



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
14 MAY 2018**

PRESENT

Chairman	Councillor Mrs M E Thompson.
Vice-Chairman	Councillor E L Bamford.
Councillors	J P F Archer, H M Bass, M F L Durham, CC, J V Keyes, A K M St. Joseph, Miss S White and Mrs P A Channer, CC
Ex-Officio Non-Voting Member	Councillor Mrs P A Channer, CC.

55. CHAIRMAN'S NOTICES

The Chairman drew attention to the list of notices published on the back of the agenda.

56. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor D M Sismey.

57. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 03 April 2018 be approved and confirmed.

58. DISCLOSURE OF INTEREST

Councillor H M Bass disclosed a personal interest in Agenda Item 5 RES/MAL/17/01474 – Land East of Malone Cottage, Maypole Road, Wickham Bishops, as he lived in the same road.

Councillor P A Channer, CC, declared that she was also a member of Essex County Council and had a non-pecuniary interest in any item relating to highways, access, drainage, and education.

Councillor M F L Durham, CC, declared that he was also a member of Essex County Council and had a non-pecuniary interest in relation to any matter pertaining to that organisation.

59. RES/MAL/17/01474 - LAND EAST OF MALONE COTTAGE, MAYPOLE ROAD, WICKHAM BISHOPS

Application Number	RES/MAL/17/01474
Location	Land East Of Malone Cottage Maypole Road Wickham Bishops
Proposal	Reserved matters application for the approval of appearance, landscaping, layout and scale on approved planning application OUT/MAL/15/00267 allowed on appeal APP/X1545/W/15/313309 (Outline planning application with some matters reserved for the residential development of 14 dwellings, garages and associated works)
Applicant	Mr Steve Wheelhouse - Moody Homes Ltd
Agent	Mr Mark Morgan - Petro Designs Ltd
Target Decision Date	05.04.2018
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	This Reserved Matters application was deferred from the last North Western Area Planning Committee on 3 April 2018 to address the issue of the proposed footpath

The Officer presented the report to the Committee and drew attention to the Members Update regarding the proposed affordable housing at the site was different to that previously agreed.

Following the Officers presentation, Parish Councillor Stephen Nicolas, Wickham Bishops Parish Council, addressed the Committee.

Members of the Committee voiced disappointment that there was not more housing within Wickham Bishops to accommodate elderly residents, but that their previous concerns relating to a footpath at the end of the gardens had been addressed.

A vote was taken on the Officers recommendation to approve, and was carried with seven votes in favour with one abstaining.

RESOLVED that this application be **APPROVED**, subject to the applicant entering a deed of variation to the legal agreements of the original outline planning permission and the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of two years from the date of this permission.
REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall accord with that shown on drawings No's 0998/ 01F, 02, 03A, 04, 05D, 07, 08A, 09T, 10C, 11, 13 and 14 which specifically referenced on this decision notice and which forms part this permission.

REASON: In order to ensure that the development is carried out in accordance with the approved details and in accordance with policy D1 of the Maldon District Local Development Plan.

3 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of 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.

REASON: In order to ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the Maldon District Local Development Plan.

4 All footways should be provided at no less than 2.0m in width.

REASON: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy T2 of the Maldon District Local Development Plan.

5 No development shall take place, including any ground works or works of demolition until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy T2 of the Maldon District Local Development Plan.

6 Prior to the first occupation of Plot 1 hereby permitted, the first floor window in the south eastern flank elevation serving the en-suite shall be glazed with opaque glass shall be retained as such thereafter.

REASON: To protect the amenity of the neighbouring residential property in accordance with policy D1 of the Maldon District Local Development Plan

7 Prior to the first occupation of Plot 14 hereby permitted, the first floor window in the south eastern flank elevation serving the landing shall be glazed with opaque glass shall be retained as such thereafter.

REASON: To protect the recreational area located to the south eastern boundary of the site in accordance with policy D1 of the Maldon District Local Development Plan

8 No development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the local planning authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed 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 commencement of the development, unless otherwise first 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.

