



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
4 APRIL 2016**

PRESENT

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

1053. CHAIRMAN'S NOTICES

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

1054. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J P F Archer and E L Bamford.

1055. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the North Western Area Planning Committee held on 29 February be approved and confirmed.

1056. DISCLOSURE OF INTERESTS

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

Councillor Mrs P A Channer CC declared a non-pecuniary interest as she was a Member of Essex County Council who was consulted on highways, education and other matters pertaining to planning applications.

1057. MEMBERS' BRIEFING

Councillor Mrs M E Thompson arrived at this point in the meeting.

The Interim Development Management and Enforcement Manager gave a presentation to the Committee regarding the use of Planning Conditions. He set out and explained

the six tests which must be met for each condition. Members were advised that conditions must only be imposed if there is a definite planning reason for them.

1058. FUL/MAL/15/00853 - ORCHARD HOUSE, LANGFORD ROAD, WICKHAM BISHOPS

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

Application Number	FUL/MAL/15/00853
Location	Orchard House, Langford Road, Wickham Bishops
Proposal	Demolition of existing office and storage building and erection of a single dwelling house & double detached garage.
Applicant	Mr. Mark Sherriff
Agent	Mr. Mike Smith - Metcalff Briggs Surveyors
Case Officer	Hilary Baldwin, TEL: 01621 875730
Parish	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	Parish Trigger

Following the Officer's presentation of the report, Peter Briggs, the Agent, addressed the Committee.

Members debated this application and attention was drawn to the long planning history relating to this site. There were some concerns raised that the site was not suitable to be used as an employment site due to its remote location and difficulties with access. Other comments raised related to the impact on the neighbouring property and the buildings currently on-site which were considered to be of very little architectural merit. Members were of the view that if this application was approved then the site would be improved.

In response to a question, the Interim Development Management and Enforcement Manager advised Members that Maldon District Council (MDC) must determine applications in accordance with material considerations.

Councillor M F L Durham, a Ward Member, proposed that this application be approved contrary to Officers' recommendation and this proposal was duly seconded and upon a vote the motion was carried. In response to this, the Development Control Officer outlined a number of suggested conditions to be attached to the approval, which were agreed.

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.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice

- 3 No development shall take place until written details and samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to an approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.
- 4 No works or development shall take place until full details of both hard and soft landscape works have been submitted and approved in writing by the Local Planning Authority. These details shall include the layout and materials of all hard surfaced areas. Details of soft landscape works shall include planting plans, written specification (including cultivation and other operations associated with plant and grass establishment), schedules of plant noting species, plant size and proposed numbers/densities, where appropriate and an implementation programme.
- 5 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railing and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be construction prior to the first occupation of the development to which it relates and be retained as such thereafter.
- 6 Notwithstanding the details submitted with the application, no development shall commence until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:
- (i) a survey of extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - Human health,
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - Adjoining land,
 - Groundwaters and surface waters,
 - Ecological systems
 - Archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment

Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers'. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

- 7 No development shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not

qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

- 8 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

- 9 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.

- 10 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.

- 11 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the local planning authority.

- 12 Prior to the first occupation of the dwelling hereby approved, the first floor windows in the northern side elevation shall be glazed with opaque glass and of a non-openable design with the exception of a top hung fanlight and shall be retained as such thereafter.

- 13 Prior to the first occupation of the dwelling hereby approved the existing buildings on the site as shown on Drawing No 5171/01 A, dated 25th March 2015 shall be demolished and the resulting material removed from the site.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. Furthermore, Members of the planning committee which took the decision to grant planning permission as the proposal has been considered acceptable.

1059. FUL/MAL/15/00868 - LAND REAR OF IMPSCAMP, PURLEIGH GROVE, COLD NORTON

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

Application Number	FUL/MAL/15/00868
Location	Land Rear Of Impscamp, Purleigh Grove, Cold Norton
Proposal	Variation of condition 2 on approved planning permission FUL/MAL/14/01039 (Amended plans to planning application FUL/MAL/13/01118 - permission given for single storey dwelling and cart lodge garage, amended plans for one and half storey dwelling and cart lodge garage) Alterations of size of windows & adding windows and removing 1 window. Alteration of position of window, adding small entrance porch & staircase to garage.
Applicant	Mr Ian Kirk
Agent	
Target Decision Date	03 March 2016
Case Officer	Hilary Baldwin
Parish	Cold Norton
Reason for Referral to the Committee / Council	Departure from the Local Plan Not Delegated to Officers

