



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
11 JUNE 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 and Miss S White
Ex-Officio Non- Voting Member	Councillor Mrs P A Channer, CC

154. CHAIRMAN'S NOTICES

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

155. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor D M Sismey.

156. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 14 May 2018 be approved and confirmed.

157. DISCLOSURE OF INTEREST

Councillor Mrs P A Channer, CC, declared a non-pecuniary interest as a Member of Essex County Council, a consultee on planning application matters with respect generally to highways, matters of access and education primarily. She further declared in the interest of openness and transparency on Agenda Item 6 - **FUL/MAL/18/00337** and Agenda Item 8 - **LBC/MAL/18/00413** - Stow Maries Aerodrome, Hackmans Lane, Cold Norton as the Chairman of the Board she works on is also a trustee of Stow Maries Aerodrome.

Councillor J V Keyes declared a non-pecuniary interest as he sits on Great Totham Parish Council and Agenda Item 9 - **OUT/MAL/18/00540** - Land South Of Wheelers Farm, Plains Road, Great Totham as the applicant had been a neighbour of his for over thirty years. He informed the Committee he would speak to the application but abstain from voting.

Councillor M F L Durham, CC, declared a non-pecuniary interest in Agenda Item 9- **OUT/MAL/18/00540** - Land South Of Wheelers Farm, Plains Road, Great Totham as he knew the applicant and had business dealings with him until 2010. On Agenda Item 5 – **FUL/MAL/18/00160** - Land South Of The Grange Herbage Park Road Woodham Walter Essex, he informed the Committee that, although he no longer had a pecuniary interest since 2016, he knew the applicant and being a neighbour he had been called on from time to time to give advice on a non-financial basis. Therefore he would abstain from voting but remain in the Chamber to assist with any points of clarification. This was on the advice of the Council’s Monitoring Officer.

Councillor H M Bass declared a personal interest in Agenda Item 9 - **OUT/MAL/18/00540** - Land South Of Wheelers Farm, Plains Road, Great Totham, as he knew the applicant.

The Committee received the reports of the Director of Planning and Regulatory Services and determined the following planning applications, having taken into account all representations and consultation replies received, including those listed on the Members’ Update circulated at the meeting.

158. FUL/MAL/18/00160 - LAND SOUTH OF THE GRANGE, HERBAGE PARK ROAD, WOODHAM WALTER, ESSEX

Application Number	FUL/MAL/18/00160
Location	Land South Of The Grange Herbage Park Road Woodham Walter Essex
Proposal	Residential development for one detached dwelling
Applicant	The Warren Estate Ltd
Agent	Mr David Wallis - Smart Planning Ltd
Target Decision Date	18.04.2018
Case Officer	Yee Cheung 01621 876220
Parish	WOODHAM WALTER
Reason for Referral to the Committee / Council	Member Call In The planning application has been called in by Cllr Durham on the grounds of public interest and that some of the reasons for objection in consultation responses are not factually correct

Noted that a Members’ Update had been received detailing comments from the Coast and Countryside Officer raising concerns about the detrimental impact of the development.

Following the Officer’s presentation, Mr Brian Wells, an Objector, and Parish Councillor, Mr Peter Warren, Woodham Walter Parish Council, addressed the Committee.

Members debated the application and acknowledged that the site was outside the settlement boundary of Woodham Walter. It was suggested that the policies of the Local Development Plan (LDP) should be upheld.

The Chairman put the officer's recommendation to a vote and the application was refused in accordance with the officer's recommendation.

RESOLVED that the application be **REFUSED**, for the following amended reason:

- 1 Policies S1 and S8 of the Maldon District LDP seek to provide control over new buildings in rural areas that are beyond defined settlement boundaries, to ensure that new residential developments are directed to appropriate and sustainable locations and that the countryside is protected for its landscape value as well as its intrinsic character and beauty. The application site is in a rural location outside of the defined settlement boundary for Woodham Walter where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the NPPF. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the LDP to meet the objectively assessed needs for housing in the District. The development of this site does not therefore constitute sustainable development. In addition, as far as can be assessed given the absence of complete and adequate plans, the proposed development would be an unwelcome visual intrusion into an undeveloped part of the countryside, resulting in an urbanisation of the site to the detriment of the character and appearance of the rural area. The application site is currently free from any built form of development which has a wholly rural and tranquil feel and makes a positive contribution to the character and appearance of the area. The proposal, if approved, would represent an unacceptable threat to biodiversity and would be detrimental to local wildlife interests in the area. As such, the proposal would be contrary to policies D1, S1, S2, S8, H4 and N2 of the Maldon District LDP, the MDDG, WWVDS (endorsed) and the core planning principles and guidance contained in the NPPF.

