



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
29 JULY 2020**

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, K W Jarvis and Miss S White
In Attendance	Councillors C Morris and W Stamp

1. CHAIRMAN'S NOTICES

The Chairman welcomed all to the meeting and took Members through some general housekeeping issues together with the etiquette for the meeting. She then asked Officers present to introduce themselves.

This was followed by a roll call of all Members present.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J V Keyes and C P Morley.

3. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 1 July 2020 be approved and confirmed.

4. DISCLOSURE OF INTEREST

Councillor M F L Durham, 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 R H Siddall declared a non-pecuniary interest in Agenda item 5-20/00490/FUL- Land At The Summer House, Back Lane, Wickham Bishops, as his mother lived on Back Lane. He advised he would not take part in the discussion or the vote but would remain in the meeting.

Councillor K W Jarvis declared a non-pecuniary interest in Agenda Item 5 - 20/00490/FUL- Land At The Summer House, Back Lane, Wickham Bishops, as a Parish Councillor on Wickham Bishops Parish Council.

5. 20/00490/FUL - THE SUMMER HOUSE, BACK LANE, WICKHAM BISHOPS

Application Number	20/00490/FUL
Location	Land At The Summer House Back Lane Wickham Bishops
Proposal	Erection of 1No. dwelling (amendment to planning permission ref. RES/MAL/16/01475)
Applicant	Mr D Brown
Agent	Mr Jonathan Brown - Reeve Brown
Target Decision Date	14.07.2020 EOT requested
Case Officer	Hannah Bowles
Parish	Wickham Bishops
Reason for Referral to the Committee / Council	Member call in from Cllr Jarvis Reason: The proposed development looks far too large for the plot, appears to be back-garden development and is outside the LDP. I believe that's policies S1 and D1. This would merit debate, before one could conclude on a recommendation.

A Members' Update was received detailing an additional letter together with comments from interested parties and statutory consultees.

Following the Officer's presentation, the Chairman addressed three public participation submissions, one from an Objector, David Pearl, the second from the Parish Town Council representative Ian Wardrop and a final submission from the Agent, Jonathan Brown.

The Chairman moved the Officer's recommendation as set out in the report that planning application 20/00490/FUL Land At The Summer House, Back Lane, Wickham Bishops be approved subject to the conditions as detailed in Section 8 of the report. This was not seconded.

Councillor Jarvis then proposed that the application be refused. He said that whilst it was accepted that outline planning permission had been granted it was for a much smaller dwelling, this application represented a much larger dwelling taking into account the increase in ridge height and addition of a garage. He also felt that the property did not fit the street scene in that part of the village.

A debate ensued where some Members found the changes acceptable and others raised a number of questions around the new modifications including whether this represented a new application. The Lead Specialist Place advised that this was a new application to address the required modifications. The application allowed at appeal was outline in nature and that there was nothing in the Inspector's decision to suggest a prejudice against a garage being added in the future. He reminded Members that the Committee needed to determine if the changes, material or otherwise, constituted harm.

At this point Councillor Durham seconded Councillor Jarvis' proposal to refuse the application.

The Lead Specialist: Development Management referring to previous comments from Officers, said that given the extent of the changes requested and in light of the Inspector's comments, it would be very difficult to defend a refusal of permission. The Chairman then moved Councillor Jarvis' proposal and asked for reasons for refusal. Councillor Jarvis reasoned that the main objections were the increase in ridge height and extended floorspace as a result of the addition of the garage.

The Chairman put the proposal to refuse the application, contrary to the Officer's recommendation, to the Committee. Upon a vote being taken there was an equality of votes. The Chairman used her casting vote and the proposal was lost.

The Chairman then put the Officer's recommendation to approve the application to the Committee. Upon a vote being taken the application was approved.