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.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice
- 3 The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking and re-enacting that Order with or without modification, no development shall be carried out within Schedule 2, Part 1, Class A, B, C, D and E to those Orders.
- 5 No works or development shall take place until full details of both hard and soft landscape works have been submitted and approved in writing by the Local Planning Authority. These details shall include the layout and materials of all hard surfaced areas. Details of soft landscape works shall include planting plans, written specification (including cultivation and other operations associated with plant and grass establishment), schedules of plant noting species, plant size and proposed numbers/densities, where appropriate and an implementation programme.

- 6 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programmed agreed with the Local Planning Authority; any trees or plants which within a five year period from the completion of the development dies, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and species.
- 7 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railing and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be construction prior to the first occupation of the development to which it relates and be retained as such thereafter.
- 8 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) the garage hereby permitted shall be used only for the parking of a motor car in connection with the residential use of the property.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

1060. FUL/MAL/15/01283 - WILLOWBROOK FARM, THE STREET, LITTLE TOTHAM

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

Application Number	FUL/MAL/15/01283
Location	Willowbrook Farm, The Street, Little Totham
Proposal	Retain barn, garage and associated hardstanding and track
Applicant	Mr. Neil Shakespeare
Agent	Mr. Stewart Rowe - The Planning & Design Bureau Ltd
Target Decision Date	08 April 2016
Case Officer	Hilary Baldwin
Parish	Little Totham
Reason for Referral to the Committee / Council	Major Application

In response to a question, the Interim Development Management and Enforcement Manager confirmed that if the existing pillars were used to form an entrance to the site then this would be in breach of planning permission, as the additional entrance had been removed from the application.

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

- 1 The garage hereby permitted shall only be used for the private parking of motor vehicles in connection with the residential use of the property known as Willowbrook House and not for any commercial or business purposes.
- 2 The barn hereby permitted shall only be used for those purposes incidental to the residential use of the property known as Willowbrook House and not for any commercial or business purposes.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant/Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

1061. FUL/MAL/15/01287 - THE OLD RECTORY, CHURCH STREET, GOLDHANGER

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

Application Number	FUL/MAL/15/01287
Location	The Old Rectory, Church Street, Goldhanger
Proposal	Erection of Stables and grazing of land by horses.
Applicant	Mr & Mrs Charles Willis
Agent	Mr David Fenton
Target Decision Date	12.04.2016
Case Officer	Hilary Baldwin
Parish	GOLDHANGER
Reason for Referral to the Committee / Council	Major Application Parish Trigger

Following the Officer's presentation of the report, Members debated this application. The Interim Development Management and Enforcement Manager advised the Committee that whilst the Planning Department regularly supported schemes for stables

throughout the District, this application was recommended for refusal on the basis of scale and bulk. Some Members were of the opinion that provided the stables were conditioned to be used in association with the Old Rectory, they were satisfied with the application.

Councillor Mrs M Thompson proposed that the Officers' recommendation of refusal be agreed. Upon a vote being taken the motion was declared lost. Councillor Miss S White then proposed approval of this application contrary to the Officers' recommendation. This was duly seconded and upon a vote the motion was carried. In response to the approval, the Development Control Officer outlined a number of conditions to be applied which were agreed. Members also agreed that approval of the application should be subject to its use being restricted to the Old Rectory, Church Street, Goldhanger.

