



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
8 JULY 2019**

PRESENT

Chairman	Councillor Mrs M E Thompson
Vice-Chairman	Councillor R H Siddall
Councillors	E L Bamford, M F L Durham, CC, Mrs J L Fleming, J V Keyes, C P Morley and Miss S White
Ex-Officio Non- Voting Member	Councillor(s) Mrs P A Channer, CC

220. CHAIRMAN'S NOTICES

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

221. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor K W Jarvis.

222. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 10 June 2019 be approved and confirmed.

Councillor Mrs P A Channer joined the meeting at this point.

223. DISCLOSURE OF INTEREST

Councillor M F L Durham declared a non-pecuniary interest as a Member of Essex County Council who were consultees in relation to certain planning items such as highways.

Councillor C P Morley declared a pecuniary interest in Agenda Item 8 – FUL/MAL/19/00470 – Land South-West of Broadfield Farm, Great Braxted due to business dealings.

Councillor Mrs P A Channer declared a non-pecuniary interest as a Member of Essex County Council who were consulted on various matters such as highways, access and education.

Councillor J V Keyes declared a pecuniary interest in Agenda Item 7 – FUL/MAL/19/00384 – Brick Kiln Lodge, 32 Rookery Lane, Great Totham as he owned land next door to this site and he further advised that he sat on Great Totham Parish Council. Councillor Keyes also declared a non-pecuniary interest in Agenda Item 8 – FUL/MAL/19/00470 – Land South-West of Broadfield Farm, Great Braxted as he had done haulage for, knew the applicant and had purchased items from the applicant.

Councillor Mrs M E Thompson declared a non-pecuniary interest as a member of Tolleshunt Knights Parish Council.

The Committee received the reports of the Director of Strategy, Performance and Governance and determined the following planning applications, having taken into account all representations and consultation replies received, including those listed on the Members' Update circulated prior to the meeting.

224. FUL/MAL/19/00003 - HALLFIELD GATE, BARNHALL ROAD, TOLLESHUNT KNIGHTS

Application Number	FUL/MAL/19/00003
Location	Hallfield Gate Barnhall Road Tolleshunt Knights
Proposal	Demolition of the existing house and erection of a new house
Applicant	Mr Daniel Kyan
Agent	N/A
Target Decision Date	30.04.2019 EOT 10.07.2019
Case Officer	Hannah Bowles
Parish	Tolleshunt Knights
Reason for Referral to the Committee / Council	Major Application

It was noted from the Members' Update that the applicant had confirmed they were agreeable to the pre-commencement condition detailed in paragraph 5.6.2 of the Officers' report. In addition, it was noted that three letters of objection had been received.

The Officer presented the application to the Committee following which a discussion ensued during which concerns were raised by both Ward Members.

Following the concerns raised, Councillor E L Bamford commented on the location of the site and noted that this proposal had reduced the height of the dwelling from that previously refused. However she felt that the Planning Inspectors reasons for refusal had not been met and made specific reference to the dwelling being prominent in the landscape despite its reduction in height. Councillor Bamford proposed that the application be refused, contrary to the Officers' recommendation, for the same reasons as applied to the previous application. This proposal was duly seconded.

A number of Members raised concern regarding the application, commenting on the dwelling being prominent in the surrounding area, out of character with adjacent buildings and that the Planning Inspectors reasons for refusal (relating to the previous application on this site) appeared to not have been addressed.

In response to a question, Members were advised that letters of objection had been received and these were detailed on the Members' Update.

Following further discussion the Chairman put the proposal in the name of Councillor Bamford and upon a vote being taken this was agreed.

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

- 1 The proposed dwelling as a result of its size, scale, height, bulk and mass would result in an incongruous form of development that does not reflect the character of the area to the detriment of the character and appearance of the area, thereby failing to protect or enhance the natural beauty, tranquillity, amenity and traditional quality of the rural District outside of settlement boundaries. The quantum of development and intensification of the built form resulting from the urbanization of the site 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 in the National Planning Policy Framework.