REASON: To ensure the soft and hard landscaping are appropriate and to protect the visual amenity of the area in accordance with Policies S1 and D1 of the Maldon District Local Development Plan and Government advice as contained in the National Planning Policy Framework.

9 Prior to any works carried out to the hedge or the removal of the hedge alongside the highway boundary (Maypole Road and Great Totham Road), a method statement setting out measures for the removal, storage and replanting of the hedge shall be submitted to and approved in writing by the Local Planning Authority. Its details shall include the planting of at least 3 hedgerow trees which shall be container grown standard English oaks. This planting scheme shall include the time of planting, the quantity and size of plants, method of planting, mulching, staking etc. and aftercare. The development shall be carried out in accordance with the approved details. If within a period of 5 years from the date of the planting of any tree, that tree or any tree planted in replacement for it, or in the case of any part of the hedgerow, that part of it, or any part planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or hedgerow plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written approval to any variation.

REASON: To protect the visual amenity of the area in accordance with Policies D1 and N2 of the Maldon District Local Development Plan.

10 Details of the gate entrance hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved and retained as such thereafter.

REASON: To ensure that adequate security is being provided within the site in accordance with Policy D1 of the Maldon District Local Development Plan

60. DET/MAL/17/05142 - MANOR FARM, THE AVENUE, NORTH FAMBIDGE

Application Number	DET/MAL/17/05142
Location	Manor Farm The Avenue North Fambridge Essex
Proposal	Compliance with conditions notification OUT/MAL/14/01018 (Outline planning application for up to 30 dwellings) Condition 4 - Samples of external surfaces. Condition 5 - Archaeological assessment. Condition 8 - Finished ground and finished floor levels. Condition 12 - On-site construction management plan. Condition 15 - Responsibility of maintenance of surface water drainage system. Condition 16 - Foul water strategy. Condition 18 - Investigation and risk assessment. Condition 25 - Removal of trees & hedgerows. Condition 26 - Siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers. Condition 27 - Ecological mitigation measures. Condition 29 - Wastewater strategy.
Applicant	David Wilson Homes - C/O Agent
Agent	Mr. Andy Butcher - Strutt And Parker
Target Decision Date	6 February 2018
Case Officer	Yee Cheung
Parish	NORTH FAMBIDGE
Reason for Referral to the Committee / Council	Director of Planning & Regulatory Services' Discretion for the consistency reasons

The Officer presented the report to the Committee, and drew Members attention to the Member's Update which refers to email correspondence between the Officers and Applicant on Conditions 12 and 18.

Following the Officers presentation, Mr Kevin Boden, an objector, Parish Councillor Lindsay Squire, North Fambridge Parish Council, an objector, and Mr Sean Martin, the Applicant, addressed the Committee.

The Development Management Team Leader addressed the Committee, advising that there was an error in the report, in that there was no onsite storage of foul waste. This would be stored at the existing pumping station, which was considered satisfactory by Anglian Water.

Members from North Fambridge Ward raised concerns on access to the site via Crouch Road as part of the Construction Management Plan.

There followed an extensive discussion regarding the disposal of foul waste at the site and the impact this would have on existing and future residents. Members requested that it was noted that comments from Mr Vickery from the Planning Inspectorate supported this view. Members were not satisfied that the addition of a storage tank for foul waste at the existing pumping station would resolve the current issue, and that it would not address the potential increase in waste disposal.

The Development Management Team Leader confirmed that there had been extensive consultations with Anglian Water, who were satisfied that there was sufficient capacity to handle foul water generated by the development within the existing infrastructure, and that they were satisfied that the addition of 33 cubic meter capacity to the existing pumping station would be sufficient to accommodate the increase in waste. Members were advised that while Anglian Water had recently started using the proposed system for flow control, it was currently being used at around 200 existing sites already.

The Development Management Team Leader pointed out that in Appendix 1, Agenda Item 7, **DET/MAL/17/05154** – Land West of Fambridge Road, North Fambridge, correspondence received within the Appendix shows both sites have been jointly considered by Anglian Water Services and the Environment Agency.

