



**MINUTES of  
NORTH WESTERN AREA PLANNING COMMITTEE  
4 MARCH 2019**

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**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, D M Sismey, A K M St. Joseph and Miss S White
Ex-Officio Non-Voting Member	Councillor(s) Mrs P A Channer, CC

**914. CHAIRMAN'S NOTICES**

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

**915. APOLOGIES FOR ABSENCE**

There were none.

**916. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 4 February 2019 be approved and confirmed.

**917. DISCLOSURE OF INTEREST**

Councillor M F L Durham, CC, declared a non-pecuniary interest as a Member of Essex County Council in relation to any items on the agenda pertaining to that organisation.

Councillor A K M St Joseph declared a pecuniary interest in Agenda Item 10, HOUSE/MAL/19/00084 – 9 Heriot Way, Great Totham as the agent is currently undertaking work for Councillor St Joseph. The Committee was advised that he would leave the Council Chamber for this item of business.

Councillor H M Bass declared a non-pecuniary interest in Agenda Item 5, FUL/MAL/18/01333 – Land North West of Fernbrook Hall, Mope Lane, Wickham Bishops as he had visited the site in advance of the meeting. A further non-pecuniary interest was declared in Agenda Item 9, HOUSE/MAL/19/00051 – 17 School Road, Wickham Bishops, as he had visited the neighbours to the rear of the site in advance of the meeting.

Councillor J V Keyes declared a non-pecuniary interest as a Member of Great Totham Parish Council. A pecuniary interest was declared for Agenda Item 7, LDE/MAL/18/01443 – Brink Kiln Lodge, 32 Rookery Lane, Great Totham, as the application was that of a close family member. The Committee was advised that he would leave the Council Chamber for this item of business.

Councillor Mrs P A Channer, CC, declared a non-pecuniary interest as a Member of Essex County Council in relation to any items on the agenda pertaining to that organisation.

**918. FUL/MAL/18/01333- LAND NORTH WEST OF FERNBROOK HALL, MOPE LANE, WICKHAM BISHOPS**

<b>Application Number</b>	<b>FUL/MAL/18/01333</b>
<b>Location</b>	Land North West Of Fernbrook Hall Mope Lane Wickham Bishops
<b>Proposal</b>	Demolition of existing stables and construction of new 6 bedroom house with basement parking, cinema room and bar.
<b>Applicant</b>	Mr M Jeffers
<b>Agent</b>	Mr Neil McQuire - Domino Sky Building Design Limited
<b>Target Decision Date</b>	14.03.2019
<b>Case Officer</b>	Hannah Bowles
<b>Parish</b>	<b>WICKHAM BISHOPS</b>
<b>Reason for Referral to the Committee / Council</b>	Member call in by: Councillor H Bass Reason: Public Interest

The Officer presented their report to Members, after which Councillor Ian Wardrop, Parish Councillor for Wickham Bishops, and Mr Matt Jeffers, the Applicant, addressed the Committee.

Councillor H M Bass informed the Committee the Applicant had advised him in advance of the meeting that this was a green building of a bespoke design and would qualify for approval under the special clauses in the National Planning Policy Framework (NPPF). He advised the Committee that based on the information presented by the Applicant this was not an application he could support.

Members expressed sympathy for the Applicant’s circumstances but as these were not planning considerations they had to concur with the Officer’s recommendation.

The Chairman put the Officer’s recommendation of refusal to the Committee, and upon a vote being taken the motion was duly carried.

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

- 1 The development of this site for housing is remote from essential support facilities, community services, is inaccessible by a range of transport and is located where the need to travel would be maximised and the use of sustainable transport modes would be minimised and would therefore represent an

unsustainable form of development. Furthermore, the poor sustainability credentials of the site and its locality in combination with the fact that the location of the site would not encourage sustainable travel patterns would significantly and demonstrably outweigh the benefits of the proposal when assessed against the Maldon District Local Development Plan (MDLDP) policies S1, S8, D1, H4, T1 and T2 of the and guidance contained within the NPPF.

