



**MINUTES of  
NORTH WESTERN AREA PLANNING COMMITTEE  
1 OCTOBER 2018**

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**PRESENT**

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

**476. CHAIRMAN'S NOTICES**

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

**477. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors J P F Archer, M F L Durham, CC and D M Sismey.

**478. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 3 September 2018 be approved and confirmed.

**479. DISCLOSURE OF INTEREST**

Councillor J V Keyes declared a non-pecuniary interest as a member of Great Totham Parish Council.

Councillor Mrs P A Channer, CC, declared a non-pecuniary interest as a member of Essex County Council, a consultee on planning application matters with respect generally to highways, matters of access and education primarily.

Councillor E L Bamford declared a non –pecuniary interest in Agenda Item 10 – **TPO/8/18** – Tollesbury Surgery, 25 High Street, Tollesbury, as she attended this surgery.

**480. FUL/MAL/18/000571 - LAND EAST OF RUXLEY COTTAGE, RECTORY ROAD, NORTH FAMBRIDGE**

<b>Application Number</b>	<b>FUL/MAL/18/000571</b>
<b>Location</b>	Land east of Ruxley Cottage, Rectory Road, North Fambridge
<b>Proposal</b>	Reuse of existing buildings and conversion into 3no dwellings including new vehicle access, parking and amenity.
<b>Applicant</b>	Mr. Friedlein – Fambridge Farm Company Ltd
<b>Agent</b>	Mr. Russell Barnes. R+R Architects Ltd.
<b>Target Decision Date</b>	05 October 2018
<b>Case Officer</b>	Hilary Baldwin
<b>Parish</b>	<b>NORTH FAMBRIDGE</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In – Councillor John Archer – overdevelopment of the site.

A Members' Update had been submitted with details of a letter of representation received post publication of the Agenda.

Following the Officer's presentation Mr Friedlein, the Applicant, addressed the Committee.

Councillor H M Bass declared a non-pecuniary interest in this item in that he had a phone call from the applicant.

A debate ensued concerning the suitability of the existing structures and the approved policy position for re-use of rural buildings. It was noted that the application before the Committee was for a conversion and that the existing buildings could not be converted to an acceptable standard. The general consensus was that whilst the conversion would not significantly change the existing built form it was unacceptable in terms of visual impact on the site. The proposal was contrary to approved policies S1, S8, D1 and H4 of the LDP.

The Chairman put the Officer's recommendation of refuse to the Committee and upon a vote being taken the Committee unanimously agreed to refuse the application.

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

1. The provision of three dwellings on this site and associated works, outside the defined settlement boundary of North Fambridge would fail to protect or enhance the natural beauty, tranquillity, amenity and traditional quality of the rural landscape setting likely to cause a loss of landscaping and rural qualities 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 and represent unwarranted development within the countryside contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan and core planning principles and guidance contained in the National Planning Policy Framework and the Maldon District Design Guide (2017).

**481. FUL/MAL/18/00632 - OS FIELD 6251, COLCHESTER ROAD, GREAT TOTHAM, ESSEX**

<b>Application Number</b>	<b>FUL/MAL/18/00632</b>
<b>Location</b>	OS Field 6251, Colchester Road, Great Totham
<b>Proposal</b>	Application for new field access and associated hardstanding
<b>Applicant</b>	Mr. W Draper
<b>Agent</b>	Mr. T Sharman – Smart Planning Ltd
<b>Target Decision Date</b>	02/10/2018
<b>Case Officer</b>	Emma Worby
<b>Parish</b>	<b>GREAT TOTHAM</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application – site size over 1 hectare (ha) Member Call In – Councillor J V Keyes – further information to discuss

The Chairman introduced the application and reminded the Committee that this was a deferral from the meeting on the 3<sup>rd</sup> September 2018.

Councillor E L Bamford proposed, that in light of the fact that Officers had satisfactorily answered all the previous queries raised by Members, the application be approved in accordance with the Officer's recommendation.