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: SLP/SH/03.20, 20.02.03, DB/SUM/02, 20.02.02, 20.02.01 with dimensions, 20.02.01, DS1190P, 20.02.04 and MFA/SH01.
REASON: For the avoidance of doubt as to the extent of this permission.
3. The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed below and retained as such thereafter:-
Roof Tiles: Barrow: 'Brindle Mix' by Wienerberger Ltd
Brickwork: Durham Red Multi by Wienerberger Ltd
Render: White painted finish
REASON: To ensure the external materials to be used in construction of the development is appropriate and in keeping with properties in the locality accordance with policy D1 of the Maldon District LDP.
4. The soft landscape works shall be carried out in complete accordance with the Soft landscaping & Planting Specification and Landscape plan reference DB/SUM/02, within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise 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.
REASON: In the interest of local visual amenity in accordance with policies D1 and S8 of the Maldon District Local Development Plan.
5. The Surface and Foul Water Drainage schemes shall be carried out in accordance with submitted details and completed before the building is occupied.
REASON: To ensure the appropriate drainage is provided at the site, in accordance with policy D5 of the Maldon District Local Development Plan.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no garages, extensions or separate buildings

(other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site.

REASON: To protect the character and appearance of the area in accordance with policy D1 of the Local Development Plan.

7. The development hereby approved shall be carried out in complete accordance with the Arboricultural Report and Arboricultural Implications Assessment and Tree protection plan reference DB/SUM/01 Rev A.

REASON: To ensure the protection, retention and replacement of trees and vegetation in the interest of the character and appearance of the area in accordance with policy D1 of the Local Development Plan.

8. 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 first floor windows or other form of opening shall be constructed on the northern flank wall of the dwellinghouse hereby permitted without planning permission having been obtained from the Local Planning Authority.

REASON: To protect the amenity of the neighbouring residential properties to the north of the site in accordance with policy D1 of the Maldon District Local Development Plan.

6. 20/00499/OUT - LAND ADJACENT TO OLD WHEATSHEAF, THE STREET, STOW MARIES

Application Number	20/00499/OUT
Location	Land adjacent to Old Wheatsheaf, The Street, Stow Maries
Proposal	Outline application with all matters reserved for a new detached dwelling
Applicant	Mr N Brown
Agent	Mr P Harris
Target Decision Date	31.07.2020
Case Officer	Hayleigh Parker-Haines
Parish	STOW MARIES
Reason for Referral to the Committee / Council	Member Call In – Councillor. White – Public Interest, Effect on the Countryside, Highways and Streetscene

Following the Officer's presentation, the Chairman moved the Officer's recommendation as set out in the report that planning application 20/00499/OUT, Land adjacent to Old Wheatsheaf, The Street, Stow Maries be refused for the reasons outlined in section 8 of the report. This was seconded by Councillor Miss S White.

It was noted that Councillor Durham would not partake in the vote as due to connectivity issues he missed the presentation. There being no further discussion the Chairman put the Officer's proposal to refuse the application to the Committee. Upon a vote being taken the application was refused.

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

1. The application site lies outside of the defined settlement boundaries where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy

Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing in the District. The proposed development would substantially alter the character of the area and have an unacceptable visual impact on the countryside through the urbanisation and domestication of the site and by eroding the visual gap between Fourways and the farm buildings, including the listed barn to the north. Furthermore, the site is located in an unsustainable location that would result in future occupiers being heavily reliant on the use of a private motor vehicle. The development would therefore be unacceptable and contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).

2. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has not been secured. As a result, the development would have an adverse impact on the European designated nature conservation sites, contrary to Policies S1, D1, N1 and N2 of the Maldon District Local Development Plan and the NPPF.

7. ANY OTHER ITEMS OF BUSINESS THE CHAIRMAN DECIDES ARE URGENT

There was none, and the Chairman took the opportunity to thank all concerned for their input.

There being no further items of business the Chairman closed the meeting at 1.58 pm.

MRS M E THOMPSON
CHAIRMAN