Members advised that it was difficult to consider **DET/MAL/17/05154** and **DET/MAL/17/05142** as separate applications when the main concerns are intrinsically linked by use of the same surface/foul water system, and when the statutory authorities consider the sites jointly in their correspondence.

Councillor Miss S White proposed a deferral until Anglian Water had provided further evidence and a written guarantee for the disposal of foul water. This was duly seconded by Councillor J P F Archer.

Councillor Miss S White then proposed a refusal in agreement with the Officers recommendations on conditions 12 and 18, and refusal contrary to the Officers recommendations on conditions 15, 16, and 29. This was duly seconded by Councillor J P F Archer and agreed.

RESOLVED

- (i). that conditions 12, and 18 as imposed on outline planning application OUT/MAL/14/01018 **not be discharged** as per the Officers recommendation.
- (ii). that conditions 15, 16, and 29 as imposed on outline planning application OUT/MAL/14/01018 **not be discharged** as per the reasons detailed above.
- (iii). that conditions 4, 5, 8, 25, 26 and 27 as imposed on outline planning application OUT/MAL/14/01018 **be discharged** as per the Officers recommendation.

61. DET/MAL/17/05154 - LAND WEST OF FAMBRIDGE ROAD, NORTH FAMBRIDGE

Application Number	DET/MAL/17/05154
Location	Land West Of Fambridge Road North Fambridge Essex
Proposal	Compliance with conditions notification of approved application OUT/MAL/14/01016 (Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000sqm of flexible commercial and community floor space, a 1.8ha village green and public open space). Condition 5 - Materials. Condition 6 - Treatment boundaries. Condition 8 - Trees. Condition 9 - Hedges. Condition 10 - Ecology Report. Condition 12 - Surface water drainage system. Condition 13 - Foul and surface water drainage system. Condition 14 - Visibility splays. Condition 17 - Surface water. Condition 18 - Finished ground and floor levels. Condition 19 - On-site construction management plan. Condition 21 - Reptile mitigation strategy. Condition 22 - Mitigation and management strategy. Condition 23 - Archaeological assessment. Condition 24 - Programme of archaeological work. Condition 31 - Wastewater strategy. Condition 33 - Foul water strategy.
Applicant	David Wilson Homes - C/O Agent
Agent	Mr Andy Butcher - Strutt And Parker
Target Decision Date	6 February 2018
Case Officer	Yee Cheung 01621 876220
Parish	NORTH FAMBRIDGE
Reason for Referral to the Committee / Council	Chief Executive Discretion This Discharge of Conditions application was deferred from the last North Western Area Planning Committee - Agenda 6 (3 April 2018) to address Conditions 13, 22 and 33 of outline planning application OUT/MAL/14/01016 .

The presentation of the report was given by the Principle Planning Officer.

Following the Officers presentation, Mr Kevin Boden, an objector; Parish Councillor Lindsay Squire, North Fambridge Parish Council, an objector, and Mr Sean Martin, the Applicant, addressed the Committee.

Members advised that it was difficult to consider **DET/MAL/17/05154** and **DET/MAL/17/05142** as separate applications when the main concerns are intrinsically linked by use of the same surface/foul water system, and when the statutory authorities consider the sites jointly in their correspondence.

Concern was raised by Members over the severe lighting of the site. A discussion around the disposal of foul waste from the site took place. Members were not satisfied that the addition of a storage tank for foul waste at the existing pumping station would

resolve the current issue, and that it would not address the potential increase in waste disposal. It was considered that tankerage was not an acceptable solution, and that an adequate capacity to handle and dispose of the foul/surface water was available to serve the development had not been demonstrated.

Councillor Miss S White proposed a refusal to discharge conditions 12, 13, 17, 31, and 33 contrary to the Officers recommendation; this was duly seconded by Councillor J P F Archer and agreed.

RESOLVED

- (i). that conditions 12, 13, 17, 31 and 33 as imposed on outline planning application OUT/MAL/14/01018 **not be discharged** as per the reasons detailed above.
- (ii). that conditions 5, 6, 8, 9, 10, 14, 18, 19, 20, 21, 22, 23 and 24 as imposed on outline planning application OUT/MAL/14/01018 **be discharged** as per the Officers recommendation.

