



**MINUTES of  
NORTH WESTERN AREA PLANNING COMMITTEE  
6 MARCH 2024**

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**PRESENT**

Chairperson	Councillor M E Thompson
Councillors	S J N Morgan, C P Morley, R H Siddall, E L Stephens, S White and L L Wiffen

**518. CHAIRPERSON'S NOTICES**

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

**519. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors M F L Durham CC and J C Hughes.

**520. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 7 February 2024 be approved and confirmed.

**521. DISCLOSURE OF INTEREST**

Councillor S White declared that she knew the applicant in Agenda Item 5. 23/00468/FUL - Land between Thiseldome and Buller Lodge, Buller Road, North Fambridge and the applicant for Agenda Item 6. 23/01109/FUL - Land North East of Honeywood Farm Honeypot Lane Purleigh as they were a member of Stow Maries Parish Council.

Councillor E L Stephens declared a non-registerable interest in Agenda Item 7. 23/01234/FUL - Land North of Orchard Way, Mope Lane, Wickham Bishops and further declared that she would leave the Council Chamber for this item.

Councillor L L Wiffen declared an interest in Agenda Item 6. 23/01109/FUL - Land North East of Honeywood Farm Honeypot Lane Purleigh as she was a member of Stow Maries Parish Council.

**522. 23/00468/FUL - LAND BETWEEN THISELDOME AND BULLER LODGE, BULLER ROAD, NORTH FAMBRIDGE**

<b>Application Number</b>	<b>23/00468/FUL</b>
<b>00468Location</b>	Land between Thiseldome and Buller Lodge, Buller Road, North Fambridge.
<b>Proposal</b>	Erection of 2-bedroom dwelling.
<b>Applicant</b>	Mr Stephen Reed
<b>Agent</b>	Mr Ken Philpot, Ken Philpot Design
<b>Target Decision Date</b>	13.03.2024 (EOT agreed)
<b>Case Officer</b>	Lisa Greenwood
<b>Parish</b>	<b>NORTH FAMBRIDGE PARISH COUNCIL</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the local plan

Following the Officer's presentation, the Chairperson opened the floor for debate.

Councillor S J N Morgan proposed that the application be approved in line with the Officer's recommendation which was duly seconded and when put to a vote 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 following approved plans: BR02 - B, BR02rm - A, BRO3.
- 3 The materials used in the construction of the dwelling hereby approved shall be as set out within the application forms / plans hereby approved.
- 4 Notwithstanding the provisions of Part 1 to Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions (including upwards extensions) or separate buildings etc (other than incidental 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.
- 5 Prior to the 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.
- 6 Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential 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 the dwelling free of charge.
- 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% change 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 1/l/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 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.
- 9 Prior to the commencement of the development the applicant shall submit in writing a construction management plan to the Local Planning Authority for approval. Within the construction management plan, it must consider the following requirements:

The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:

The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:

- a) no waste materials should be burnt on the site, instead being removed by licensed waste contractors.
- b) no dust emissions should leave the boundary of the site.
- c) consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site.
- d) hours of works: works should only be undertaken between 08:00 hours and 18:00 hours on weekdays; between 08:00 hours and 13:00 hours on Saturdays and not at any time on Sundays and Public Holidays.

If it is known or there is a likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors Environmental Health at Maldon District Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974.

- 10 No development shall commence until information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:

- Tree retention protection plan
- Arboricultural method statement (including drainage service runs and construction of hard surfaces)

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.

- 11 All mitigation measures and / or works shall be carried out in accordance with the details contained in the Ecological Walkover Survey (Tim Moya Associates, December 2023) as already submitted with the planning application and agreed in principle and 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, 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) 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 If any external lighting is proposed, prior to occupation, a lighting design scheme for biodiversity in accordance with GN:08/23 Bats and Artificial External Lighting (Institute of Lighting Professionals) 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.

- 14 Prior to occupation, full details of the provision and subsequent retention of both hard and soft landscape works on the site shall be submitted to and approved in writing by the Local Planning Authority prior to any works occurring above ground level at the application site.

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 hereby approved unless otherwise agreed in writing by the Local Planning Authority. If within a period of 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 at such time as specified in writing by the Local Planning Authority.

#### Hard landscape works

- 4) Details of walls with brick types, construction design and dimensions
- 5) Details of surfacing, with materials finishing and edgings
- 6) Details of any street furniture, with designs materials and dimensions

The hard landscape works shall be carried out as approved prior to the first use / occupation of any part of the development hereby approved and retained and maintained as such thereafter.