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.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice
- 3 No development shall take place until written details and samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to an approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.
- 4 No works or development shall take place until full details of both hard and soft landscape works have been submitted and approved in writing by the Local Planning Authority. These details shall include the layout and materials of all hard surfaced areas. Details of soft landscape works shall include planting plans, written specification (including cultivation and other operations associated with plant and grass establishment), schedules of plant noting species, plant size d and proposed numbers/densities, where appropriate and an implementation programme.
- 5 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railing and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be construction prior to the first occupation of the development to which it relates and be retained as such thereafter.
- 6 All external joinery shall be in timber with a painted finish and shall be retained as such thereafter.
- 7 The stables hereby permitted shall not be used unless and until details of the arrangements for the storage, drainage and disposal of manure, bedding and liquid animal wastes have been submitted to and approved in writing by the local planning authority. All such wastes shall be stored and disposed of in accordance with the scheme as approved.
- 8 There shall be no burning of animal or stable wastes anywhere on the site as shown edged in red on the plans which are attached to and form part of this permission.
- 9 No floodlighting or other external form of illumination of the site shall be undertaken.
- 10 Prior to the commencement of the development details of the surface water and 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.
- 11 No ménage, riding arena, hardstanding or similar finished surface shall be constructed within the.
- 12 No jump equipment or other form of riding obstacle shall be placed upon the land, nor shall any caravan or similar chattel be stationed on the site without the prior written approval of the local planning authority.
- 13 The development hereby permitted shall be used solely for the benefit of the owners/occupiers of The Old Rectory, Church Street, Goldhanger. No business or commercial use, including for the purposes of livery or any riding school activity, shall take place at the site.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. Furthermore, Members of the planning committee which took the decision to grant planning permission as the proposal has been considered acceptable.

1062. FUL/MAL/15/01340 - LAND REAR OF GREENVALE, CHELMSFORD ROAD, PURLEIGH

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

Application Number	FUL/MAL/15/1340
Location	Land Rear Of Greenvale, Chelmsford Road, Purleigh, Essex
Proposal	Sub-division to Plot 3, incorporating minor amendments to approved property design from approved application planning application APP/X1545/A/132194523 + FUL/MAL/12/00929, and the creation of 1 no. additional dwelling.
Applicant	Mr Paul Brand
Agent	Mr John Allum
Target Decision Date	14.03.2016
Case Officer	Yee Cheung
Parish	Purleigh
Reason for Referral to the Committee / Council	Departure from the Local Plan 2005

Following the Officer's presentation of the report, Robert Steed, the Agent, addressed the Committee.

In response to a question from Members, the Interim Development Management and Enforcement Manager advised that when the appeal was allowed on this site, the Planning Inspector did not require affordable housing, the Members could impose this requirement if they were so minded.

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
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
- 3 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.
- 4 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme. The soft landscape works shall be carried out as approved within the first available planting season following the commencement of development. If within a period of two years from the date of the planting of any tree that tree, or any tree 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 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 approval to any variation.
- 5 No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings hereby permitted are occupied. Development shall be carried out in accordance with the approved details.
- 6 Prior to the commencement of the development details of the surface water and 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.
- 7 The detached garage for Plot 3a and Plot 3b hereby permitted shall only be used for those purposes incidental to the use of the dwelling house to which it relates and not for any commercial or business purpose or as annexe accommodation.
- 8 The development hereby permitted shall be carried out in accordance with the Ecological information dated 27 January 2016 and Drawing No: F169/10 Revision C dated 4 February 2016 submitted with the application.
- 9 Prior to the first occupation of the development hereby permitted, the first floor window in the south elevation of Plot 3a serving the bathroom and the first floor

window in the north elevation of Plot 3b serving the bathroom shall be glazed with opaque glass and of a non-openable design with the exception of a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

1063. HOUSE/MAL/16/00016 - AVON COTTAGE, 14 SCHOOL ROAD, WICKHAM BISHOPS

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

Application Number	HOUSE/MAL/16/00016
Location	Avon Cottage, 14 School Road, Wickham Bishops
Proposal	Rear one and a half storey extension
Applicant	Mr Steve Hookings
Agent	N/A
Target Decision Date	08.04.2016
Case Officer	Kara Elliott
Parish	Wickham Bishops
Reason for Referral to the Committee / Council	Parish Trigger

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
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications.
- 3 The external surfaces of the development hereby approved shall be constructed of materials and of a finish which match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

1064. HOUSE/MAL/16/00019 - 6 STATION COTTAGES, STATION APPROACH, NORTH FAMBRIDGE

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

Application Number	HOUSE/MAL/16/00019
Location	6 Station Cottages, Station Approach, North Fambridge
Proposal	Side and rear single storey extensions.
Applicant	Mr & Mrs R Morris
Agent	Mr Ashley Robinson
Target Decision Date	07.03.16
Case Officer	Emily Hall
Parish	North Fambridge
Reason for Referral to the Committee / Council	Previous Committee Decision

Following the Officer's presentation of the report, Ashley Robinson, the Agent, addressed the Committee.