62. **FUL/MAL/18/00283 - HORNBEAMS, BLUE MILLS HILL, WICKHAM BISHOPS**

Application Number	FUL/MAL/18/00283
Location	Hornbeams, Blue Mills Hill, Wickham Bishops, Essex, CM8 3LQ
Proposal	Demolition of existing house and detached garage and proposal for replacement dwelling with integrated garage and associated landscape scheme.
Applicant	Mr R Brewster
Agent	Mr Darren Furniss - KTB Architecture
Target Decision Date	07/06/18
Case Officer	Hilary Baldwin 01621 854477
Parish	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	Major Planning Application Member Call In The item has been called in by Councillor H Bass on the grounds of public interest.

The presentation of the report was given by the Development Management Team Leader.

Councillor Mrs P A Channer left the meeting at 21:09.

Members discussed that the current property on the site had structural and drainage problems, and was also a very dominant house on the street scene. Members considered the design exciting for the district and stated that it was interesting, modern, and a vast improvement to the current building.

A vote was taken on the Officers recommendation to approve the application, and was carried with seven votes in favour.

RESOLVED that this 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.
REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall accord with that shown on drawing No's: HRB_CP, HRB_EX00_P_SP, HEB_EX01_P_LGF, HRB_EX02_P_GF, HRB_EX03_P_1F, HRB_EX04_P_2F, HRB_EX06_S_A-A REV A, HRB_EX07_S_B-B REV A, HRB_EX08_E_C-C REV A, RB_EX09_E_DD REV A, HRB_EX10_E_E-E REV A, HRB_EX11_E_F-F REV A, HRB_EX12_E_G-G REV A, HRB_EX13_E_H-H REV A, HRB_EX14_E_GA REV A, MMX 207/1, MMX 207/2, HRB_PR00_P_SP, HRB_PR01_P_B, HRB_PR02_P_LGF, HRB_PR03_P_UGF, HRB_PR04_P_M, HRB_PR05_P_R, HRB_PR06_S_A-A, RB_PR07_S_BB, HRB_PR08_S_C-C, HRB_PR10_S_E-E, HRB_PR11_S_F-F REV A, HRB_PE13_E_H-H REV A, HRB_PR14_E_J-J, HRB_PR15_E_K-K REV A, HRB_PR16_E_L-L, HRB_PR17_E_CY, HRB_SAB, HRB_SAG, HRB_SAL, HRB_SLP, HRB_TS, RB_01.1, RB_01.2, RB_01.3, RB_02.1, RB_02.2, RB_02.3, RB_02.4, RB_03.1, RB_03.2, RB_03.4, RB_04.1, RB_04.2A, RB_04.2B, RB_04.3, RB_04.3, RB_05.1, RB_05.3, RB_06.1, RB_06.2, RB_06.3, RB_07.1, RB_07.2 and RB_07.3.
REASON: To ensure that the development is carried out in accordance with the details as approved.
3. Prior to the commencement of the development hereby approved, samples of all materials to be used in the external elevations of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the development shall only be undertaken using the approved materials.
REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
4. No development shall take place until full details of both hard and soft landscape works to be carried out including details of a planting implementation scheme, aftercare and maintenance and replacement programme out have been submitted to the Local Planning Authority for approval in writing. The scheme shall also include details of the planting of hedges at the site boundaries. The landscape works shall be carried out in accordance with the approved details with soft landscape works carried out within the first available planting season (October to March inclusive) following the occupation of the dwelling hereby approved.
REASON: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policy D1 of the Maldon District Local Development and the provision and guidance of the National Planning Policy Framework.
5. No development shall take place until a scheme for the provision and implementation of a surface water drainage scheme has been submitted to the Local Planning Authority for approval in writing. The scheme shall be constructed and completed in accordance with the approved plans and prior to the occupancy of any part of the development.
REASON: To ensure the incorporation of an appropriate drainage scheme in accordance with policy D2 of the Maldon District Local Development Plan.