- 15 No works above ground level shall commence until details of the boundary treatment (s) proposed have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and be retained as such in perpetuity.
- 16 The dwelling hereby approved shall not be occupied until the two car parking spaces have been laid out and made available for use at the site in accordance with drawing no. BR03. These spaces shall thereafter be kept available for the parking of vehicles in perpetuity.

#### **523. 23/01109/FUL - LAND NORTH EAST OF HONEYWOOD FARM HONEYPOT LANE PURLEIGH**

<b>Application Number</b>	<b>23/01109/FUL</b>
<b>Location</b>	Land North East of Honeywood Farm, Honeyplot Lane, Purleigh
<b>Proposal</b>	S73A application for the retention of two self-contained holiday units.
<b>Applicant</b>	Mr A Brown
<b>Agent</b>	Mollie Foley - Stanfords
<b>Target Decision Date</b>	14.02.2024
<b>Case Officer</b>	Devan Hearnah
<b>Parish</b>	<b>PURLEIGH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In – Councillor S White (policies S1 and D1)

Following the Officer's presentation, Mrs Foley, the Agent addressed the Committee.

Councillor S White having called-in the application, proposed that the application be approved contrary to the Officer's recommendation as she felt it conformed with policies E4 and E5 of the Local Development Plan (LDP) and this was seconded by Councillor S J N Morgan.

During the debate that ensued and in response to questions raised by Members, Officers provided the following responses:

- That Officers couldn't support approval of the application due to relevant information not being submitted to demonstrate that there was an identified need of such tourist accommodation and facility in the area.
- If Members approved the application contrary to the Officer's recommendation, they would be able to add a condition to secure a Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) contribution from the applicant subject of a signed Section 106 agreement.

Councillor E L Stephens proposed to amend Councillor White's proposal to include a condition to secure a RAMS payment.

Councillor White amended her earlier proposal to include a condition to secure a RAMS payment from the applicant.

Officers confirmed that a Unilateral Undertaking (UU) would need to be incorporated and signed by the applicant in order to secure the RAMS payment.

Officers brought Members attention an appeal that had similar rates of occupancy of that demonstrated by this application to which the Inspector said they weren't sufficient to demonstrate a need. The site didn't have any ancillary links making the holiday lets a standalone accommodation and the location being unsustainable.

There being no further discussion the Chairperson put the proposal to approve the application, contrary to the Officer's recommendation, subject to a UU for RAMS to the Committee and upon a vote being taken this was agreed.

**RESOLVED** that the application be **APPROVED** subject to a Unilateral Undertaking for RAMS with conditions delegated to Officer's in consultation with Chairperson. Should the applicant fail to submit the Unilateral Undertaking in a manner to be satisfactorily approved, the committee agreed the application can be refused for this reason alone in consultation with the Chairperson.

At this point of the meeting Councillor Stephens left the Chamber in accordance with her earlier declaration.

**524. 23/01234/FUL - LAND NORTH OF ORCHARD WAY, MOPE LANE, WICKHAM BISHOPS**

<b>Application Number</b>	<b>23/01234/FUL</b>
<b>Location</b>	Land North of Orchard Way, Mope Lane, Wickham Bishops
<b>Proposal</b>	Construction of 1 no dwelling, associated landscaping and access (resubmission of 21/00415/FUL)
<b>Applicant</b>	Erica Webber & Claire Koch
<b>Agent</b>	Simon Plater - Plater Claiborne Ltd
<b>Target Decision Date</b>	07.03.2024
<b>Case Officer</b>	Julie Ramsey
<b>Parish</b>	<b>WICKHAM BISHOPS</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan

Following the Officer's presentation, the Chairperson declared that the Agent, Mr Plater, was the Chairperson of the Parish Council within her Ward. Mr Plater, the Agent addressed the Committee.

The Chairperson, from the Chair proposed that the application be approved in accordance with the Officer's recommendation and this was duly seconded.

Following a brief discussion, the Chairperson put the proposal to approve the application to the Committee and upon a vote being taken this was agreed. **Councillor S J Morgan asked that it be noted that he did not vote on this application.**<sup>1</sup>

**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: 2019/loc01, 2019/02, 2019/03, 2019/04, 2019/05, 2019/06, 2019/07 and 2019/08
- 3 The materials used in the construction of the dwelling hereby approved shall be as set out within the application forms/plans hereby approved.
- 4 Prior to the commencement of development above slab level, full details of the provision and subsequent retention of both hard and soft landscape works on the site shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
  - i. Proposes finished levels contours;
  - ii. Hard surfacing materials;
  - iii. Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers and densities.
  - iv. Details of a 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.
  - v. Details of the aftercare and maintenance programme for a minimum of 5 years from the implementation of the schemes.