During the discussion, the view was expressed by some Members that the previous reasons for refusal had been addressed. Councillor Miss S White, a Ward Member, proposed approval of this application contrary to Officers' recommendation. This was duly seconded and upon a vote the motion was carried. The Development Control Officer suggested a number of conditions to be applied which were agreed.

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.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
- 3 The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. Furthermore, Members of the planning committee which took the decision to grant planning permission as the proposal has been considered acceptable.

1065. FUL/MAL/16/00026 - VAULTY MANOR, GOLDHANGER ROAD

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members' Update circulated at the meeting.

Application Number	FUL/MAL/16/00026
Location	Vaulty Manor, Goldhanger Road, Heybridge
Proposal	Change of use (of the house on the estate site) from (C3) private dwelling house to (C1) hotel/guest house
Applicant	Mr Colin Downie - Osea Campsite Ltd
Agent	Geoffrey Vale - Geoffrey Vale Chartered Architect
Target Decision Date	15.04.2016
Case Officer	Rebecca Greasley
Parish	HEYBRIDGE EAST AND GOLDHANGER
Reason for Referral to the Committee / Council	Major Application

The Officer presented the report to the Committee and gave a verbal update that this application had also been submitted to the Central Area Planning Committee as the site was located in two parishes. As a consequence of this the recommendations of both Committees would be submitted to the Planning and Licensing Committee for determination.

Councillor Mrs P A Channer declared that as she was Chairman of the Planning and Licensing Committee she would not take part in any discussion on this item.

RESOLVED that the Planning and Licensing Committee be **RECOMMENDED** to **APPROVE** this application 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 complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

1066. FUL/MAL/16/00088 - GUYS FARM LODGE, MANOR ROAD, WOODHAM WALTER

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members' Update circulated at the meeting.

Application Number	FUL/MAL/16/00088
Location	Guys Farm Lodge, Manor Road, Woodham Walter
Proposal	Demolition of bungalow and the construction of a 4 bedroom house
Applicant	Mr Nigel Cornwell
Agent	Mr Tony Rymill
Target Decision Date	29 March 2016
Case Officer	Hilary Baldwin
Parish	Woodham Walter
Reason for Referral to the Committee / Council	Parish Trigger

The Officer presented the report and drew attention to the Members' Update and advised that the matters raised were not planning consideration. Following this, Tony Rymill, the Agent, addressed the Committee.

In response to a question, the Chairman advised that the application site was not a conservation area.

In response to a question regarding whether the conditions proposed covered the matters raised by the Highways Authority, the Development Control Officer confirmed that the conditions were correct for this application.

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.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice
- 3 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning.
- 4 Within 3 months following the first occupation or connection to utility services, whichever is the sooner, of the dwelling hereby approved the existing dwelling on the site shall be demolished and the resulting material removed from the site.

- 5 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no extensions shall be erected within the site without planning permission having been obtained from the local planning authority.
- 6 No works or development shall take place until full details of both hard and soft landscape works have been submitted and approved in writing by the Local Planning Authority. These details shall include the layout and materials of all hard surfaced areas. Details of soft landscape works shall include planting plans, written specification (including cultivation and other operations associated with plant and grass establishment), schedules of plant noting species, plant size and proposed numbers/densities, where appropriate and an implementation programme.
- 7 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railing and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be construction prior to the first occupation of the development to which it relates and be retained as such thereafter.
- 8 Prior to the commencement of the development details of the surface water and 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.
- 9 No unbound material shall be used in the surface treatment of the vehicular access within 6m of the highway boundary.
- 10 Prior to commencement/occupation of the development hereby approved, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2 metres by 25 metres to the north west and 2 metres by 25 metres to the south east, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

1067. HOUSE/MAL/16/00156 - MALLION HOUSE, HACKMANS LANE, PURLEIGH

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

Application Number	HOUSE/MAL/16/00156
Location	Mallion House, Hackmans Lane, Purleigh
Proposal	New front first floor extension and the creation of new front and rear dormer windows

Applicant	Mr & Mrs M Bott
Agent	Mr Lewis Cook - Form Architecture Ltd.
Target Decision Date	09 April 2016
Case Officer	Hilary Baldwin
Parish	Purleigh
Reason for Referral to the Committee / Council	Previous Committee Decision

