



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
19 JUNE 2024**

PRESENT

Chairperson	Councillor M E Thompson
Vice-Chairperson	Councillor M F L Durham, CC
Councillors	S J N Morgan, C P Morley and E L Stephens

126. CHAIRPERSON'S NOTICES

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

127. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J C Hughes, R H Siddall, S White and L L Wiffen.

128. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 22 May 2024 be approved and confirmed.

129. DISCLOSURE OF INTEREST

There were none.

130. 23/00682/VAR - GROVE FARM, ASHFIELD FARM ROAD, ULTING, CM9 6QP

Application Number	23/00682/VAR
Location	Grove Farm, Ashfield Farm Road, Ulting, CM9 6QP
Proposal	Variation of condition 4 on approved planning permission 20/00120/HOUSE (Demolition of existing garage and construction of replacement garage)
Applicant	R Smith
Agent	Mr Paul Calder - Real8 Group
Target Decision Date	31.05.2024 (agreed Extension of Time)
Case Officer	Tim Marsh
Parish	LANGFORD AND ULTING
Reason for Referral to the Committee / Council	Member Call In - Councillor M F L Durham, citing Policies H4.7, E4.1 & E2.1

Prior to the Officer's presentation, the Chairperson made the Committee aware that the Environmental Health Manager (Protection) was present in the Chamber and he was available to answers Members' questions relating to this item.

Following the Officers' presentation, an objector, Mr Lee and the agent, Mr Calder addressed the Committee. The Chairperson then opened the floor for debate.

In response to Members questions the Environmental Health Manager (Protection) provided the following responses:

- The noise assessment was submitted with the application by the applicant and this was carried out whilst maintenance was occurring, however, if the engines were being revved hard, he couldn't say.
- There had been no noise assessment carried out by the Council's the Environmental Health Officers' at the property.

Some Members felt that the noise assessment failed to provide the conditions the tests were carried out under and felt that a noise assessment whilst routine maintenance and engine tuning was being carried out would have been better.

Councillor S J N Morgan felt that as the noise assessment provided had been carried out by the applicant it should not be taken in to account. He went on to add that the current condition in place was perfectly adequate if reasonable maintenance of vehicles was the intention and felt that variation of the condition would enable the applicant to go outside of that. He then proposed to refuse the application contrary to Officers' recommendation and this was seconded by Councillor M F L Durham

Following a further brief discussion, the Chairperson moved Councillor Morgan's proposal to refuse the application and upon a vote being taken this was agreed.

RESOLVED that the application be **REFUSED** for reasons based on the acceptability of the existing condition to provide for general maintenance of vehicles and the failure to provide assurances through the noise report that harm to neighbouring amenity would be mitigated from the proposed amended condition. Such a reason for refusal to be delegated to Officers in consultation with the Chairperson and Councillor S J N Morgan.

131. **23/01242/FUL - LAND ADJACENT EAGLE LODGE, PLAINS ROAD, LITTLE TOTHAM, ESSEX**

Application Number	23/01242/FUL
Location	Land adjacent Eagle Lodge, Plains Road, Little Totham, Essex
Proposal	Construction of a single dwelling alongside associated development including detached cartlodge.
Applicant	C/O agent
Agent	Mr Lewis Halliday
Target Decision Date	05.04.2024
Case Officer	Juliet Kirkcaldy
Parish	LITTLE TOTHAM
Reason for Referral to the Committee / Council	Member Call In – Councillor R H Siddall, citing Policies D1 & S8

It was noted from the Members' Update that since the agenda had been published an updated Flood Risk Assessment had been submitted by the applicants.

Following the Officer's presentation, an Objector, Mr Olley, a Supporter, Ms Key and the Applicant, Mr Kemper addressed the Committee.

A brief debate ensued where Members expressed their concern around the development being constructed in a flood zone and the potential impact this could have on the surrounding area. They continued to add that as the proposed development was in a rural location and outside the settlement boundary this was contrary to policy.

Councillor S J N Morgan proposed to refuse the application in accordance with the Officer's recommendation. This was duly seconded and agreed.

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

- 1 The site is located outside of a defined settlement boundary and is in open countryside, where policy constraints apply. Future occupants of the site would be heavily reliant on the use of the car to gain access to everyday services and facilities and employment opportunities and as such the proposal does not provide a sustainable form of development. The proposal does not accord with the Council's spatial strategy contrary to Policies S1, S8, D1, H4, T1 and T2 of the Maldon District Local Development Plan (2017), and the policies and guidance in the National Planning Policy Framework.
- 2 The site is considered to make a positive contribution to the rural character and appearance of the area. The proposal would introduce built form with associated domestic paraphernalia, that would urbanise the site, eroding, and materially altering, its rural character, causing harm to the intrinsic character and beauty of the open countryside. The proposal has been found to be contrary to Policies S1, S8, D1 and H4 of the Maldon District Local Development Plan (2017), the Maldon District Design Guide (2017), and the policies and guidance in the National Planning Policy Framework.
- 3 It has not been demonstrated that the development will be safe for its lifetime and is appropriately flood resistant and resilient and that safe access and egress can be achieved in the event of a flood. Furthermore, a flood evacuation plan has not been submitted. The proposal does not accord with Policy S1 and D5 of the Maldon District Local Development Plan (2017) and the policies and guidance in the National Planning Policy Framework.