159. FUL/MAL/18/00337 - STOW MARIES AERODROME, HACKMANS LANE, COLD NORTON, ESSEX

Application Number	FUL/MAL/18/00337
Location	Stow Maries Aerodrome, Hackmans Lane, Cold Norton, Essex
Proposal	Removal of conditions 2, 3, 4, 5 & 6 on approved planning permission FUL/MAL/16/00306 (Change of use of buildings 3 & 4, vehicle workshop (for high performance engines) to museum & museum shop)
Applicant	The Trustees - Stow Maries Great War Aerodrome Trust
Agent	TMA Chartered Surveyors
Target Decision Date	26.06.2018
Case Officer	Yee Cheung
Parish	COLD NORTON
Reason for Referral to the Committee / Council	The planning application has been called in by Cllr White on the grounds of public interest

The Officer presented the report and informed the Committee that the application to remove the conditions was fully supported by the Environmental Health Team.

A brief debate ensued around enforcement of previous conditions from 2009 in respect of traffic to and from the site. The Development Management Team Leader informed the Committee that the enforcement of other conditions was not material to the assessment of this application. He advised that each permission had to be considered on its own merit and this one referred to the removal of conditions related to contaminated land and foul drainage only.

The Chairman put the recommendation to a vote and it was approved in accordance with the Officer's recommendation.

RESOLVED that the application be **APPROVED**, with no conditions imposed.

160. FUL/MAL/18/00382 - ELECTRIC-KING LIMITED, OLD ORCHARD BARN, LEA LANE, GREAT BRAXTED, ESSEX, CM8 3ER

Application Number	FUL/MAL/18/00382
Location	Electric-King Limited, Old Orchard Barn, Lea Lane, Great Braxted, Essex, CM8 3ER
Proposal	Section 73A application for change of use of redundant agricultural building to light industrial (use class B1) use.
Applicant	Mr Robert King
Agent	-
Target Decision Date	11.06.2018
Case Officer	Spyros Mouratidis
Parish	GREAT BRAXTED
Reason for Referral to the Committee / Council	Member Call In by Councillor John V Keyes – The Councillor and others have information about the site.

Prior to the Officer's presentation Councillor E L Bamford declared that she knew the Objector.

Following the Officer's presentation, Mrs Hopkins, an Objector, addressed the Committee. Councillor J V Keyes, Ward Member for Great Braxted, said he did not agree with the Officer's recommendation to approve and would welcome the views of fellow councillors.

A lengthy debate ensued focussing on the detrimental impact of the development. Members raised serious concerns on a range of issues and put forward reasons why this application should be refused.

Areas of concern were as follows:

- that the application was contrary to policies E4, N2 and D1 of the LDP and therefore should be refused;
- that the development represented bad neighbour development which could result in the neighbouring farm being surrounded by industrial buildings;
- that the number of conditions for approval was worrying in that the Committee had no power to ensure they were enforced;
- that the development constituted an unnecessary loss of residential amenity and possible major increase in traffic which the infrastructure could not sustain;

- that the access road was shared and curved which could not accommodate high volumes of traffic;
- that this was not the location for an industrial estate.

The Development Management Team Leader advised that the Committee needed to establish what it was about the development that was contrary to policies E4, N2 and D1. The Committee, in discussion with the Development Management Team Leader, outlined the following initial reasons for refusal:

- Contrary to Policy DI of the LDP due to the detrimental impact on the amenities of neighbouring residences by way of noise;
- Contrary to Policy N3 of the LDP due to the impact on the footpath;
- Contrary to Policies E1 and E4 of the LDP as it was not a suitable location for employment development.

The Chairman put the outline reasons for refusal to the Committee together with the proviso that the final reasons would be agreed in conjunction with the Chairman, Vice-Chairman and Ward Members. Upon a vote being taken the Committee agreed unanimously to refuse the application contrary to the Officer's recommendation and in accordance with the aforementioned outline reasons and ratification.