225. RES/MAL/19/00197 - LAND NORTH OF 48 WOODROLFE ROAD, TOLLESBURY

Application Number	RES/MAL/19/00197
Location	Land North Of 48 Woodrolfe Road Tollesbury
Proposal	Reserved matters application for the approval of access, appearance, landscaping, layout and scale for 18No. dwellinghouses on approved planning application OUT/MAL/14/01202 allowed on appeal APP/X1545/W/15/3136324 (Outline application for up to 24No. village houses).
Applicant	Arbora Homes Ltd Et Al
Agent	ADP Ltd
Target Decision Date	31.05.2019 EOT 10.07.2019
Case Officer	Hannah Bowles
Parish	Tollesbury East
Reason for Referral to the Committee / Council	Member call in from Councillor A St. Joseph

It was noted from the Members' Update that a revised recommendation was suggested and that approval should also be subject to successful screening for a Habitats Regulation Assessment. Clarification was also provided in respect of management of amenity land and it was noted that part of the proposed pedestrian access and footpath fell outside of the application site.

Following the Officers' presentation, Councillor Plater, speaking on behalf Tollesbury Parish Council, addressed the Committee.

Councillor E L Bamford, the Ward Member, provided the Committee with detailed background information regarding this site and the outline planning permission granted on appeal. She raised several concerns regarding the current proposal including drainage of the land, the height of the proposed dwellings, the Planning Inspectors reference to screening the dwellings, the housing mix, the inadequate size of the garage

for plot 10 and the lack of pedestrian and bus links from the site to services and facilities. Councillor Bamford then proposed that the application be refused, contrary to Officers' recommendation, due to the design of the buildings and the layout with respect to a lack of links to the village, contrary to Policy D1 of the Local Development Plan and Maldon District Council Design Guide in respect of the pedestrian links. This proposal was duly seconded.

Further debate ensued and in response to questions raised the Principle Planning Officer advised:

- The proposed footpaths were not on the definitive maps and there were no proposals to include them. There was a public footpath to the eastern boundary of the site to which a link was proposed.
- There was a requirement for a management plan as part of the outline planning permission granted but if Members had concerns and the matter was not already covered by the management plan a condition could be imposed to this application requiring information on the future management.
- Amenity land was within the ownership of the applicant but not within the application site. It was noted that the Planning Inspector when granting the outline planning application had required that amenity land be provided for the benefit of the residents. The Officer confirmed that the provision of the amenity land had been included as part of a unilateral undertaking which had been signed and formed part of the appeal decision.

The Chairman referred to the proposal of refusal in the name of Councillor Bamford for reasons relating to layout and design. In response the Officer raised concern regarding pedestrian links with the village being a reason for refusal as the outline permission had been granted and the Planning Inspector had not raised any concern regarding the facilities or links and felt it was a sustainable location for housing. However, concerns regarding the layout proposed being out of keeping with the site's rural setting could reasonably be included and this was noted. Following further debate the Chairman then put the proposal of refusal to the Committee subject to the detailed reasons for refusal being agreed with the Chairman of the Committee and Ward Member. Upon a vote being taken this was agreed.

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

- 1 The development proposed, as a result of the proposed regimented layout of the site, the design, height and size of the dwellings proposed and its suburban character, would be out-of-keeping with and incongruous in this rural location, to the detriment of the character and appearance of the area, contrary to Policies D1, S1, S8 and H4 of the Maldon District Approved Local Development Plan, the NPPF and the Maldon District Design Guide SPD.

In light of his earlier declaration Councillor J V Keyes left the meeting at this point.

226. FUL/MAL/19/00384 - BRICK KILN LODGE, 32 ROOKERY LANE, GREAT TOTHAM

Application Number	FUL/MAL/19/00384
Location	Brick Kiln Lodge 32 Rookery Lane Great Totham
Proposal	Removal of condition 4 (occupation condition) on approved planning permission FUL/MAL/72/00235 (erection of detached bungalow and garage for agricultural use).
Applicant	Miss Leanne Jeffreys - Acorus Rural Property Services Ltd
Agent	Executors of Peter Keyes
Target Decision Date	19.06.2019 EOT 10.07.2019
Case Officer	Hannah Bowles
Parish	Great Totham
Reason for Referral to the Committee / Council	Related to Councillor J V Keyes.