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
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice
- 3 The external surfaces of the development hereby approved shall be constructed of materials and of a finish which match those of the existing dwelling.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

1068. FUL/MAL/16/00191 - 7 CHURCH CORNER, HERBAGE PARK ROAD, WOODHAM WALTER

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

Application Number	FUL/MAL/16/00191
Location	7 Church Corner Herbage Park Road Woodham Walter Maldon
Proposal	Renewal of consent Ref. FUL/MAL/13/00101 for demolition of workshop, construction of single storey dwelling and widening of existing vehicular access
Applicant	Mr Derek Pye
Agent	N/A
Target Decision Date	21.04.2016
Case Officer	Yee Cheung
Parish	Woodham Walter

Reason for Referral to the Committee / Council	Departure from the Local Plan 2005
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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.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice
- 3 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.
- 4 No works or 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 that 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 Prior to the commencement of the development details of the surface water and 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.
- 6 Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the development onto the highway. The approved scheme shall be undertaken and completed prior to the first use of the access and shall be retained as such thereafter.
- 7 Prior to first occupation of the development a 1.5m x 1.5m pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.
- 8 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.
- 9 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

1069. FUL/MAL/16/00215 - 12 GOAT LODGE ROAD, GREAT TOTHAM

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

Application Number	HOUSE/MAL/16/00215
Location	12 Goat Lodge Road Great Totham Essex Cm9 8bt
Proposal	Two Storey Extension To The Rear
Applicant	Mr M Crisell
Agent	W.G Goodall
Target Decision Date	22.04.2016
Case Officer	Spyros Mouratidis
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	PARISH TRIGGER
Case Officer	Yee Cheung
Parish	Woodham Walter
Reason for Referral to the Committee / Council	Departure from the Local Plan 2005

Following the Officer's presentation of the report, Mr Mark Crisell, the Applicant, addressed the Committee.

Members debated this application and pointed out that the Parish Council and neighbours had no objections to this application. The Interim Development Management and Enforcement Manager advised Members that lack of public objection was not a reason to approve a scheme and that it was the Council's role to assess any scheme so that it did not have any detrimental impact.

Councillor J V Keyes, a Ward Member, proposed approval of this application contrary to Officers' recommendation. This was duly seconded and upon a vote the motion was carried and appropriate conditions to be applied were approved.

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.

- 2 The development hereby permitted shall be carried out in complete accordance
with the approved drawings specifically referenced on this decision notice.
- 3 The external surfaces and fenestration of the development hereby approved shall
be constructed of materials and finish to match those of the existing dwelling
and retained as such thereafter
- 4 Notwithstanding the provisions of Article 3 of the Town & Country Planning
(General Permitted Development) Order 2015 as amended (or any Order
amending, revoking or re-enacting that Order) no window or other form of
opening shall be constructed to the side elevations of the extension hereby
permitted without planning permission having been obtained from the local
planning authority.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order
2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

1070. OTHER AREA PLANNING AND 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: 23/02/2016

Application Number: FUL/MAL/15/00716 (APPX/1545/W/15/3137350)

Site: 12 Colchester Road - Great Totham

Proposal: Proposed 3No. Dwellings and associated car parking. Revised window configuration.

Appeal by: Mr David Clay

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 29/02/2016

Application Number: FUL/MAL/15/00477 (APP/X1545/W/15/3141230)

Site: Strelley Barn - Post Office Road - Woodham Mortimer

Proposal: New build single storey dwelling in grounds of existing residential barn conversion.

Appeal by: Mr Roger Baxter

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 15/03/2016

Application Number: HOUSE/MAL/15/00878 (APP/X1545/D/16/3145653)

Site: 26 Walden House Road - Great Totham

Proposal: Front dormers and first floor rear extension

Appeal by: Tom Holmes

Appeal against: Refusal
Appeal procedure requested: Householder Appeal Service (HAS)

Appeal Start Date: 17/03/2016
Application Number: FUL/MAL/15/00628 (APP/X1545/W/16/3144291)
Site: Roundbush - Colchester Road - Great Totham
Proposal: Erection of a detached residence and change of use of former agricultural outbuilding as a private garage.
Appeal by: Mr Bernard Keyes
Appeal against: Refusal
Appeal procedure requested: Written Representations

