



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
13 JANUARY 2021**

PRESENT

Chairman	Councillor Mrs M E Thompson
Vice-Chairman	Councillor J V Keyes
Councillors	M F L Durham, CC, Mrs J L Fleming, CC, K W Jarvis, C P Morley, R H Siddall and Miss S White
In Attendance	Councillor C Morris

167. CHAIRMAN'S NOTICES

The Chairman welcomed everyone to the remote meeting, held under new regulations which came into effect on 4 April 2020 in response to the COVID-19 pandemic. She took Members through some general housekeeping issues, together with the etiquette for the meeting and then asked Officers present to introduce themselves.

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

168. APOLOGIES FOR ABSENCE

There were none.

169. MINUTES OF THE LAST MEETING

RESOLVED by assent, that the Minutes of the meeting of the Committee held on 16 December 2020 be approved and confirmed.

170. DISCLOSURE OF INTEREST

Councillor C P Morley disclosed a pecuniary interest in Agenda Item 6 20/01013/FUL – Willows, Brick House Road, Tolleshunt Major, and 9 20/01154/FUL – Barns Adjacent to Moskluns Farm, Chelmsford Road, Purleigh. He advised the Committee he would leave the meeting for these items of business.

Councillor Mrs J L Fleming declared a non-pecuniary interest in Agenda Item 5 20/00994/FUL – Little Grange Farm, Marlpits Road, Woodham Mortimer, Essex, CM9 6TL as she knew the family well. She declared that she would not take part in the debate or vote on this item. Councillor Mrs Fleming also declared that following confirmation from the Monitoring Officer about a historic financial relationship on

Agenda Item 9 20/01154/FUL – Barns Adjacent to Mosklyns Farm, Chelmsford Road, Purleigh, she was able to take part.

Councillor M F L Durham, CC declared a non-pecuniary interest in all items on the agenda as a Member of Essex County Council who were statutory consultees on a variety of matters relating to the Planning process.

171. 20/00994/FUL - LITTLE GRANGE FARM, MARLPITS ROAD, WOODHAM MORTIMER, ESSEX, CM9 6TL

Application Number	20/00994/FUL
Location	Little Grange Farm, Marlpits Road, Woodham Mortimer, Essex CM9 6TL
Proposal	Full planning application for the proposed change of use from Agricultural to Dwellinghouse (C3) and associated operational development of the Apple store and Essex barn at Little Grange Farm
Applicant	Mrs Sarah Chenevix-Trench
Agent	Miss Nicole Bushell - Arcady Architects
Target Decision Date	EOT 15.01.2021
Case Officer	Annie Keen
Parish	WOODHAM MORTIMER
Reason for Referral to the Committee / Council	Departure from Local Plan Member Call In – Councillor K W Jarvis Reason – Policies S1, S8 and D1

A Members’ Update had been circulated prior to the meeting that detailed representations received from an internal consultee.

Following the Officer’s presentation, the Chairman moved the Officers’ recommendation that planning application 20/00994/FUL - Little Grange Farm, Marlpits Road, Woodham Mortimer, Essex, CM9 6TL be refused for the reasons as detailed in Section 8 of the report. This was duly seconded.

A lengthy debate ensued around the improvements to the look of the area by the removal of the asbestos barn and conversion of the unused apple barn. It was noted that this application was substantially different to the previous application on this site.

In response to a number of comments the Lead Specialist Place confirmed that the application was for a new dwelling and not an annex to the main house. He referred Members to the Officer’s report and advised that as the site was very remote it remained unsustainable and contrary to policy.

Councillor M F L Durham, CC advised the Committee that should the application be approved it would be contrary to the Local Development Plan (LDP), the National Planning Policy Framework (NPPF) and planning law within Local Planning Authorities (LPAs).

There being no further discussion the Chairman put the Officer’s recommendation to refuse the application to the Committee and upon a vote being taken it was lost.

A number of reasons to approve the application were discussed along with advice provided by Officers. Having spoken earlier in favour of the application Councillor Miss S White proposed that the application be approved, contrary to the Officers recommendation, for the reason that the improvement in the visual impact outweighed¹ the harm of the unsustainable location. This was duly seconded. Upon a vote being taken the Committee agreed the application be approved subject to conditions and a Section 106 legal agreement delegated to Officer's in consultation with the Chairman and Ward Members.

RESOLVED that the application be **APPROVED** subject to conditions and a Section 106 legal agreement delegated to Officers in consultation with the Chairman and Ward Members.

In accordance with his earlier declaration, Councillor C P Morley left the meeting at this point.

172. 20/01013/FUL - WILLOWS, BRICK HOUSE ROAD, TOLLESHUNT MAJOR

Application Number	20/01013/FUL
Location	Willows, Brick House Road, Tolleshunt Major
Proposal	Proposed alterations to existing kennels and replacement with two log cabins and the erection of replacement kennels
Applicant	Mr And Mrs P O Connor - Benbela Cockapoos
Agent	Mr Mark Jackson - Mark Jackson Planning
Target Decision Date	15.01.2021
Case Officer	Hayleigh Parker-Haines
Parish	TOLLESHUNT MAJOR
Reason for Referral to the Committee / Council	Member call in from Councillor Mrs M E Thompson Reason: D1 1(d), 2 and 4

A Members' Update had been circulated prior to the meeting that detailed representations from Tolleshunt Major Parish Council, internal and external consultees, and six letters of objection.