The Officer presented the report to the Committee and following this the Chairman put the Officers' recommendation of approval to the Committee which was duly agreed.

RESOLVED that this application be **APPROVED**.

Councillor Keyes returned to the meeting at this point.

In light of his earlier declaration Councillor C P Morley left the meeting at this point.

227. FUL/MAL/19/00470 - LAND SOUTH-WEST OF BROADFIELD FARM, GREAT BRAXTED

Application Number	FUL/MAL/19/00470
Location	Land South West Of Broadfield Farm Braxted Park Road Great Braxted Essex
Proposal	Agricultural storage barn
Applicant	Mr Purdy
Agent	Peter Le Grys - Stanfords
Target Decision Date	4 July 2019
Case Officer	Kathryn Mathews
Parish	Great Braxted
Reason for Referral to the Committee / Council	Member Call-in – Councillor Keyes in the public interest

Following the Officers' presentation the Agent, Mr Le Grys, addressed the Committee.

In response to questions, the Principle Planning Officer provided information relating to applying a condition restricting use to agricultural purposes only and permitted development rights for such buildings. She explained that without additional information regarding the farm holding and other buildings within the farm holding Officers did not feel that the evidence and case supported approval of the application.

Councillor M F L Durham, a Ward Member, felt that the proposal was an improvement to what was currently on the site. He proposed that on the balance of reasonableness the application should be approved, contrary to Officers' recommendation. This proposal was duly seconded.

A debate ensued. The Chairman put the proposal in the name of Councillor Durham for approval and upon a vote being taken this motion was declared lost. The Chairman then put the Officers recommendation of refusal to the Committee and upon a vote being taken this was agreed.

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

- 1 The proposed development would be outside the development boundary and within the countryside. There is no justifiable and functional need for the building/activity, the function of the proposed building/activity is not directly linked, and ancillary to, the existing use and it has not been demonstrated that the building/activity could not reasonably be located elsewhere within the District. Therefore, the development is contrary to Policies S1, S8 and E4 of the Maldon District Approved Local Development Plan, and the NPPF.
- 2 The proposed building, for which a functional need has not been demonstrated, as a result of its size and height, would be visually incongruous and have an adverse impact on the character and appearance of this part of the countryside, contrary to Policies S1, S8, D1 and E4 of the Maldon District Approved Local Development Plan, the NPPF and the Maldon District Design Guide.

Councillor Morley returned to the meeting at this point.

228. **FUL/MAL/19/00472 - WORKSHOP AT WALDEN HOUSE FARM,**

Application Number	FUL/MAL/19/00472
Location	Walden House Farm Walden House Road Great Totham Essex CM9 8PN
Proposal	Extension to workshop
Applicant	Mr Marven
Agent	Mr Peter Le Grys - Stanfords
Target Decision Date	25.06.2019 E.o.T. 10.07.2019
Case Officer	Spyros Mouratidis
Parish	Great Totham
Reason for Referral to the Committee / Council	Member Call In – Councillor John V Keyes by reason of public interest

Following the Officers' presentation the Agent, Mr Le Grys, addressed the Committee.

Councillor J V Keyes, a Ward Member, supported the application referring to diversification in the countryside, the requirements for the barn including the height and the building being well screened. He felt that the Council should be supporting local businesses which supported the area and employed people. This was duly seconded.

In response to a question regarding the unauthorised use of the existing workshop, the Principle Planning Officer advised that there was no planning permission for the existing use and explained the requirements should the applicant consider applying for a Certificate of Lawfulness. Members were advised that should planning permission for

this extension be approved it would be difficult to take any action or address issues regarding the current unauthorised use.

