



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
10 JANUARY 2024**

PRESENT

Chairperson	Councillor M F L Durham, CC
Vice-Chairperson	Councillor M E Thompson
Councillors	J C Hughes, S J N Morgan, C P Morley, R H Siddall, E L Stephens, S White and L L Wiffen
In attendance	Councillors K M H Lagan and N D Spenceley

410. CHAIRPERSON'S NOTICES

The Chairperson welcomed everyone to the meeting and went through some general housekeeping arrangements for the meeting.

411. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor R H Siddall and, in addition, the Chairperson welcomed two 'in attendance' Members Councillors K M H Lagan and N D Spenceley.

412. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 6 December 2023 be approved and confirmed.

413. DISCLOSURE OF INTEREST

Councillor M F L Durham declared an other registrable interest in that he was currently Chairman of 'Visit Essex which was non-pecuniary.

414. 23/00920/FUL - THE GRANARY, CHIGBOROUGH FARM, CHIGBOROUGH ROAD, LITTLE TOTHAM, ESSEX

Application Number	23/00920/FUL
Location	The Granary, Chigborough Farm, Chigborough Road, Little Totham, Essex
Proposal	Section 73a application for change of use of agricultural building to a cafe (Class E use) and provision of associated car parking.
Applicant	Mr P Tallowin

Agent	Miss Kate Jennings – Whirlledge & Nott
Target Decision Date	15.01.2024
Case Officer	Kathryn Mathews
Parish	LITTLE TOTHAM
Reason for Referral to the Committee / Council	<p>Member Call In</p> <ul style="list-style-type: none"> • Councillor M FL Durham CC – Reason: Policy E4 and E5 relate to this application. • Councillor K M H Lagan - Reasons: Based on the high level of support that indicates that there is no material harm caused by granting this application and I believe that the adverse impact of granting planning permission would not significantly and demonstrably outweigh the benefits of the development. The cafe is a huge benefit to local tourism and local residents and supports generation of tourism in general to the area. It is therefore not contrary to policies D1 and T2 of the MDC local plan and the NPPF (due to the long-standing buildings and access to the site) and supports the policies and objectives of our LDP Policies S7, E5,E1 and D3.

Prior to the Officer presentation the Chairperson advised the Committee that he was changing the order of the agenda to accommodate the interest of members of the public present, and would start with Item 6 on the agenda. It was noted that a Members' Update had been circulated prior to the meeting that provided further information on planning policies together with additional representations including a large number of letters of support. Following the Officer's presentation the Applicant, Mr Tallowin, addressed the Committee. The Chairperson then invited Councillors Lagan and Spenceley, both 'in attendance' Members, to address this item under the Council's Procedure Rule 18 for Members.

Before opening the debate, the Chairperson commented that this was a well established camping site and the café was an ancillary use. He stressed the need to support the development and expansion of both rural and town businesses where there was adequate demand. Councillor Morgan then proposed that the application be approved, contrary to the Officer's recommendation, and this was seconded by Councillor White on the basis that it complied with policies S1, S7, E4 and E5 of the Local Development Plan (LDP).

In response to issues raised Officers advised that to conclude the application was ancillary would require a more information on the part of the applicant. Further, whilst there were elements in both the LDP and National Planning Policy Framework (NPPF) to support the application there were other significant elements within the LDP that it did not comply with, therefore warranting a refusal. The upcoming review of the LDP was noted and it was suggested that Members use the opportunity to review any policies that they may be dissatisfied with. The Chairperson concurred with this suggestion adding that it was important policies aligned with requirements going forward.

There being no further discussion and following clarification from Councillor Morgan that his proposal to approve was without specific restrictions the Chairperson put the proposal to approve the application contrary to the Officer's recommendation, with standard conditions delegated to Officers in consultation with the Chairperson, to the Committee. Upon a vote being taken it was agreed.

RESOLVED that the application be **APPROVED** with conditions delegated to Officers in consultation with the Chairperson.