6. Prior to the commencement of the development 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.
REASON: To ensure the incorporation of an appropriate drainage scheme in accordance with policy D2 of the approved Maldon District Local Development Plan.
7. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no development as specified in Schedule 2, Part 1, Classes A, B, C, D, E or G other than those expressly authorized by this permission, shall be carried out without express planning permission first being obtained from the Local Planning Authority.
REASON: To enable the Local Planning Authority to safeguard the character and visual amenity of the approved dwelling and the area in accordance with policy D1 of the approved Maldon District Local Development Plan, the Maldon District Design Guide and the provisions and guidance as contained within the National Planning Policy Framework.
8. Prior to the first beneficial occupation of the dwelling hereby approved, the driveway and garage parking spaces shown on the approved plans which are attached to and form part of this permission shall be constructed, surfaced, laid out and made available for use in accordance with the approved scheme. The parking spaces shall be retained for such purposes at all times thereafter.
REASON: To ensure appropriate parking is provided in accordance with policies T1 and T2 of the approved Maldon District Local Development Plan.
9. 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 survey detailing works required
 - Trees to be retained
 - Tree retention protection plan
 - Tree constraints plan
 - Arboricultural implication assessment
 - 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.
REASON: To secure the retention of trees within the site in the interests of visual amenity and the character of the area in accordance with policy D1 of the approved Maldon District Local Development Plan.
10. No development shall commence until details of existing ground levels and proposed finished ground and floor levels of the dwelling and all outbuildings at the site 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.

REASON: In the interests of visual amenity and the character and of the area in accordance with policy D1 of the approved Maldon District Local Development Plan.

11. All of the accommodation hereby approved shall only be used as a single dwelling and none of the accommodation shall be occupied as self-contained, independent residential accommodation.

REASON: To ensure that the accommodation remains ancillary to the existing dwelling house and does not create a separate or independent unit in accordance with policies D1 and H4 of the approved Maldon District Local Development Plan.

12. Unless otherwise demolished as part of the construction of the development hereby approved, all parts of the existing dwelling and garage building shall be demolished, with all waste materials removed from the site, within three months of the first occupation of the dwelling hereby approved.

REASON: To ensure that the development is undertaken in accordance with the approved plans and in accordance with policies D1 and H4 of the approved Maldon District Local Development Plan

13. In accordance with recommendations 2, 4, 5, 6, 7, 9, 10 and 11 of the Ecological and Biodiversity Appraisal (MKA Ecology Limited, Version 2, dated 05 February 2018).

REASON: To ensure the conservation interests identified in the report are satisfactorily protected in accordance with policy N2 of the approved Maldon District Local Development Plan.

63. **FUL/MAL/18/00288 - 9 THE GLEBE, PURLEIGH**

Application Number	FUL/MAL/18/00288
Location	9 The Glebe, Purleigh
Proposal	Installation of a step lift. Raised platform with guardrails, base and landing platform for steplift, concrete path around platform and steplift base. Widening of existing entrance door opening and fitting new entrance door and frame
Applicant	Mrs. Linda Davis
Agent	Mrs. C Dispirito - Maldon District Council
Target Decision Date	15/05/2018
Case Officer	Emma Worby 01621 854477
Parish	PURLEIGH PARISH COUNCIL
Reason for Referral to the Committee / Council	Mrs. C Dispirito - Maldon District Council

Members unanimously agreed to approve the application.

RESOLVED that this 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.

REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Location Plan, Block Plan, EX 1, SK1, SK1 Det. Rev A, ELEV.1 Rev A, ELEV. 2 Rev A.
REASON: To ensure that the development is carried out in accordance with the details as approved.
3. The materials used in the construction of the development hereby approved shall be as set out within the application form/plans hereby approved.
REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

64. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

65. ENFORCEMENT UPDATE

Members discussed whether it was possible to format the report so that all cases for a parish appeared together.

The Committee received and noted the quarterly update on enforcement cases affecting the Committee's area. Some cases were discussed and the Enforcement Officer provided updates where requested to do so and advised Members of planned action to be taken.

Members thanked Officers for the report and the progress in cases that were being actioned.

There being no further items of business the Chairman closed the meeting at 9.36 pm.

MRS M E THOMPSON
CHAIRMAN