- 2 The introduction of a residential dwelling and associated paraphernalia on the site would represent the inappropriate urbanisation of the site and would have a harmful impact on the rural and open character of the area. The proposal is therefore considered to result in demonstrable harm to the character and appearance of the locality contrary to policies S8, D1 and H4 of the MDLDP as well as the principles and guidance contained within the NPPF.

**919. HOUSE/MAL/18/01421 - 16 ST STEPHENS ROAD, COLD NORTON**

<b>Application Number</b>	<b>HOUSE/MAL/18/01421</b>
<b>Location</b>	16 St Stephens Road, Cold Norton
<b>Proposal</b>	First floor extension over garage, single storey front extension, a pitched link roof between new and existing gable roofs and enclosing existing front porch.
<b>Applicant</b>	Mr & Mrs J Hasler
<b>Agent</b>	Terence Wynn
<b>Target Decision Date</b>	18/02/2019
<b>Case Officer</b>	Emma Worby
<b>Parish</b>	<b>COLD NORTON</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In: by Councillor Miss S White Reason: public interest

The Officer presented their report to the Committee, after which a brief discussion ensued expressing approval of the design and an aesthetic improvement to the building.

The Chairman put the Officer's recommendation of approval to the Committee and upon a vote being taken the motion was carried.

**RESOLVED** that the application be **APPROVED** subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 1243/15.A.
- 3 The materials used in the construction of the proposed development hereby approved shall be as set out within the application form/plans hereby approved.

Councillor J V Keyes left the meeting at 19:45 due to a pecuniary interest in the following item.

**920. LDE/MAL/18/01443 - BRICK KILN LODGE, 32 ROOKERY LANE, GREAT TOTHAM**

<b>Application Number</b>	<b>LDE/MAL/18/01443</b>
<b>Location</b>	Brick Kiln Lodge 32 Rookery Lane Great Totham
<b>Proposal</b>	Claim for a Lawful Development Certificate for the continued occupation of a dwellinghouse in breach of the agricultural occupancy condition.
<b>Applicant</b>	Executors Of Mr P Keyes
<b>Agent</b>	Mrs Leanne Frost - Acorus Rural Property Services Ltd
<b>Target Decision Date</b>	29.01.2019
<b>Case Officer</b>	Hannah Bowles Tel: 01621 875730
<b>Parish</b>	<b>GREAT TOTHAM</b>
<b>Reason for Referral to the Committee / Council</b>	The applicants are related to an elected member.

The Officer presented their report to the Committee, in which it was advised that the property had been in breach of the agricultural occupancy condition for an excess of ten years.

The Chairman informed the Committee that reports of this nature do not usually come to the Committee and is only being presented due to the Applicants relationship to Councillor J V Keyes.

The Chairman put the Officer's recommendation of approval to the Committee, and upon a vote being taken this was duly carried.

**RESOLVED** that the Lawful Development Certificate be **GRANTED** for the following reason:

- 1 The Local Planning Authority is satisfied that there is sufficient evidence to substantiate the claim that on balance of probability Condition 4 of application MAR/235/72 has been continuously breached for a period in excess of ten years and therefore the continued use of the building contrary to the stated condition would be lawful.

Councillor J V Keyes re-joined the meeting at 19:48.

**921. FUL/MAL/18/01475 - CLARKS FARM, WASH LANE, LITTLE TOTHAM**

<b>Application Number</b>	<b>FUL/MAL/18/01475</b>
<b>Location</b>	Clarks Farm Wash Lane Little Totham
<b>Proposal</b>	Change of use from Sui Generis to a two bedroom residential dwelling (Class C3)
<b>Applicant</b>	Mr S Cobb
<b>Agent</b>	Raymond Stemp Associates
<b>Target Decision Date</b>	27.02.2019 EOT 05.03.2019
<b>Case Officer</b>	Hannah Bowles, Tel: 01621 875730
<b>Parish</b>	<b>LITTLE TOTHAM</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In by: Councillor D Sismey Reason: Public interest

Following the Officer's presentation Councillor Robert Long, MBE, a Supporter (not as a representative of the Little Totham Parish Council), and Mr Steve Cobb, the Applicant, addressed the Committee.

