



**MINUTES of  
NORTH WESTERN AREA PLANNING COMMITTEE  
29 FEBRUARY 2016**

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**PRESENT**

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

**1. CHAIRMAN'S NOTICES**

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

**2. APOLOGY FOR ABSENCE**

An apology for absence was received from Councillor Miss S White.

**3. MINUTES**

**RESOLVED** that the Minutes of the meeting of the North Western Area Planning Committee held on 1 February be approved and confirmed.

Councillor H M Bass advised that the Enforcement Update would be presented at the next meeting of the North Western Area Planning Committee.

**4. DECLARATIONS OF INTEREST**

Councillor H M Bass declared a non-pecuniary interest in Agenda Item 14 - FUL/MAL/15/01369 – Ravello, Maypole Road, Great Totham as he lived in the same road.

Councillor J V Keyes declared a non-pecuniary interest in Agenda Item 8 - FUL/MAL/15/01276 – Angham Barn, Beckingham Road, Great Totham and Agenda Item 14 - FUL/MAL/15/01369 – Ravello, Maypole Road, Great Totham as he was a member of Great Totham Parish Council.

Councillor Mrs M E Thompson declared a non-pecuniary interest in Agenda Item 10 - FUL/MAL/15/01300 – Rosemead, D’Arcy Road, Tolleshunt Knights, as she was a member of Tolleshunt Knights Parish Council.

Councillor Mrs P A Channer CC declared a non-pecuniary interest as she was a member of Essex County Council who was consulted on highways, education and other matters. Councillor Channer also declared a non-pecuniary interest in Agenda Item 8 - FUL/MAL/15/01276 – Angham Barn, Beckingham Road, Great Totham, as she knew the Agent.

Councillor A K M St. Joseph declared a non-pecuniary interest in Agenda Item 7 - FUL/MAL/15/01118 – FUL/MAL/15/01251 – Land Adjacent 13 Woodrolfe Farm Lane, Tollesbury and Agenda Item 11 -. HOUSE/MAL/15/01334 – Wycke Hall, 63 Wycke Lane, Tollesbury.

## 5. MEMBERS’ BRIEFING

The Interim Development Management and Enforcement Manager gave a presentation to the Committee, which included training on the issue of Reserved Matters and their impact upon Planning Applications. Members requested that all Members’ Briefings were put on the Information Drive.

The Chairman thanked the Interim Development Management and Enforcement Manager for the briefing.

## 6. FUL/MAL/15/01199 – LAND ADJACENT THE NEW BUNGALOW, MARLPITS ROAD, PURLEIGH

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

<b>Application Number</b>	<b>FUL/MAL/15/01199</b>
<b>Location</b>	Land Adjacent The New Bungalow Marlpits Road Purleigh Essex
<b>Proposal</b>	Proposed new 2 bedroom bungalow dwelling house with vehicular access and parking spaces
<b>Applicant</b>	Mr Michael White
<b>Agent</b>	Mr Jonathan Green - Laurie Wood Associates
<b>Target Decision Date</b>	23 February 2016
<b>Case Officer</b>	Hilary Baldwin, TEL: 01621 875730
<b>Parish</b>	<b>PURLEIGH</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan Parish Trigger

Following the Officer's presentation of the report, the Committee was advised that Condition 10 had been included in error and should be disregarded.

In response to a question, the Interim Development Management and Enforcement Manager advised Members that current Government guidance was that working hours should not be imposed when planning permission is granted. However, an informative could be included regarding working hours.

**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.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications.
- 3 The external surfaces of the development shall be constructed of materials and of a finish as detailed within the application.
- 4 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.
- 5 Prior to the occupation of the development hereby approved, the vehicular parking and turning facility as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site all times and maintained in perpetuity for that sole purpose.
- 6 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 10, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10, which is subject to the approval in writing of the Local Planning Authority.
- 7 No works or 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.

- 8 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.

**POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**7. FUL/MAL/15/01251 – LAND ADJACENT 13 WOODROLFE FARM LANE, TOLLESBURY**

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<b>Application Number</b>	<b>FUL/MAL/15/01251</b>
<b>Location</b>	Land Adjacent 13 Woodrolfe Farm Lane Tollesbury Essex
<b>Proposal</b>	Erection of a 2 bedroom detached dwelling with associated car parking and garden.
<b>Applicant</b>	Mr Frank Crossley
<b>Agent</b>	Mrs Karen Fardell - Plater Claiborne Architecture + Design
<b>Target Decision Date</b>	28 January 2016
<b>Case Officer</b>	Hilary Baldwin, TEL: 01621 875730
<b>Parish</b>	<b>TOLLESBURY EAST</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

Following the Officer’s presentation of the report, Mrs Bartlett of Little Woodrolfe, Woodrolfe Farm Lane, Tollesbury, an Objector, and Simon Plater, the Agent, addressed the Committee.

Members debated this application and whilst the issues in the previous planning application regarding Quinces (11A Woodrolfe Farm Lane) to the west of the application site had been addressed, issues relating to Little Woodrolfe (13 Woodrolfe Farm Lane) had been exacerbated. Furthermore, there were issues regarding access to the sewer serving these and other properties.

Councillor A K M St. Joseph, the Ward Member, proposed that this application be refused contrary to the Planning Officers' recommendation and this proposal was duly seconded.

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

The proposed dwelling house, by virtue of its design, scale, depth, layout and siting, would represent a contrived and discordant development, out of character with the prevailing pattern of development in the locality. Further, the development proposal would have an overshadowing and overbearing impact upon the amenity of the existing occupiers to the east and west of the site. The proposal would therefore be contrary to policies S1 and BE1 of the Maldon District Replacement Local Plan, policies S1, D1 and H4 of the Maldon District Pre-Submission Local Development Plan and Government Guidance as contained within The National Planning Policy Framework.

**POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal. Furthermore, Members of the planning committee which took the decision to refuse planning permission have been asked to consider whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant/Agent. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

**8. FUL/MAL/15/01276 – ANGHAM BARN, BECKINGHAM ROAD, GREAT TOTHAM**

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<b>Application Number</b>	<b>FUL/MAL/15/01276</b>
<b>Location</b>	Angham Barn, Beckingham Road, Great Totham
<b>Proposal</b>	New two storey dwelling to replace extant approval reference FUL/MAL/12/00225
<b>Applicant</b>	Mr & Mrs Lee Higginson
<b>Agent</b>	Cussen Construction Consultants
<b>Target Decision Date</b>	4 March 2016
<b>Case Officer</b>	Yee Cheung
<b>Parish</b>	<b>GREAT TOTHAM</b>

<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan
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Following the Officer’s presentation of the report, Tony Cussen, the Agent, addressed the Committee.

There was some concern raised regarding the policy of preserving and improving existing barns. Members were wary of moving away from conversion of an existing barn to replacement with brand new buildings. The Interim Development Management and Enforcement Manager advised that the Planning Department agree with the policy of preserving existing barns but, on balance, were of the opinion that this scheme was acceptable.

In response to a question regarding the materials to be used if the scheme was approved, the Officer advised that proposed Condition 3 would cover this issue.

**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.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
- 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.
- 4 No works or 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 that 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.

- 5 Prior to the commencement of the development details of the surface water and 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.
- 6 No development shall commence on site until a written scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include an investigation and assessment of the extent of contamination and the measures required to remediate that contamination. The development shall not commence unless and until those measures as approved have been implemented.
- 7 No means of external illumination of the site shall be installed unless otherwise agreed in writing by the Local Planning Authority. The external illumination shall be retained as such thereafter.
- 8 The public's rights and ease of passage over Public Footpath No. 25, Great Totham shall be maintained free and unobstructed at all times.

### **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## **9. HOUSE/MAL/15/01297 – 19 RECTORY ROAD, WOODHAM WALTER**

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<b>Application Number</b>	<b>HOUSE/MAL/15/01297</b>
<b>Location</b>	19 Rectory Road, Woodham Walter
<b>Proposal</b>	Two storey & single storey rear extension, addition of window to flank elevation at first floor level.
<b>Applicant</b>	Mr Leigh Johnson
<b>Agent</b>	Mr Alan Clancy - Alan Clancy Ltd
<b>Target Decision Date</b>	26.01.2016
<b>Case Officer</b>	Nicola Ward
<b>Parish</b>	<b>WOODHAM WALTER</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

Following the Officer's presentation of the report, Mr Johnson, the Applicant, addressed the Committee.

