



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
11 JANUARY 2023**

PRESENT

Vice-Chairman Councillor J V Keyes
(In the Chair)

Councillors M F L Durham, CC, Mrs J L Fleming, CC, S J N Morgan,
R H Siddall and S White

460. CHAIRMAN'S NOTICES

The Chairman welcomed everyone present and went through some general housekeeping arrangements for the meeting.

461. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors C P Morley, E L Stephens and Mrs M E Thompson.

462. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 30 November 2022 be approved and confirmed.

463. DISCLOSURE OF INTEREST

Councillor S J N Morgan and J V Keyes declared a non-pecuniary interest in Agenda Item 6 as they were both frequent patrons of the farm shop.

464. 22/00499/FUL - LAND REAR OF HAWTHORNS, BRAXTED PARK ROAD, GREAT BRAXTED, ESSEX

Application Number	22/00499/FUL
Location	Land rear of Hawthorns, Braxted Park Road, Great Braxted, Essex.
Proposal	Erection of twelve stables (6 stables for hobby use and 6 stables for commercial use) including tack and hay store incorporating permissive farm rides to connect to highway and bridle network.
Applicant	Mr John and Mr Jim Purdy.
Agent	Mr Russell Ford, Smart Planning
Target Decision Date	21.12.2022
Case Officer	Lisa Greenwood
Parish	GREAT BRAXTED
Reason for Referral to the Committee / Council	Member Call in by Councillor J V Keyes. Policies S1, E1 and D1.

Following the Officer's presentation the Agent, Mrs Alice Quinn, addressed the Committee. The Chairman then opened the discussion.

A debate ensued regarding the issue of change of use. Some Members felt that the application was linked to existing use therefore it did not require a separate change of use application whilst others felt it was a clear change of use from agriculture to equestrian. Officers advised that whilst the principle of the proposal was supported, it was clear it required a change of use application which was a legal change under Planning Law therefore approval of this application could create a precedent resulting in further applications that ignored the legal requirement.

After some further discussion Councillor White proposed that the application be approved contrary to the Officer's recommendation for the reasons that it complied with Policy E4 and would encourage economic growth in the area and this was duly seconded. The Chairman put the proposal to approve contrary to the Officer's recommendation to the Committee and it was carried.

RESOLVED that the application be **APPROVED** for the aforementioned reasons and with standard conditions delegated to Officers in consultation with the Chairperson and Ward Members.

465. 22/00822/FUL - LAWNS FARM, 29 PLAINS ROAD, GREAT TOTHAM, ESSEX, CM9 8DT

Application Number	22/00822/FUL
Location	Lawns Farm, 29 Plains Road, Great Totham, Essex, CM9 8DT
Proposal	Proposed stables, tack room and feed and machinery store building.
Applicant	Mr Thomas Gregan
Agent	Mr Anthony Cussen - Cussen Construction Consultants
Target Decision Date	21.11.2022
Case Officer	Nicola Ward
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Member Call-in by Councillor J V Keyes citing Policy E4 and E6

Following the Officer's presentation the Agent, Mr Tony Cussen, addressed the Committee. The Chairman then opened the discussion.

A brief debate ensued regarding the reasons for refusal of the application. Some Members felt that the only pertinent reason for refusal was around highway safety which was paramount. Councillor White proposed that the application be refused in accordance with the Officer's recommendation but for highway safety reasons only and this was seconded. Councillor Siddall raised concerns around the large scale design and the fact that there was no intrinsic link between the development and the farmhouse. He proposed that the application be refused in accordance with the Officer's recommendation and the reasons as outlined in section 8 of the report namely the bulk and scale together with the highway safety issue. This was duly seconded by Councillor Fleming.

Officers advised that there was no functional link to the site, full justification for the development and use had not been provided and the scale would cause harm to the rural character of the area.

There being no further discussion the Chairman put the first proposal by Councillor White to refuse the development on the grounds of highway safety alone to the Committee and it was carried.

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

1. The standard vehicular visibility splays of 2.4m x 215m required for accesses as measured from and along the nearside carriageway edge, have not been provided. The lack of suitable visibility from the proposed access for both emerging and approaching vehicles would result in an unacceptable degree of hazard to all road users to the detriment of general highway safety contrary to policies D1 and T2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

466. 22/00931/FUL - 9 CHERRY BLOSSOM LANE, COLD NORTON, ESSEX CM3 6JQ

Application Number	22/00931/FUL
Location	9 Cherry Blossom Lane Cold Norton Essex CM3 6JQ
Proposal	Construction of detached three bedroom bungalow with associated vehicular access, hardstanding and landscaping.
Applicant	Mr Penny - Penny Homes Ltd
Agent	Andrew Pipe - Andrew Pipe Associates
Target Decision Date	11.01.2023 (EOT requested until 18.01.2023)
Case Officer	Lisa Greenwood
Parish	COLD NORTON
Reason for Referral to the Committee / Council	Not Delegated to Officers as Departure from Local Plan Member Call-in by Councillor S White citing Policy D1

Following the Officer's presentation the Chairman opened the discussion. A brief debate ensued and the consensus was to approve the application together with an additional condition that Electric Vehicle (EV) charging points be included in the development.

There being no further discussion the Chairman put the Officer's recommendation to approve the application to include EV charging points to the Committee and it was carried.

RESOLVED that the application be **APPROVED** subject to the following conditions and the aforementioned additional condition around EV charging points:

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 approved drawings: 22.663 01; 22.663 02 Rev A; 22.663 03 Rev B; 22.663 04 Rev B
3. No works above ground level shall take place until written details of the proposed materials to be used in 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 above slab level shall take place until details of all hard and soft landscape works and means of protecting the existing hedges at the site that are to be retained during the course of development have been submitted to and approved 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 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, 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.

5. No works above ground level shall take place until details of the siting, height, design and materials of the treatment of all boundaries including existing hedging, gates, fences, walls, railings and piers have been submitted to and approved in writing by the local planning authority. The boundary treatment as approved shall be constructed prior to the first occupation of the development to which it relates and be retained as such thereafter.
6. The existing hedgerows and trees along the northern and eastern boundaries of the application site shall be protected during the construction of the development.
7. 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.

8. No works above ground level shall take place until details of the foul drainage scheme to serve the development has been 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 works above ground level shall take place until details of the number, location and design of bicycle parking facilities/powereds two wheelers shall be submitted to and agreed in writing by the local planning authority and shall be provided in accordance with the approved scheme before any part of the development hereby approved is occupied and retained as such thereafter.
10. Prior to first occupation of the development, the onsite vehicle parking shall be provided as shown on drawing no. 22.663 02 Rev A, including a minimum of two off-street parking space for the dwelling hereby approved. Each parking

space shall have dimensions in accordance with current parking standards. The vehicle parking areas shall be retained in the agreed form at all times.

11. All mitigation and enhancement measures and / or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (ACJ Ecology, November 2022), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

12. Prior to any works above slab level: biodiversity enhancement strategy

A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) Detailed designs or product information descriptions to achieve stated objectives;
- c) Locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) Persons responsible for implementing the enhancement measures;
- e) Details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

13. Prior to occupation: Wildlife sensitive lighting design scheme

A lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

The meeting closed at 8.27 pm.

J V KEYES
CHAIRMAN