415. 23/00894/FUL - LAND ADJACENT OAKLANDS, KELVEDON ROAD, GREAT TOTHAM

Application Number	23/00894/FUL
Location	Land adjacent Oaklands, Kelvedon Road, Great Totham.
Proposal	Erection of four dwellinghouses and associated garages and alterations and extension of the existing access and provision of parking spaces to Pippins.
Applicant	Mr S Harding
Agent	Mr Mark Jackson
Target Decision Date	17 January 2024 (EOT agreed)
Case Officer	Lisa Greenwood
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Departure from Local Development Plan

It was noted that a Members' Update had been circulated prior to the meeting that detailed a condition to replace condition 5 on the original Officer's report. Following the Officer's presentation the Agent, Mr Jackson, addressed the Committee.

The Chairperson opened the debate and following a brief discussion Councillor Thompson proposed that the Committee approve the application in accordance with the Officer's recommendation and this was seconded by Councillor Morgan.

There being no further discussion the Chairperson put the recommendation to approve in accordance with the Officer's recommendation to the Committee and upon a vote being taken it was agreed.

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

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: WB_001 Rev PL1; WB_002 Rev PL2; WB_1003 Rev PL1; WB_102 Rev PL1; WB_004 Rev PL1; WB_101 Rev PL1; WB_003 Rev PL1; REDW-3475-116; WB_103 Rev PL1; WB_104 Rev PL1; WB_1002 Rev PL1; WB_1001 Rev PL1; HWA10753_TCP; HWA10753_TPP Rev B.
3. The detached outbuilding associated with 'Pippins' hereby permitted shall only be used for those purposes ancillary and incidental to the use of the dwellinghouse, 'Pippins', Kelvedon Road, Great Totham, for which it is associated, and not for commercial or business purposes or as annexe accommodation.
4. No development works above slab level shall occur until details and samples of the materials to be used in the construction of the dwelling are to be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
5. All ground works shall be in accordance with the submitted Construction Management Plan (CMP). The CMP shall be adhered to throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.
6. 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.

7. 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.
8. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Hybrid Ecology, October 2023) 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.

9. Prior to any works above ground level, 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 descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) 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.

10. Prior to occupation, a lighting design scheme for biodiversity in accordance with GN:08/23 Bats and Artificial External Lighting (ILP) 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.

11. Prior to the commencement of any works above ground level, full details of the provision and subsequent retention of the soft landscape works on the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers / densities.
- 2) Details of the planting scheme implementation programme, including ground protection and preparation weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and / or other support.
- 3) Details of the aftercare and maintenance programme.

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 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.

12. Prior to the commencement of development, the applicant shall submit in writing to the Local Planning Authority an Arboricultural Method Statement (including drainage service runs and construction hard surfaces) in accordance with the requirements of BS5837:2012 in relation to tree retention and protection for approval as follows:

The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the local planning authority. The tree protection measures shall be carried out in accordance with the approved detail.

13. No development shall commence until fencing/ground protection to protect the hedges/shrubs to be retained has been erected in accordance with BS5837:2012, details of which shall have been submitted to the Local Planning Authority for written approval. The protective fencing shall be erected before the

commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site.

The protective fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone nothing shall be stored or placed, no fires lit, no vehicle shall gain access, ground levels shall not be altered, no excavation shall be made and no structure shall be erected. If within five years from the completion of the development a retained shrub or hedge is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement shrub or hedge shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the Local Planning Authority.

14. Prior to first occupation of the development the shared vehicular access shall be altered as shown in principle on planning drawing no. REDW-3475-116 and shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be 5.5 metres for the first 6 metres into the site and shall be provided a 2 metre wide footway on the northern side of the access. The access shall be provided with kerbed radii and tactile crossings. Full layout details to be agreed with the Highway Authority.
15. Prior to first occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 70 metres, in each direction, 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.
16. Prior to first occupation of the development and as shown in principle on planning drawing no. REDW-3475-116, the front fence for 'Pippins' shall be removed and re-constructed behind the highway boundary and visibility splay.
17. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
18. Prior to first occupation of the development and as shown in principle on planning drawing no. REDW-3475-116, no development shall be permitted to commence on site until such time as an Order securing the diversion of the existing definitive right of way to a route to be agreed with the Local Planning Authority has been confirmed and the new route has been constructed to the satisfaction of the Local Planning Authority.
19. Prior to first occupation of the development and as shown in principle on planning drawing no. REDW-3475-116, the internal shared access road and continuation of the 2 metre footway (new route of public right of way) and provision of a turning head, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
20. Prior to first occupation of the development, cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.
21. Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