A comment was made that this application was the same in nature as the previous application, for which permission had previously been granted and had now lapsed. This application was brought before this Committee due to the Parish Trigger.

- 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 complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications which forms part of this permission.
- 3 The external surfaces of the development hereby approved shall be constructed of materials and finish to match the existing dwelling.
- 4 Prior to the first use of the extension hereby permitted, the first floor en-suite window in the western elevation shall be glazed with opaque glass and shall be retained as such thereafter.

**POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**10. FUL/MAL/15/01300 – ROSEMEAD, D’ARCY ROAD, TOLLESHUNT KNIGHTS**

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<b>Application Number</b>	<b>FUL/MAL/15/01300</b>
<b>Location</b>	Rosemead D'Arcy Road Tolleshunt Knights Essex
<b>Proposal</b>	Erection of detached bungalow with associated parking, landscaping and ancillary works.
<b>Applicant</b>	Mrs B Dwyer
<b>Agent</b>	Mr Peter Le Grys - Robinson & Hall LLP
<b>Target Decision Date</b>	9 February 2016
<b>Case Officer</b>	Hilary Baldwin, TEL: 01621 875730
<b>Parish</b>	<b>TOLLESHUNT KNIGHTS</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan Parish Trigger Previous Committee Decision

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

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

- 1 The development of this site for housing remote from community services and essential support facilities and inaccessible by a range of transport would represent an unsustainable form of development. As such the proposal is contrary to the National Planning Policy Framework's 'presumption of sustainable development'. The poor sustainability credentials of the site and its locality would significantly and demonstrably outweigh the benefits of the proposal when assessed against the compliant policies of the adopted Maldon District Replacement Local Plan, the provisions and guidance contained in the National Planning Policy Framework, and policies S1 and T2 of the Maldon District Submission Local Development Plan.
- 2 The proposed development, as a result of its design, siting, and location on an open parcel of land, would result in an incongruous, prominent form of new development that would have an unacceptable urbanising effect by way of visual intrusion and unacceptable encroachment into the rural landscape setting. The proposal would therefore fail to protect or enhance the natural beauty, tranquillity, amenity and traditional quality of the landscape setting and fail to make a positive contribution to the locality. The proposal is therefore, contrary to policies BE1 and CC6 of adopted Maldon District Replacement Local Plan, policies D1, N2 and S8 of the Maldon District Submission Local Development Plan and the Core Planning Principles and Guidance contained in the National Planning Policy Framework.

**POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

**11. HOUSE/MAL/15/01334 – WYCKE HALL, 63 WYCKE LANE, TOLLESBURY**

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<b>Application Number</b>	<b>HOUSE/MAL/15/01334</b>
<b>Location</b>	Wycke Hall 63 Wycke Lane Tollesbury Essex
<b>Proposal</b>	First floor extension
<b>Applicant</b>	Mr M Spooner
<b>Agent</b>	Marble Design
<b>Target Decision Date</b>	2 February 2016

<b>Case Officer</b>	Nicola Ward, TEL: 01621 875864
<b>Parish</b>	<b>TOLLESBURY EAST</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

Following the Officer's presentation of the report, Members debated this application and were of the opinion that the proposed application would not affect neighbouring properties and was in keeping with existing buildings which were of a variety of architectural styles. Furthermore, the site was a large plot which had plenty of room for the proposed development.

Councillor A K M St. Joseph, the Ward Member, proposed that this application be approved contrary to Officers' recommendation and this proposal was duly seconded.

**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.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications which forms part of this permission.
- 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.

### **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. Furthermore, Members of the planning committee took the decision to grant planning permission as the proposal has been considered acceptable.

## **12. FUL/MAL/15/01336 – LAND SOUTH OF BULLER LODGE, BULLER ROAD, NORTH FAMBRIDGE**

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<b>Application Number</b>	<b>FUL/MAL/15/01336</b>
<b>Location</b>	Land South Of Buller Lodge Buller Road North Fambridge Essex
<b>Proposal</b>	Proposed 3No. new bungalows.
<b>Applicant</b>	Lord Ronald Rayner
<b>Agent</b>	Mr Ashley Robinson
<b>Target Decision Date</b>	17 February 2016
<b>Case Officer</b>	Yee Cheung, TEL: 01621 876220
<b>Parish</b>	<b>NORTH FAMBRIDGE</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan Parish Trigger

Following the Officer's presentation of the report, Karl Twigg of Miranda, Rectory Road, North Fambridge, an Objector, and Ashley Robinson, the Agent, addressed the Committee.

