, but nothing had happened to the site since then. Members questioned why there was a need for further pitches. Furthermore, the Council had fulfilled the allocation that the Council was required to provide. There was, therefore, no outstanding need for travellers. A question was raised as to whether the applicant would fulfil the definition of a traveller in any event.

This application was debated in some detail by Members and they were of the opinion that the original reasons for refusal were still valid and that an intensification of the application site would make the situation worse. It was understood that the Planning Inspector on appeal had implied that there should only be one pitch on the site and, whilst there was sympathy with the applicant, the Council should maintain its previous decision.

The Development Management Team Leader advised Members that there was a day room at the site and the use of the land was lawful. One of the pitches was established and there was no requirement for an Applicant to demonstrate a need for additional pitches. Officers would recommend a condition that occupants must comply with the definition required should Members be minded to approve this application. He then advised that significant weight should be given to the findings of the Planning Inspector and that the submission of further applications was not prevented.

In response to a question, the Development Management Team Leader advised that visual impact was inherent with development and that whether that was harmful was a matter of judgment. In relation to this application, Officers considered that the expansion could be accommodated without causing material harm.

Councillor J V Keyes, a Ward Member, proposed refusal of this application contrary to the Officer's recommendation. This was duly seconded and upon a vote, the motion was carried with seven Members in favour of refusing the application. The Chairman abstained from voting.

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

1. The proposed development, by virtue of the increased number of caravans and buildings at the site and the spread of those caravans and buildings further to the west, would have detrimental visual impact on the intrinsic character and beauty of the application site and the countryside. The proposal is therefore contrary to policies S8, D1 and H6(3f) of the approved Maldon District Local Development Plan and the National Planning Policy Framework.
2. The proposed development, by virtue of the location of the site relative to local services and facilities and the poor connections to those services by way of sustainable modes of transport, would represent an unsustainable form of development. The proposal is therefore contrary to policies S1, T2 and H6(3b) of the approved Maldon District Local Development Plan and the National Planning Policy Framework.

860. HOUSE/MAL/18/0059 AND LBC/MAL/18/00060 - HIGH HALL COTTAGE 30 CHURCH ROAD WICKHAM BISHOPS

Application Number	HOUSE/MAL/18/00059
Location	High Hall Cottage, 30 Church Road, Wickham Bishops
Proposal	Demolition of existing outbuilding within the curtilage of a listed building, proposed family room with study / home office above with glazed link and log store.
Applicant	Mr. & Mrs. Howell
Agent	Penny Little – A & P Designs Ltd
Target Decision Date	13.03.2018
Case Officer	Emma Worby, Tel: 01621 875860
Parish	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	Member Call In

Application Number	LBC/MAL/18/00060
Location	High Hall Cottage, 30 Church Road, Wickham Bishops
Proposal	Demolition of existing outbuilding within the curtilage of a listed building, proposed family room with study / home office above with glazed link and log store.

Applicant	Mr. & Mrs. Howell
Agent	Penny Little – A & P Designs Ltd
Target Decision Date	13.03.2018
Case Officer	Emma Worby, Tel: 01621 875860
Parish	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	Member Call In

Following the Officer's presentation of the report, Mr C Howell, the Applicant, addressed the Committee.

Members were in favour of this application and understood it to be a sympathetic infilling to the existing building. The Applicant's neighbour had spoken at the Parish Council meeting and thoroughly approved of the application.

Councillor H M Bass, a Ward Member, proposed approval of this application contrary to the Officer's recommendation.

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

RESOLVED that planning application HOUSE/MAL/18/00059 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.
REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 5758/03, 5758/05 and 5758/01.
REASON: To ensure that the development is carried out in accordance with the details as approved.

RESOLVED that the application for listed building consent – LBC/MAL/18/00060 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.
REASON: To comply with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 5758/03, 5758/05 and 5758/01.
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 Prior to the commencement of the development hereby approved, samples of the materials to be used in the construction of the extension hereby approved shall be submitted to and approved in writing by the Local Planning Authority.
REASON: In the interest of the character, appearance and setting of the listed building area in accordance with policies D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
- 4 Any exterior brickwork in the extension hereby approved shall be laid using a Flemish bond.

REASON: In the interest of the character, appearance and setting of the listed building area in accordance with policies D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

There being no further items of business the Chairman closed the meeting at 8.54 pm.

MRS M E THOMPSON
CHAIRMAN