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 development 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 occupation of the development hereby approved and retained and maintained as such thereafter.

- 5 Prior to the commencement of development, details of the retention and protection of the trees on site must be submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:
  - Arboricultural method statement (including drainage service runs and construction of hard surfaces)

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<sup>1</sup> North Western Area Planning Committee – 3 April 2024

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 details.

- 6 No development above ground level shall occur until details of the surface water drainage scheme to serve the development hereby approved 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 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 Prior to the first occupation of the dwelling hereby approved, the upgraded vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway as shown in principle in the Block Plan Layout drawing 2019/03. Full layout details must be submitted and approved by the Local Planning Authority and implemented as per the approved details.
- 9 Any gates provided at the vehicular access onto Mope Lane, shall be inward opening only and shall be setback a minimum of 6 metres from the back edge of the carriageway.
- 10 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.
- 11 There must be no obstruction above ground level within a 2.4m parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. 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.
- 12 Prior to the first occupation of the dwelling hereby approved, all mitigation and enhancement measures and/or works shall be carried out in accordance with



the details contained in the Updated Ecological Walkover Survey (James Blake Associates December 2023).

All mitigation and enhancement measures shall be provided within the identified times frames or where no timeframes are stated within six months of first occupation of the dwelling hereby approved. The mitigation and enhancement measures shall be retained in perpetuity.

- 13 Prior to the commencement of development above slab level, a Biodiversity Enhancement Strategy 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 and shall be retained in that manner thereafter.

- 14 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."

- 15 Prior to the commencement of development, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
- 16 Prior to the commencement of development a tree protection method statement, prepared in accordance with BS5837:2012, must be submitted to and approved in writing by the local planning authority. The statement is to include a tree protection plan and ground protection measures for all those trees and areas of vegetation shown as being retained on drawing No 2019/03 and supporting information plan 001 C. Development shall be carried out in accordance with the measures set out in the approved statement during the construction period. No trees or vegetation retained pursuant to this condition shall be cut down, removed or uprooted without the prior written approval of the local planning authority.
- 17 Notwithstanding the provisions of Part 1 to Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order amending, revoking or re-enacting that Order) no garages, extensions (including upwards extensions) or separate buildings etc (other than incidental 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.

At this point Councillor Stephens returned to the Chamber.

**525. TPO 06-23 - CHURCH OF ALL SAINTS, CROUCHMANS FARM ROAD, ULTING, CM9 6QU**

<b>Application Number</b>	<b>TPO 06/23</b>
<b>Location</b>	Church of All Saints, Crouchmans Farm Road, Ulting, CM9 6QU
<b>Proposal</b>	Confirmation of TPO 06/23
<b>Applicant</b>	Mrs Justine Atterbury on behalf of Langford and Ulting Parish Council
<b>Agent</b>	N/A
<b>Target Decision Date</b>	07.06.2024
<b>Case Officer</b>	Charlie Mumford
<b>Parish</b>	<b>LANGFORD AND ULTING PARISH</b>
<b>Reason for Referral to the Committee / Council</b>	Confirmation of a Tree Preservation Order under the Council's scheme of delegation

Following the Officer's presentation, the Chairperson opened the floor for debate.

Councillor S White proposed to defer confirming the Tree Preservation Order (TPO) to allow further investigation to be completed on the tree health, this was not seconded.

In response to issues raised Officers referred to paragraphs 5.5 and 5.5.1 of the report in which the third-party consultant's assessment indicated new wood could be seen forming and that felling the tree prior to further investigation and tree works would be a premature course of action. Officers concluded by reminding Members that the reason for this TPO was to provide the necessary protection so that if any further assessment takes place and it is found that the tree needs to be felled then there can be a replacement tree put in its place.

Councillor R H Siddall then proposed that the TPO be confirmed in accordance with the Officer's recommendation and this was duly seconded.

Councillor S J N Morgan proposed to refuse the TPO contrary to the Officer's recommendation which was seconded by Councillor S White.

The Chairperson then put Councillor Siddall's proposal to the Committee, and upon a vote being taken it was agreed.

**RESOLVED** that the Tree Preservation Order be **CONFIRMED** without any modifications.

There being no other items of business the Chairperson closed the meeting at 8.23 pm.

M E THOMPSON  
CHAIRPERSON