Members debated this application and had concerns regarding problems of sewerage, water and flooding on the site. However, the Interim Development Management and Enforcement Manager advised that a Planning Inspector had previously deemed residential dwellings acceptable on this site and should be mindful of that when considering refusal of this application. Members also raised concerns regarding the existence of a five year land supply and settlement boundaries.

Councillor J P F Archer, a Ward Member, proposed refusal of this application contrary to the Officer's recommendation and this proposal was duly seconded. Upon a vote the motion was carried.

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

- 1 The application site is in a rural location outside of the defined settlement boundary for North Fambridge 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 application 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 Local Development Plan to meet the objectively assessed needs for housing in the District. The proposed development as a result of its built form, layout, cramped appearance and contrived design would result in a development that would be urban in nature and would have an unacceptable effect upon the site adversely affecting the intrinsic character and beauty of the countryside. As such the proposal does not represent sustainable development and the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the scheme, contrary to Policies S2, H1, CC6, CC7, CC11 and BE1 of the adopted Maldon District Replacement Local Plan, Policies S1, S8, D1, H4 and N2 of the Maldon District Pre-Submission Local Development Plan and Government advice as contained within the National Planning Policy Framework.

## **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to refuse planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. Furthermore, Members of the planning committee which took the decision to refuse planning permission as the proposal has been considered unacceptable.

**13. FUL/MAL/15/01346 – WHITE GATES COTTAGE, HERBAGE PARK ROAD, WOODHAM WALTER**

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<b>Application Number</b>	<b>FUL/MAL/15/01346</b>
<b>Location</b>	White Gates Cottage Herbage Park Road Woodham Walter Essex
<b>Proposal</b>	Removal of condition 2 of approved application FUL/MAL/13/00083 (Demolition of existing house and garage, erection of replacement dwelling and detached garage accessed from existing site entrance). Date of Decision: 07/06/2013. Reduce the size of the dwelling with some minor internal and elevation changes.
<b>Applicant</b>	Mr David Norris
<b>Agent</b>	Mr Andrew Wells - Andrew Wells Planning & Design
<b>Target Decision Date</b>	7 March 2016
<b>Case Officer</b>	Hilary Baldwin, TEL: 01621 875730
<b>Parish</b>	<b>WOODHAM WALTER</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan Parish Trigger

The Officer presented the report to the Committee.

Councillor J P F Archer left the Council Chamber at this point in the meeting.

**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.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice
- 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.
- 4 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.
- 5 No trees within the site shall be felled, cut back, damaged or removed, unless otherwise first agreed in writing with the local planning authority. 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).

No development shall commence until fencing and ground protection to protect the trees shall be erected, details to be submitted and approved as per BS5837:2012, and ground protection has been erected details of which shall have been submitted to the local planning authority for written approval. The ground protection shall be laid as per Arboricultural method statement in accordance with British Standard BS5837:2012 (Trees in relation to construction) unless otherwise agreed in writing. The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site. 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.

- 6 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

- 7 Within 3 months following the first occupation or connection to utility services, whichever is the sooner, of the dwelling hereby approved, the existing dwelling on the site shall be demolished and the resulting material removed from the site.

### **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the

presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

#### 14. **FUL/MAL/15/01369 – RAVELLO, MAYPOLE ROAD, GREAT TOTHAM**

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

<b>Application Number</b>	<b>FUL/MAL/15/01369</b>
<b>Location</b>	Ravello Maypole Road Great Totham Essex
<b>Proposal</b>	Addition of garage and an increase of size to the back and side of the house to application FUL/MAL/14/00441 (Erection of single detached dwelling served by re-positioned access) allowed on appeal on 17 December 2014
<b>Applicant</b>	Mr Robert Hunt - Robert. J. Hunt Ltd
<b>Agent</b>	N/A
<b>Target Decision Date</b>	8 March 2016
<b>Case Officer</b>	Yee Cheung, TEL: 01621 876220
<b>Parish</b>	<b>GREAT TOTHAM</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan Parish Trigger

The Officer presented the report to the Committee.