RESOLVED that the application be **REFUSED**, and that the final reasons for refusal be agreed by the Chairman, Vice-Chairman and Ward Members.

161. LBC/MAL/18/00413 - STOW MARIES AERODROME HACKMANS LANE COLD NORTON ESSEX

Application Number	LBC/MAL/18/00413
Location	Stow Maries Aerodrome Hackmans Lane Cold Norton Essex
Proposal	Structural stabilisation works to buildings 29, 31, 32, 33, 33A and 34 replacement and repair of existing timber windows and doors.
Applicant	The Trustees - Stow Maries Great War Aerodrome Trust
Agent	Mr Daniel Whent - Purcell
Target Decision Date	01.06.2018
Case Officer	Yee Cheung
Parish	COLD NORTON
Reason for Referral to the Committee / Council	The Listed Building Consent has been called in by Cllr White on the grounds of public interest

Noted that a Members' Update had been received detailing a typographical error in the report.

The Officer presented the listed building application to the Committee.

A brief discussion ensued around materials being used on the re-structure of the buildings. It was noted that English Heritage had been consulted and fully support the

work being undertaken. In addition, the Council's Conservation Officer had also been consulted and supported the work with the appropriate conditions.

Members agreed that this was part of a long-term conservation plan; the work was essential and fully supported by Historic England, the architects and engineers acting on behalf of the Trust.

Upon a vote being taken the application was approved in accordance with the Officer's recommendation

RESOLVED that the listed building application be **GRANTED**, subject to the following conditions:

- 1 The development hereby permitted shall begin no later than three years from the date of this decision.
- 2 The development shall be carried out in accordance with the following approved plans and documents: 236118 001; 236118 100; 236118 103; 36118 109; 236118 110; 236118 203 REV A; 236118 204 REV A; 236118 205 REV A; 236118 215; and 236118 216; 236118 300
- 3 Prior to the commencement of any works to building 33, measured drawings and photographs of the two corner fireplaces inside Building 33 shall be submitted to the Local Planning Authority for approval prior to them being dismantled.
- 4 The internal partitions, associated joinery and fireplaces to Building 33 shall be reinstated to their original positions entirely replicating the fireplaces surveyed, recorded under the terms submitted of Condition 3 of this consent within 2 years from the date of the commencement of any works to building 33 as hereby approved this Listed Building Consent.

162. OUT/MAL/18/00540 - LAND SOUTH OF WHEELERS FARM, PLAINS ROAD, GREAT TOTHAM

Application Number	OUT/MAL/18/00540
Location	Land South Of Wheelers Farm, Plains Road, Great Totham
Proposal	Erection of detached dwelling in connection with a rural business
Applicant	Upson Mowers
Agent	Mr, Peter Le Grys – Stanfords
Target Decision Date	28 June 2018
Case Officer	Hilary Baldwin
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Member Call-In: Cllr. John Keyes Reason: Applicant has a business which services the local area.

The Officer drew Members attention to the Members' Update detailing Essex County Council Highways Authority's response together with a summary of nine additional letters of support for the application.

Following the Officer's presentation, Mr Peter Le Grys, the Agent, addressed the Committee.

Councillor Keyes spoke in support of the application but said he would not be voting.

A discussion ensued about the location of the proposed development. A number of Members had sympathy with the application but overall felt that it was not possible to support the proposal as a rural workers dwelling under the terms of policy H7 of the LDP. Furthermore, it was felt that it was very remote from the enterprise that is claimed to be the justification for the proposed development. It was also noted that the development was primarily intended to address the needs of the individual rather than the needs of the enterprise.

Upon a vote being taken the application was refused in accordance with the Officer's recommendation.

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

1. The application site lies within a rural location outside of the defined settlement boundaries where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing in the District. The proposed development would substantially alter the open character of the area and have an unjustified visual impact on the countryside. If developed, the site would be disconnected and isolated from the existing settlement and by reason of its location; it would provide poor quality and limited access to sustainable and public transportation, resulting in an increased need of private vehicle ownership. Inadequate evidence has been provided to demonstrate that an essential functional need exists for a rural workers dwelling to be erected at the site and it is therefore considered that the harm identified is not outweighed by other material planning considerations. The proposal is therefore contrary to policies S1, S2, S8, D1, H4 and H7 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).

There being no further items of business the Chairman closed the meeting at 8.47 pm.

MRS M E THOMPSON
CHAIRMAN