Councillor D M Sismey questioned whether S1 and S8 of the Maldon District Local Development Plan (MDLDP) were applicable to the application due to the property not being a new build. The Group Manager for Planning Service advised the Committee that S8 related to all developments and not exclusively new builds.

In response to Members' questions the Planning Officer confirmed that the application was brought to Committee following the provision of further information on veterinarian employment at the site.

A further discussion ensued with Members raising concerns over how the application would impact use at the rest of the site, and whether E1 of the MDLDP would be applicable as there was a need for agricultural businesses within the district.

It was noted that section 5.1.5 of the report should read 1.3 miles from Tolleshunt Major and not Tolleshunt Knights. Members sympathised with the personal circumstances of the Applicant, and advised that they were not able to consider this as part of the planning application.

The Committee further discussed the use of the site, and whether approval of the application would inhibit use of the remainder of the site, including the closure of kennels and access were business use to continue. Following Members enquiring into the history of the site, the Group Manager for Planning Service advised that in 2008 an application FUL/MAL/08/00569 was made for the demolition of the existing building and erection of a medical centre for greyhounds kennelled on the site.

The Chairman queried whether Councillor D M Sismey wished to propose the motion of approving the application for the reason of S1 and S8 of the MDLDP not being applicable. As this was not proposed the Chairman then put the Officer's recommendation of refusal to the Committee and upon a vote being taken this was duly carried.

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

- 1 Policies S1 and S8 of the Maldon District Local Development Plan 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 Little Totham 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 Local Development Plan to meet the objectively assessed needs for housing in the District. The development of this site does not therefore constitute sustainable development. In addition, the proposed development, as a result of the conversion and domestic paraphernalia, would be an unwelcome visual intrusion resulting in an urbanisation of the site to the detriment of the character and appearance of the rural area. As such, the proposal would be contrary to policies D1, S1, S2, S8, H4 and N2 of the Maldon District Local Development Plan and Government guidance contained in The National Planning Policy Framework.
  
- 2 Policy E1 of the Maldon District Local Development Plan requires the Applicant to demonstrate that the existing buildings cannot be used for an alternative employment use. The Applicant has provided insufficient information to support an exceptional grant of permission and has failed to demonstrate that every effort has been made to secure an appropriate employment use of the building other than converting it into residential use. Therefore, it is considered that the loss of the veterinary medical facility building, a Sui Generis Use, would not make a positive contribution to the rural economy, contrary to the aforementioned policies and the Government advice contained in the National Planning Policy Framework.

**922. HOUSE/MAL/19/00051 - 17 SCHOOL ROAD, WICKHAM BISHOPS**

<b>Application Number</b>	<b>HOUSE/MAL/19/00051</b>
<b>Location</b>	17 School Road, Wickham Bishops
<b>Proposal</b>	Loft conversion including replacement main roof, new front gable, rear dormer and five rooflights. Changes to the external materials of the dwelling.
<b>Applicant</b>	Mr. and Mrs. J Croker
<b>Agent</b>	Mr. N Ward – NWDP
<b>Target Decision Date</b>	12/03/2019
<b>Case Officer</b>	Emma Worby
<b>Parish</b>	<b>WICKHAM BISHOPS</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In: Councillor H Bass Reason: Public interest

Following the Officer’s presentation, Mrs Ruth Johnson, an Objector, and Councillor Ian Wardrop, the Parish Councillor for Wickham Bishops, addressed the Committee.

Councillor H M Bass spoke at length on the application, drawing Members attention to the height of 17 School Road in comparison to neighbouring dwellings, how foliage and trees on the site had been removed and the addition of the dormer would impact on the

privacy of neighbouring dwellings. Councillor H M Bass then suggested a site visit and proposed refusal of the application. This was duly seconded.