416. 23/00952/FUL - 9 CHERRY BLOSSOM LANE, COLD NORTON, ESSEX CM3 6JQ

Application Number	23/00952/FUL
Location	9 Cherry Blossom Lane Cold Norton Essex CM3 6JQ
Proposal	Erection of 2no. bungalows including parking provision
Applicant	Mr Penny - Penny Homes Ltd
Agent	Andrew Pipe - Andrew Pipe Associates
Target Decision Date	17 th January 2024
Case Officer	Lisa Greenwood
Parish	COLD NORTON
Reason for Referral to the Committee / Council	Not Delegated to Officers as Departure from Local Plan

Following the Officer's presentation the Chairperson opened the debate. Councillor White commented that given her previous objections had now been resolved, and to the satisfaction of the Parish Council, she proposed that the application be approved in accordance with the Officer's recommendation and this was seconded by Councillor Morgan.

The Chairperson put the proposal to approve the application in accordance with the Officer's recommendation to the Committee and upon a vote being taken it was agreed.

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 approved details and in accordance with Policy D1 of the Maldon District Local Development Plan (2017).
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, piers, and treatment around the car parking area, have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments as approved, specifically including the treatment around the car parking area and the boundary treatment along the southern boundary separating the site from the neighbour at no.7 Cherry Blossom Lane, shall be constructed prior to the first occupation of the development to which it relates and be permanently 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. Prior to first occupation of the development, the onsite vehicle parking shall be provided as shown on drawing no. 23.667 02 Rev D, including a minimum of two offstreet 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.
10. 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.
11. Prior to the commencement of any works above slab level, 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) Location, 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.

12. If external lighting is proposed, prior to occupation, 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.

13. Prior to the first occupation of the dwellings hereby permitted, the window in the southern elevation of Plot 2, proposed to serve a bathroom, and the windows to serve each cloakroom on the southern elevation of Plot 1 and the northern elevation of Plot 2, shall be glazed with opaque glass to Pilkington privacy level 5 and comprise a non-opening 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.

417. 23/01003/FUL - LAND AT HOMEFIELD HOUSE, WITHAM ROAD, LITTLE BRAXTED

Application Number	23/01003/FUL
Location	Land at Homefield House, Witham Road, Little Braxted
Proposal	Proposed change of use of an ancillary storage shed workshop into a key worker family dwelling. Alterations to the outbuilding including changes in materials and fenestration.
Applicant	Mr and Mrs Howard
Agent	Mr Andrew Stevenson – Andrew Stevenson Associates
Target Decision Date	26/12/2024
Case Officer	Fiona Bradley
Parish	LITTLE BRAXTED
Reason for Referral to the Committee / Council	Member Call-In by Councillor S J N Morgan, citing policies S1, S7, H5, H7. Departure from the local plan

Following the Officer's presentation Mr Richardson, the Agent, addressed the Committee. The Chairperson then opened the debate.

Councillor Morgan, having called-in the application, proposed that the application be approved contrary to the Officer's recommendation citing Policy S7 and section 89 of the NPPF as reasons for overturning the refusal. Both the aforementioned policy and NPPF section dealt with facilitating economic development within the villages which in his opinion this application supported. His proposal was seconded by Councillor White. There being no further discussion the Chairperson put the proposal to approve the application, contrary to the Officer's recommendation, subject to a Section 106 Agreement for RAMS and tying the new dwelling to Homefield House and conditions to be agreed with the Chairperson, to the Committee. Upon a vote being taken this was agreed.

RESOLVED that the application be **APPROVED** subject to a Section 106 Agreement for RAMS and tying the new dwelling to Homefield House and conditions to be agreed with the Chairperson.

There being no other items of business the Chairperson closed the meeting at 8.30 pm.

M F L DURHAM, CC
CHAIRPERSON