132. 24/00099/FUL - GREAT CANNEY COURT, HACKMANS LANE, COLD NORTON, ESSEX

Application Number	24/00099/FUL
Location	Great Canney Court, Hackmans Lane, Cold Norton, Essex
Proposal	Addition of new building containing four affordable flats to existing building containing flats and associated works.
Applicant	Mr Mike Otter – GPO Designs Ltd
Agent	N/A
Target Decision Date	21.05.2024
Case Officer	Juliet Kirkcaldy
Parish	COLD NORTON
Reason for Referral to the Committee / Council	Member Call In – Councillor S White regarding Policies S1 & D1.

It was noted from the Members' Update that since the agenda had been published an update from the agent had been received regarding Affordable Housing. A response from an Internal Consultee had been received regarding Ecology.

Following the Officer's presentation, an Objector, Mr Adams and the Applicant, Mr Otter addressed the Committee. The Chairperson then opened the floor for debate.

Councillor S J N Morgan proposed to refuse the application in accordance with the Officer's recommendation. This proposal was duly seconded.

Members felt that the design and layout of the proposal was poor, focusing on window height and then moving on the location being outside of the village.

There being no further discussion the Chairperson moved Councillor Morgan's proposal and upon a vote being taken it was agreed.

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

1. The site is situated outside of the defined development boundary and is in open countryside. Future occupants of the site would therefore be heavily reliant on the use of the car to gain access to everyday services and facilities, and the proposal therefore does not provide a sustainable form of development. The proposal is therefore contrary to policies S1, S8, D1, H4, T1 and T2 of the Maldon District Local Development Plan (2017), the Maldon District Design Guide (2017) and the policies and guidance in the National Planning Policy Framework (2023).
2. The design and layout of the proposal would create poor amenity and outlook for prospective occupiers and would be overbearing to neighbouring flats. This would be contrary to policy D1 of the Maldon District Local Development Plan and the Maldon District Design Guide SPD and the guidance set out in the National Planning Policy Framework.
3. Insufficient information has been provided to demonstrate the need for affordable housing at the site and accordance with criteria of Policy H5 of the LDP. The proposed development would therefore be contrary to Policies S1, S8 and H5 of the approved Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework.
4. Insufficient ecological information has been submitted to assess the impact of the proposed development on protected and Priority species, specifically Great Crested Newts, breeding birds and reptiles. The proposed development would therefore be contrary to Policies S1, D1, and N2 of the approved Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework and Circular 06/2005.

133. 24/00125/FUL - LAND ON SOUTH SIDE OF MALDON ROAD, WOODHAM MORTIMER, ESSEX

Application Number	24/00125/FUL
Location	Land On South Side of Maldon Road, Woodham Mortimer, Essex
Proposal	Demolish existing buildings, redevelop site and siting of two additional mobile homes with associated facilities for Gypsy and Traveller use.
Applicant	Hollington Properties Management Limited
Agent	Miss Kate Jennings - Whirledge & Nott
Target Decision Date	19.06.2024 (Agreed Extension of Time)
Case Officer	Michael Johnson
Parish	WOODHAM MORTIMER
Reason for Referral to the Committee / Council	Strategic site within the strategic submitted Local Development Plan

It was noted from the Members' Update that this item had been **WITHDRAWN** by the agent prior to the Meeting.

134. 24/00176/FUL - 9 CHERRY BLOSSOM LANE, COLD NORTON, ESSEX, CM3 6JQ

Application Number	24/00176/FUL
Location	9 Cherry Blossom Lane, Cold Norton, Essex, CM3 6JQ
Proposal	Erection of 2 bungalows with semi detached garages
Applicant	Mr Penny – Penny Homes Ltd
Agent	Andrew Pipe – Andrew Pipe Associates
Target Decision Date	21.06.2024
Case Officer	Juliet Kirkaldy
Parish	COLD NORTON
Reason for Referral to the Committee / Council	Member Call In – Councillor S White, citing Policies S1 & D1. Not Delegated to Officers

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

Councillor S J N Morgan proposed that the application be approved in accordance with the Officer's recommendation. This proposal was duly seconded and agreed.

RESOLVED that the application be **APPROVED** subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure a necessary financial contribution towards Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy and 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 plans as shown on the decision notice.
- 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 E, 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.

135. 24/00283/HOUSE - 52 TOLLESBURY ROAD, TOLLESHUNT D'ARCY, MALDON, ESSEX, CM9 8UA

Application Number	24/00283/HOUSE
Location	52 Tollesbury Road, Tolleshunt D'Arcy, Maldon, Essex, CM9 8UA
Proposal	Construction of new drop kerb vehicle crossover on public footpath. Erection of detached garage to the front elevation.
Applicant	Mr Craig Smith
Agent	N/A
Target Decision Date	21.06.2024
Case Officer	Juliet Kirkaldy
Parish	TOLLESHUNT D'ARCY
Reason for Referral to the Committee / Council	Councillor / Member of Staff

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

Councillor S J N Morgan proposed that the application be approved in accordance with the Officer's recommendation. This proposal was duly seconded and 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 plans as shown on the decision notice.
3. The materials used in the construction of the development hereby approved shall be as set out within the application form/plans.
4. As shown in principle on the submitted planning drawing titled 'Block Plan' dated 19/3/24, the vehicular access 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 no more than 3.6 metres wide and shall be

provided with an appropriate dropped kerb vehicular crossing of the footway.
Full layout details to be agreed with the Highway Authority.

5. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
6. Areas within the curtilage of the site for the purpose of the reception and storage of building materials for the development shall be identified clear of the highway.

There being no other items of business the Chairperson closed the meeting at 8.42 pm.

M E THOMPSON
CHAIRPERSON