**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.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications.
- 3 The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application on plan reference 579/PA003B dated May 2015. The development shall be carried out in accordance with the approved details.
- 4 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.
- 5 No works or development shall take place until full details of soft landscape works to be carried out have been submitted to and approved in writing by the

- Local Planning Authority. These details shall include 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 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.
- 6 No trees within the site shall be felled, cut back, damaged or removed, unless otherwise first agreed in writing with the Local Planning Authority. 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).
- 7 No development shall commence until fencing and ground protection to protect the trees shall be erected, details to be submitted and approved as per BS5837:2012, and ground protection has been erected details of which shall have been submitted to the Local Planning Authority for written approval. The ground protection shall be laid as per Arboricultural method statement in accordance with British Standard BS5837:2012 (Trees in relation to construction) unless otherwise agreed in writing. The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site. 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.
- 8 No development shall commence until details of the materials to be used for the hard surfacing of the access and driveway for the site have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the occupation of the development hereby permitted.
- 9 Prior to first occupation of the dwelling hereby permitted the parking area shown on drawing no 579/PA003B dated May 2015 shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved plans and retained as such thereafter.

- 10 Prior to commencement of the development hereby permitted, the visibility splays as shown on drawing no.579/PA004 dated May 2015 shall be provided from the new access and shall be retained free of obstruction at all times.
- 11 Prior to first occupation of the development 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 not be less than 3 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge. The development shall be retained as such thereafter.
- 12 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety in accordance with the approved details prior to the access becoming operational and shall be retained at all times thereafter.
- 13 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
- 14 Prior to the first occupation of the development hereby permitted, the first floor window in the north west elevation serving the bathroom shall be glazed with opaque glass and shall be retained as such thereafter.

#### **POSITIVE AND PROACTIVE STATEMENT**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## **7. OTHER AREA PLANNING AND RELATED MATTERS**

### **(i) Appeals Lodged:**

It was noted from the Agenda and Members' Update that the following appeals had been lodged with the Planning Inspectorate:

Appeal Start Date: 04/02/2016

**Application Number: OUT/MAL/15/00057 (APP/X1545/W/15/3138864)**

Site: Land Rear Of 61 Broad Street Green Road - Great Totham

Proposal: Outline application for the erection of one new dwelling

Appeal by: Mrs M Houlding

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 5/02/2016

**Application Number: OUT/MAL/15/00636 (APP/X1545/W/15/3140362)**

Site: Little Hill Farm Mope Lane Wickham Bishops

Proposal: Outline application for one dwelling including determination of access.

Appeal by: Mr K Walter

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 05/02/2016

**Application Number: OUT/MAL/15/00636 (APP/X1545/W/15/3140362)**

Site: Little Hill Farm Mope Lane Wickham Bishops

Proposal: Outline application for one dwelling including determination of access.

Appeal by: Mr K Walter

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 11/02/2016

**Application Number: OUT/MAL/15/00506 (APP/X1545/W/16/3143923)**

Site: Land Adjacent 40 Top Road - Tolleshunt Knights

Proposal: Outline planning application for the construction of one live/work detached dwelling with associated garaging and off-street parking

Appeal by: Mr Kevin Dixon

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 15/02/2016

**Application Number: HOUSE/MAL/15/00862 (APP/X1545/D/16/3144029)**

Site: Hillsborough - 42 Latchingdon Road - Cold Norton

Proposal: Respective application for wall and gates to front of property.

Appeal by: Ms Laura Brunning

Appeal against: Refusal

Appeal procedure requested: Householder Appeal Service (HAS)

Appeal Start Date: 11.02.2016

**Application Number: COUPA/MAL/15/00348**

**(APP/X1545/W/15/3140474)**

Site: Electric-King Limited Old Orchard Barn Lea Lane Great Braxted

Proposal: Prior approval of proposed change of use of agricultural building to dwelling house (C3) and for associated operational development.