Appeal Start Date: 17/03/2016
Application Number: OUT/MAL/15/00505 (APP/X1545/W/16/3144899)
Site: Land Adjacent To 56 Top Road - Tolleshunt Knights
Proposal: Outline planning application for the construction of one live/work detached dwelling with associated garaging and off-street parking
Appeal by: Mr P Kelly
Appeal against: Refusal
Appeal procedure requested: Written Representations

Appeal Start Date: 11/2/2016
Enforcement Notice Reference Number: ENF/13/00242/CU
Appeal Reference Number: APP/X1545/C/16/3142293
Site: Bakers Nursery Bakers Lane Tolleshunt Major
Alleged Breach of Planning Control: Without planning permission the change of use if the land for the stationing of a mobile home
Appeal by: Mr J Patrick
Grounds of Appeal:
Ground A
That planning permission should be granted for what is alleged in the notice
Ground B
that the breach of control alleged in the enforcement notice has not occurred as a matter of fact
Ground D
that, at the time of the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice
Ground F
that the steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections
Ground G
that the time given to comply with the notice is too short.

Appeal procedure requested: Public Inquiry

Appeal Start Date: 17/03/2016
Application Number: OUT/MAL/15/00543 (APP/X1545/W/15/3141399)
Site: Washfields Post Office Lane Little Totham
Proposal: Outline application for 2 new dwellings (2/3 bedroom) using existing access to property off post office lane with all matters reserved.
Appeal by: Mr & Mrs Nicholas & Victoria Phillips
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.

OUT/MAL/15/01010 (Appeal Ref: APP/X1545/W/15/3136955)

Proposal: Outline application for the erection of a detached dwelling with access to be determined

Address: Rainbow Cottage - Kelvedon Road - Wickham Bishops

APPEAL ALLOWED – 7 March 2016

DECISION LEVEL: Delegated

OUT/MAL/14/01202 (Appeal Ref: APP/X1545/W/15/3136324)

Proposal: Outline application for up to 24No. village houses.

Address: Land North Of 48 Woodrolfe Road - Tollesbury

APPEAL ALLOWED– 7 March 2016

DECISION LEVEL: Committee (as per Officer recommendation to Refuse)

OUT/MAL/15/00461 (Appeal Ref: APP/X1545/W/15/3136955)

Proposal: Outline application for the erection of a detached dwelling with access to be determined

Address: Rainbow Cottage - Kelvedon Road - Wickham Bishops

APPEAL ALLOWED – 7 March 2016

DECISION LEVEL: Delegated

WTPO/MAL/15/00608 (Appeal Ref: APP/TPO/X1545/4938)

Proposal: TPO 4/04 T7 - Installation of a root barrier.

Address: Domus - Colchester Road - Great Totham

APPEAL PART ALLOWED & PART DISMISSED (Please see attached appeal decision for full details) – 15 March 2016

DECISION LEVEL: Delegated

14/00215/CU (Appeal Ref: APP/X1545/C/15/3138510)

Land At Corner Of Fambridge Road And St Stephens Road - Cold Norton

Appeal against: Without planning permission the material change of use of the land from agricultural to use for the siting of a caravan for residential purposes

APPEAL ON GROUND (G) IS ALLOWED – It is directed that the enforcement notice be varied by the deletion of 2 calendar months and the substitution of 9 calendar months as the period for compliance. Subject to this variation the enforcement notice is upheld - 16 March 2016

OUT/MAL/15/00267 (Appeal Ref: APP/X1545/W/15/3133309)

Proposal: Outline planning application with some matters reserved for the residential development of 14 dwellings, garages and associated works.

Address: Land East Of Malone Cottage - Maypole Road - Wickham Bishops

APPEAL ALLOWED & COSTS REFUSED – 8 March 2016

DECISION LEVEL: Committee (overturned Officer recommendation to approve)

The following item has been added in error to the agenda and should be disregarded.

OUT/MAL/15/01010 (Appeal Ref: APP/X1545/W/15/3136955)
Proposal: Outline application for the erection of a detached dwelling with access
to be determined
Address: Rainbow Cottage - Kelvedon Road - Wickham Bishops
APPEAL ALLOWED – 7 March 2016
DECISION LEVEL: Delegated

There being no further items of business the Chairman closed the meeting at 9.22 pm

H M BASS
CHAIRMAN