The Chairman put the Officer's recommendation to approve to the Committee. Upon a vote being taken, the Committee agreed the recommendation.

**RESOLVED** that the 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 accordance with the following approved plans and documents: M0001, M0002 Rev B, E101 Rev A, P201 Rev A, M0003 Rev A.
3. The materials used in the construction of the proposed development hereby approved shall be as set out within the application form/plans hereby approved.
4. The proposed vehicular access shall be constructed to a width of 6.0m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority, details of which shall first have been submitted to an approved in writing by the Local Planning Authority.
5. No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.
6. Prior to the proposed access being brought into use, the vehicular visibility splays as shown on DRAWING NUMBER 17.4969/P201/REV.A shall be provided on both sides of the centre line of the access and shall be retained and maintained free from obstruction clear to ground thereafter.
7. No gates should be erected within 6 metres of the back edge of the carriageway.

**482. FUL/MAL/18/00805 - BROOK HOUSE, SPAR LANE, PURLEIGH, ESSEX CM3 6QW**

<b>Application Number</b>	<b>FUL/MAL/18/00805</b>
<b>Location</b>	Brook House, Spar Lane, Purleigh, Essex, CM3 6QW
<b>Proposal</b>	Two replacement dwellings
<b>Applicant</b>	Mr J Lawrence
<b>Agent</b>	Mr David Wallis - Smart Planning Ltd
<b>Target Decision Date</b>	05 October 2018
<b>Case Officer</b>	Hilary Baldwin
<b>Parish</b>	<b>PURLEIGH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call-in By Cllr Miss S White on the grounds of public interest.

Following the Officer's presentation, Mr David Wallis, the Agent, addressed the Committee.

A debate ensued around extant permission, access concerns and visual intrusion on the rural landscape. It was noted that the design, siting, and location of the proposed dwellings and the spread of built form at the site on a partially 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. Furthermore, the Parish Council had raised similar objections.

The Group Manager for Planning Service, in response to a question raised, brought the Committee's attention to the fact the two proposed new dwellings were much larger than previous and taken together with the outbuildings would have an urbanising effect on the site. This was a material consideration for Members as decision-makers, to determine whether there is more harm demonstrable in what was being proposed than what was already in situ.

Councillor Bass proposed that the application be approved contrary to the Officer's recommendation. This was not seconded.

The Chairman put the Officer's recommendation to refuse to the Committee. Upon a vote being taken this was carried.

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

1. The proposed development, as a result of the design, siting, and location of the proposed dwellings and the spread of built form at the site on a partially 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, particularly in terms of the environmental element of sustainability, 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

**483. HOUSE/MAL/18/01027 - WILLIAMS FARM, GROVE FARM ROAD, TOLLESHUNT MAJOR, ESSEX, CM9 8LR**

<b>Application Number</b>	<b>HOUSE/MAL/18/01027</b>
<b>Location</b>	Williams Farm, Grove Farm Road ,Tolleshunt Major, Essex, CM9 8LR
<b>Proposal</b>	Demolition of single storey side extension and detached pool housing. Erection of link extension with rear single storey extension. Addition of first floor above games room. New pool housing and changing facilities to the rear. Minor internal rearrangements
<b>Applicant</b>	Mrs T Quirk - Robert Hutson Architects
<b>Agent</b>	Trudi Quirk - Robert Hutson Architects
<b>Target Decision Date</b>	19 October 2018
<b>Case Officer</b>	Hilary Baldwin
<b>Parish</b>	<b>TOLLESHUNT D'ARCY</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call-In by Councillor Mrs M E Thompson on the grounds of public interest

A Members' Update had been submitted providing a supporting comment from Tolleshunt D'Arcy Parish Council.

Following the Officer's presentation, Mr Robert Hutson, the Agent, addressed the Committee.

A debate ensued where Members agreed that this application would not be detrimental to the street scene, the positioning did not encroach on any neighbouring properties, it formed part of an existing farmstead and was supported by the Parish Council.