Following the Officer's presentation, an Objector Mr John Williams, the Tolleshunt Major Parish Council representative Mr Tony Payne and the Agent, Mr Mark Jackson, addressed the Committee.

Councillor M F L Durham, CC left the meeting at this point and did not return.

A discussion ensued where the overarching concern was the impact of noise and dog waste disposal on neighbouring properties. In response to Members concerns the Lead Specialist Place reassured Members that these matters could be dealt with through condition and that the proposed development may reduce the existing impact on neighbouring properties. Any future breach of these conditions could then be dealt with through Planning Enforcement.

¹ Minute No. 254 (10 February 2021)

The Chairman moved the Officers' recommendation that planning application 20/01013/FUL – Willows, Brick House Road, Tolleshunt Major be approved subject to conditions as detailed in Section 8 of the report and this was duly seconded.

Upon a vote being taken it was approved.

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: 297-001 Rev F Page 44 Agenda Item no. 6
3. The materials used in the construction of the development hereby approved shall be as set out within the application form/plans hereby approved.
4. Prior to the occupation of the development hereby permitted an Odour Management plan shall be submitted to and approved in writing by the Local Planning Authority. The use of the development hereby approved will be fully in accordance with the details as approved shall be fully implemented and retained as such thereof
5. A Noise Management plan shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be fully implemented prior to the first use of the development hereby permitted and retained as such thereafter.
6. Details in relation to the storage of refuse and waste shall be provided and approved in writing by the Local Planning Authority. The details as approved shall be fully implemented prior to the first use of the development hereby permitted and retained as such thereafter.
7. No more than 20 dogs/bitches shall be kept on site, for breeding purposes, at any one time.

Councillor Morley returned to the meeting.

173. 20/01021/FUL - LAND REAR OF HILL BARN, RECTORY LANE, WOODHAM MORTIMER

Application Number	20/01021/FUL
Location	Land Rear Of Hill Barn Rectory Lane Woodham Mortimer
Proposal	Proposed conversion of existing equestrian/storage buildings to form offices (Use Class E(g) formally B1) alongside access, parking, landscaping and other associated development.
Applicant	Mr Mervyn Clark
Agent	Mr Lindsay Trevillian - Phase 2 Planning Ltd
Target Decision Date	03.12.2020 EOT 18.12.2020
Case Officer	Hannah Bowles
Parish	WOODHAM MORTIMER
Reason for Referral to the Committee / Council	Member Call In from Councillor M F L Durham - Reason: This is an employment opportunity which complies with elements of the LDP. Departure from Local Plan

Following the Officer's presentation an Objector Mr Steven Gough and the Agent Mr Matthew Wood addressed the Committee.

The Chairman moved the Officers' recommendation that planning application 20/01021/FUL - Land Rear of Hill Barn, Rectory Lane, Woodham Mortimer be refused for the reasons as detailed in Section 8 of the report. This was duly seconded.

A brief discussion ensued as to the urbanisation of the rural site and the general consensus was that the Officers had assessed the application correctly.

There being no further debate the Chairman put the Officer's recommendation of refusal to the Committee. Upon a vote being taken the application was refused.

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

1. The proposed development would result in a harmful visual impact due to the urbanisation of the site resulting from the proposed change of use and physical alterations to the existing building. The identified harm has not been adequately justified and would not be off-set by the benefits of the scheme. The proposal is therefore contrary to policies S1, S8, E4 and D1 of the Maldon District Local Development Plan and the National Planning Policy Framework.
2. The site is located in a rural area where development should only be supported in specific circumstances. Insufficient information has been provided to demonstrate that there is either a justifiable and functionable need or that the proposal would support the viability of an existing agricultural businesses contrary to policies S1, S8 and E4 of the D1 of the Maldon District Local Development Plan and the National Planning Policy Framework.

174. 20/01076/FUL -70 COLCHESTER ROAD, GREAT TOTHAM

Application Number	20/01076/FUL
Location	70 Colchester Road Great Totham
Proposal	New dwelling
Applicant	Mr Harry Cooper
Agent	Mr Neil Cooper - Signature Group TM LTD
Target Decision Date	16.12.2020 EOT requested
Case Officer	Hannah Bowles
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Departure from Local Plan.

A Members' Update had been circulated prior to the meeting that detailed representation received from Great Totham Parish Council.

Following the Officer's presentation Councillor R H Siddall proposed that planning application 20/01076/FUL - 70 Colchester Road, Great Totham be approved in accordance with the Officer's recommendation and this was duly seconded.

The consensus was that the application had overcome previous reasons for refusal and upon a vote being taken it was unanimously approved.