The Chairman then put the proposal of approval in the name of Councillor Keyes and sought reasons for approval. It was clarified that these should relate to diversification, supporting local business and the development accorded with the Council's Local Development Plan which encouraged business growth including the creation of new jobs etc. Members discussed conditions and agreed that if approved standard conditions regarding working hours, time, materials, noise, external lighting, use, landscaping etc. would be applied with the final wording agreed by the Chairman and Ward Members.

The Chairman then put the proposal of approval and upon a vote being taken this was agreed, subject to confirmation of the conditions by the Chairman of the Committee and Ward Members.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
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: QRU-01rev.A, Block Plan, Location Plan.
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 There shall be no means of external lighting installed within the site unless details of the lighting (including its location, design and luminance level) have been submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of the character and appearance of the rural area and the amenity of the occupiers of neighbouring residential properties, in accordance with Policies D1, S1, S8, D2 of the Maldon District Approved Local Development Plan, and the NPPF.
- 4 The use hereby permitted shall only be undertaken between the hours of 07:30 – 18:00 Monday to Friday and 08:00 - 17:00 on Saturdays and not at any time on Sundays and Public Holidays.
REASON: In the interests of the amenity of the occupiers of neighbouring residential properties, in accordance with Policies D1 and D2 of the Maldon District Approved Local Development Plan.
- 5 No machinery shall be operated, and no process shall be undertaken outside the building.
REASON: In the interests of the amenity of the occupiers of neighbouring residential properties, in accordance with Policies D1 and D2 of the Maldon District Approved Local Development Plan.
- 6 Deliveries to and collections from the site shall only be undertaken between 0800 hours and 1800 hours on weekdays and between 0800 hours and 1800 hours on Saturdays and not at any time on Sundays and Public Holidays.
REASON: In the interests of the amenity of the occupiers of neighbouring residential properties, in accordance with Policies D1 and D2 of the Maldon District Approved Local Development Plan.
- 7 The premises shall only be used as a workshop for quad bikes and for no other purpose including any purpose as defined within any Class of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended) (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 the interests of the character and appearance of the rural area and the amenity of the occupiers neighbouring residential properties, in accordance with Policies D1, S1, S8, D2 of the Maldon District Approved Local Development Plan, and the NPPF.

- 8 The external materials to be used in the construction of the extension hereby permitted shall match those of the existing building.

REASON: In the interests of the character and appearance of the rural area, in accordance with Policies D1, S1, S8 of the Maldon District Approved Local Development Plan, and the NPPF.

- 9 The use of the extension hereby permitted shall not commence until space has been provided for the storage of five bicycles in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The storage provision shall be secure, weather proof and accessible and shall be retained as approved in perpetuity.

REASON: To comply with the Maldon District adopted Vehicle Parking Standards and to encourage the use of non-motorised forms of transport, in accordance with Policy T2 of the Maldon District Approved Local Development Plan.

- 10 The extension hereby permitted shall not be beneficially occupied until a surface water drainage system has been provided in accordance with details which shall have been submitted to and gained the prior written consent of the Local Planning Authority. The drainage system shall be retained as approved in perpetuity.

REASON: To ensure the incorporation of an appropriate drainage scheme in accordance with policy D5 of the Maldon District Approved Local Development Plan.

- 11 Prior to the commencement of the beneficial use of the extension hereby permitted, a soft landscaping scheme and boundary treatments shall be carried-out in accordance with details which shall have been submitted to and gained the prior written consent of 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. The approved boundary treatments shall be retained in perpetuity.

REASON: In the interests of the character and appearance of the area, in accordance with Policies S1, S8, D1 and H4 of the Maldon District Approved Local Development Plan, and the NPPF.

INFORMATIVES

1. 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.

If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors Environmental Health at Maldon District Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974.

2. Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.
3. Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter.
4. Where there is requirement for dewatering the site the relevant consent must be sought from the Environment Agency.
5. Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained from Essex County Council.

There being no further items of business the Chairman closed the meeting at 8.40 pm.

MRS M E THOMPSON
CHAIRMAN