Appeal by: Mr Robert King

Appeal against: Refusal

Appeal procedure requested: Written representation

Appeal Start Date: 11.02.2016

**Application Number: FUL/MAL/15/00785 (APP/X1545/W/15/3141105)**

Site: Osborne Fambridge Road North Fambridge

Proposal: Temporary siting of residential caravan

Appeal by: Mr & Mrs Nick Brown

Appeal against: Refusal

Appeal procedure requested: Written representation

**Appeal Start Date: 11/2/2016**

**Enforcement Notice Reference Number:** ENF/13/00242/CU

**Appeal Reference Number:** APP/X1545/C/16/3142293

**Site:** Bakers Nursery Bakers Lane Tolleshunt Major

**Alleged Breach of Planning Control:** Without planning permission the change of use of the land for the stationing of a mobile home

**Appeal by:** Mr J Patrick

**Grounds of Appeal:**

Ground A

*That planning permission should be granted for what is alleged in the notice*

Ground B

*that the breach of control alleged in the enforcement notice has not occurred as a matter of fact*

Ground D

*that, at the time of the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice*

Ground F

*that the steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections*

Ground G

*that the time given to comply with the notice is too short.*

**Appeal procedure requested:** Public Inquiry

**Appeal Start Date:** 23/02/2016

**Application Number:** FUL/MAL/15/00716 (APPX/1545/W/15/3137350)

**Site:** 12 Colchester Road - Great Totham

**Proposal:** Proposed 3No. Dwellings and associated car parking. Revised window configuration.

**Appeal by:** Mr David Clay

**Appeal against:** Refusal

**Appeal procedure requested:** Written Representations

**Appeal Start Date:** 25/2/2016

**Application Number:** FUL/MAL/15/00738 (APP/X1545/W/16/3142975)

**Site:** Land Adjacent Orchard Cottage Hatfield Road Langford

**Proposal:** Proposed outbuilding for storage of historic motor vehicles including change of use to class B8

**Appeal by:** Mr L Magness

**Appeal against:** Refusal

**Appeal procedure requested:** Written Representations

**(ii) Appeal Decisions:**

It was noted from the agenda and Members' Update that the following appeal decisions had been received from the Planning Inspectorate.

**HOUSE/MAL/15/00251 (Appeal Ref: APP/X1545/W/15/3132358)**

Proposal: Temporary siting of a mobile home to be used as annexe for up to two years.

Address: Glenalmond - 17 Hackmans Lane - Purleigh

**APPEAL ALLOWED – 4 February 2016**

DECISION LEVEL: Delegated



**FUL/MAL/14/01038 (Appeal Ref: APP/X1545/W/15/3132521)**

Proposal: Variation of condition 9 on approved planning application FUL/MAL/11/00757 (Erection of detached two storey 3 bedroom dwelling house. Change of use of land from agricultural to Use Class C3 Dwelling House Use.) Vary condition to retain the existing static caravan for a temporary period of two years or until the completion and occupation of the three bedroom house, whichever is the earlier.

Address: The Caravan - Church Road - North Fambridge

**APPEAL ALLOWED/DISMISSED – 6 February 2016**

DECISION LEVEL: Committee (as per Officer recommendation to refuse)

**FUL/MAL/14/01038 (Appeal Ref: APP/X1545/W/15/3132521)**

Proposal: Variation of condition 9 on approved planning application FUL/MAL/11/00757 (Erection of detached two storey 3 bedroom dwelling house. Change of use of land from agricultural to Use Class C3 Dwelling House Use.) Vary condition to retain the existing static caravan for a temporary period of two years or until the completion and occupation of the three bedroom house, whichever is the earlier.

Address: The Caravan - Church Road - North Fambridge

**APPEAL ALLOWED– 6 February 2016**

DECISION LEVEL: Committee (as per Officer recommendation to refuse)

**OUT/MAL/14/01257 (Appeal Ref: APP/X1545/W/15/3130223)**

Proposal: Erection of one dwelling

Address: Land Adjacent Shamrock Cottage - Tiptree Road - Wickham Bishops

**APPEAL ALLOWED – 7 December 2015**

DECISION LEVEL: Delegated

**HOUSE/MAL/15/00525 (Appeal Ref: APP/X1545/D/15/3138904)**

Proposal: Retrospective application for wall and gates over 1.0m high adjacent to the highway.

Address: Oakwood Manor - Station Road - Cold Norton

**APPEAL ALLOWED – 20 February 2016**

DECISION LEVEL: Delegated

There being no other items of business the Chairman closed the meeting at 9.10pm.

H M BASS  
CHAIRMAN

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