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:
3. Prior to their installation, written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
4. No development works above ground level shall occur until 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. The scheme shall ensure that for a minimum:
 - 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
 - 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)

You are advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

5. No development works above ground level shall occur until 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.
6. Full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority prior to the occupation of the dwelling hereby approved and these works shall be carried out as approved. These details shall include, for example:
 - i. Proposes finished levels contours;
 - ii. Means of enclosure;
 - iii. Car parking layouts;
 - iv. Other vehicle and pedestrian access and circulation areas;
 - v. Hard surfacing materials;
 - vi. Minor artefacts and structures (e.g furniture, play equipment, refuse or other storage units, signs, lighting);
 - vii. Proposed and existing functional services above and below ground (e.g drainage power, communications cables, pipelines etc, indicating lines, manholes, supports);

viii. Retained historic landscape features and proposals for restoration, where relevant.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of the dwelling 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, 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 hard landscape works shall be carried out as approved prior to the first use / occupation of the development hereby approved and retained and maintained as such thereafter.

7. Prior to the occupation of the dwelling hereby permitted, the vehicular access shall be constructed in accordance with the details shown on drawing number sk.2113.1 and retained as such thereafter.
8. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
9. All loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken within the application site, clear of the public highway.

In accordance with his earlier declaration, Councillor C P Morley left the meeting for the following item of business.

175. 20/01154/FUL - BARNS ADJACENT TO MOSKLYNS FARM, CHELMSFORD ROAD, PURLEIGH

Application Number	20/01154/FUL
Location	Barns Adjacent to Mosklyns Farm, Chelmsford Road, Purleigh
Proposal	Retention of existing dwelling.
Applicant	Mr & Mrs Strathern
Target Decision Date	14.01.2021
Case Officer	Hayleigh Parker-Haines
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Member Call In by Councillor Mrs J L Fleming Reason: D1A, D1E, S1.12 and S8

A Members Update had been circulated prior to the meeting that detailed representations received from Purleigh Parish Council, an external consultee, and 30 letters of support.

Following the Officer's presentation, the Chairman moved the Officer's recommendation that planning application 20/01154/FUL - Barns adjacent to Mosklyns Farm, Chelmsford Road, Purleigh be refused for the reasons as detailed in Section 8 of the report. This was duly seconded.

Councillor Mrs J L Fleming, having called in the application opened the discussion and outlined a number of reasons why she was in support of this application. In particular, she noted that the character of the road had altered significantly in the last 5 to 10 years, that houses across the road had been granted at appeal and how the applicants had put in a permitted path providing access to local services.

Councillor Miss S White proposed that the application be approved, contrary to Officers' recommendation highlighting that the amenity space had improved and overcame a previous reason for refusal. The proposal was duly seconded. In response to this and other comments made, the Lead Specialist Place reminded Members that they needed to give significant weight to the previous Committee decision of refusal including site location and drew their attention to the detailed assessment in the Officers' report.

Following further discussion, the Chairman put the Officer's recommendation to refuse the application to the Committee and upon a vote being taken it declared was lost.

A number of reasons for approval were discussed and along with information provided by the Lead Specialist Place. Councillor Miss White proposed that the application be approved, contrary to the Officer's recommendation, for reasons relating to the lack of a Five-Year Housing Land Supply and that the applicants had addressed the amenity space not meeting the Council's requirements. This was duly seconded and upon a vote being taken was approved. It was agreed that conditions relating to the approval would be delegated to Officers in consultation with the Chairman of the Committee and Ward Members.

RESOLVED that the application be **APPROVED** subject to conditions delegated to the Lead Specialist Place in consultation with the Chairman and Ward Members.

Councillor Morley returned to the meeting.

176. TPO 10/20 - THE PINES, FRANKLIN ROAD, NORTH FAMBRIDGE

Application Number	TPO 10/20
Location	The Pines, Franklin Road, North Fambridge
Proposal	Confirmation of TPO 10/20
Owner	Samantha Jane Flaherty of The Pines, Franklin Road, North Fambridge, CM9 6NF
Confirmation by	23.01.2021
Case Officer	Sophie Mardon
Parish	NORTH FAMBRIDGE
Reason for Referral to the Committee / Council	Decision on confirmation of a Tree Preservation Order as per the Council's scheme of delegation

Following the Officer's presentation and in response to a query the Lead Specialist Place confirmed that the score on part B of the Tree Evaluation Method for Preservation Orders was 2 and that it was common practice to serve Tree Preservation Orders (TPOs) on trees in peoples' gardens.

A brief discussion ensued around the shallowness of Leylandii roots, damage to nearby buildings and regular pruning of trees for power lines.

There being no further discussion the Chairman moved the Officer's recommendation to confirm TPO 10/20 - The Pines, Franklin Road, North Fambridge and this was duly seconded. Upon a vote being taken the motion was declared lost.

Following a brief discussion with the Lead Specialist Place the Chairman proposed that TPO 10/20 not be confirmed. This was duly seconded and upon a vote being taken was agreed.

RESOLVED that TPO 10/20 **NOT BE CONFIRMED**.

There being no further items of business the Chairman closed the meeting at 8.27 pm.

MRS M E THOMPSON
CHAIRMAN