The chairman proposed that the application be approved contrary to the Officer's recommendation but subject to a set of standard conditions as outlined below. This proposal was seconded by Councillor J V Keyes.

The Chairman put the proposal to the Committee and upon a vote being taken the motion was carried.

**RESOLVED** that the 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: 868-PL-01 A, 868-PL-02 B, 868-PL-03 B, 868-PL-04 A, 868-PL-05 B, 868-PL-06 A, 868-PL-07 B, 868-PL-08 A, 868-PL-11, 868-PL-15 A, 868-PL-16 A.  
REASON: For the avoidance of doubt as to the extent of this permission.
3. The external surfaces of the extensions and alterations hereby approved shall be constructed of the materials specified on the plans hereby approved.

REASON: To ensure that the development contributes positively to the character and appearance of the site and the surrounding area in accordance with policies S8 and D1 of the Maldon District Local Development Plan.

**484. TPO5/18 - JUBILEE RECREATION GROUND, SCHOOL ROAD, GREAT TOTHAM**

<b>Tree Preservation Order</b>	<b>TPO 5/18</b>
<b>Location</b>	Jubilee Recreation Ground, School Road, Great Totham
<b>Proposal</b>	Confirmation of TPO 5/18
<b>Owner</b>	Great Totham Parish Council
<b>Confirmation by</b>	05.12.2018
<b>Case Officer</b>	Emma Worby
<b>Parish</b>	<b>GREAT TOTHAM</b>
<b>Reason for Referral to the Committee / Council</b>	Decision on confirmation of a Tree Preservation Order as per the Council's scheme of delegation

Following the Officer's presentation a brief discussion ensued. Councillor Keyes, a Ward Member, said he agreed with the Officer's recommendation.

The Chairman put the Officer's recommendation to serve the Tree Preservation Order to the Committee and it was agreed.

**RESOLVED** that the Tree Preservation Order be **CONFIRMED**

**485. TPO8/18 - TOLLESBURY SURGERY, 25 HIGH STREET, GREAT TOTHAM**

<b>Tree Preservation Order</b>	<b>TPO 8/18</b>
<b>Location</b>	Tollesbury Surgery, 25 High Street, Tollesbury
<b>Proposal</b>	Confirmation of TPO 8/18
<b>Owner</b>	Drs O D Abazie & C U Ogaziechi
<b>Confirmation by</b>	15.01.2019
<b>Case Officer</b>	Emma Worby
<b>Parish</b>	<b>TOLLESBURY</b>
<b>Reason for Referral to the Committee / Council</b>	Decision on confirmation of a Tree Preservation Order as per the Council's scheme of delegation

A Members' Update had been submitted detailing comments from two further letters of representation received post publication of the report.

The Officer completed his presentation which included detail of the tree's amenity value.

Members discussed the merits and demerits of the tree in question. Some Members agreed that with careful maintenance and pollarding the tree should remain. Other Members queried the location, that trees should be in the countryside, the potential adverse impact on parking space and that it could be unsafe.

The Group Manager for Planning Service highlighted that trees in urban areas offer a high level of amenity, break up the built form, provide green verdant spaces which is of value to the area hence why they are very often served with Tree Preservation Orders. The Tree Consultant did not flag any points of risk in the consultation response and Officers have determined the amenity value. He further informed the Committee that the Tree Evaluation Method for Preservation Orders (TEMPO) score on this tree was TPO defensible.

Councillor Ms S White withdrew from the Chamber at this point and did not return.

The Development Management Team Leader, in response to a question regarding the process of determining a TPO, advised the Committee that the primary consideration was the visual amenity value of the tree, that Planning officers were trained to make this judgement and that was reflected in the report in front of the Committee today.

The Chairman put the Officer's recommendation to serve the TPO to the Committee and upon a vote being taken the Committee agreed that this be confirmed.

**RESOLVED** that the Tree Preservation Order be **CONFIRMED**

There being no further items of business the Chairman closed the meeting at 8.55 pm.

MRS M E THOMPSON  
CHAIRMAN