The Group Manager for Planning Services advised the Committee that the boundaries had a distance exceeding ten meters from the properties, and loss of privacy through properties being 'back to back' was not applicable as the properties were turned slightly away from each other.

Member's acknowledged the Group Manager for Planning Services comments and stated that concerns on privacy were due to the elevation of the dwelling in comparison to neighbouring properties and agreed that this was contradictory to D1 of the MDLDP.

In response to Member's questions the Group Manager for Planning Services advised that D1 did not have any specific figures and the professional opinion of the Officer was that the level of overbearing was relative and would not exacerbate the current situation.

Councillor M F L Durham proposed the application was refused due to the loss of residential amenity to the adjacent properties under D1 of the MDLDP, and this was duly seconded.

Councillor D M Sismey left the meeting at 20:27 and did not return.

Councillor H M Bass moved to suggest that were the proposal of refusal lost that a site visit should be organised for Members. In response to questions the Chairman advised the Committee that any site visit, if approved, would not be mandatory.

The Chairman put the proposal of refusal, contrary to the Officers recommendation, to the Committee, and upon a vote being taken this was duly carried.

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

- 1 The proposed rear dormer would result in an unacceptable level of overlooking of private amenity space of the neighbouring property to the northwest. Therefore the proposed development would result in demonstrable harm to residential amenity and would be contrary to the National Planning Policy Framework and policy D1 of the approved Maldon District Local Development Plan.

Councillor A K M St Joseph left the meeting at 20:30 due to a pecuniary interest in the following Item and did not return.

923. HOUSE/MAL/19/00084 - 9 HERIOT WAY, GREAT TOTHAM

<b>Application Number</b>	<b>HOUSE/MAL/19/00084</b>
<b>Location</b>	9 Heriot Way, Great Totham
<b>Proposal</b>	Part conversion and extension of existing garage to provide ancillary accommodation
<b>Applicant</b>	Mr. & Mrs. Darren & Karen Newman
<b>Agent</b>	Mr. Mark Crocker
<b>Target Decision Date</b>	21/03/2019
<b>Case Officer</b>	Emma Worby
<b>Parish</b>	Great Totham
<b>Reason for Referral to the Committee / Council</b>	Member Call In: Councillor D Sismey Reason: Public interest

The Officer presented their report to the Committee, after which Mr Darren Newman, the Applicant, addressed the Committee.

The Chairman confirmed for the Committee that the report had been called in for Public Interest, and advised that the report had previously been refused on the grounds of the design and detrimental visual impact.

A discussion ensued with Members seeking clarity on access to the property from the road. The Chairman sought clarification on this from the Applicant under Section 9 – Terms of Reference – General and Procedural, Appendix 4, g).

In response to questions from the Committee the Group Manager for Planning Services confirmed that the application would result in the rear of the building being 1.57 meters wider than the current garage and advised that it would not be possible to condition use of the building.

Members commented on the proposed application overlooking the applicants own land, minimal impact on private amenity space, and that access to the rear of the property would not be impeded.

Councillor M F L Durham proposed that the application be approved for the aforementioned reasons, and this was duly seconded.

The Chairman put Councillor M F L Durham's recommendation of approval, contrary to the Officer's recommendation, to the Committee, and upon a vote being taken this was duly carried.

**RESOLVED** that the application be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall begin no later than three years from the date of this decision.

**REASON:** To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the following approved plans and documents: Site location plan, Block plan, NEWMAN/01/1, NEWMAN/01/2, NEWMAN/01/3, NEWMAN/01/4, NEWMAN/01/5.

**REASON:** For the avoidance of doubt as to the extent of this permission.

3. The external surfaces of the building(s) shall be constructed of the materials set out on the application form/approved plans submitted with the application.  
**REASON:** To ensure the proposed development has a suitable design quality and visual impact in the interests of protecting the character and appearance of the site and the surrounding area, in accordance with policies D1 and H4 of the Maldon District Local Development Plan.
4. The building hereby approved shall not be used at any time for any purpose other than purposes ancillary to the residential use of the dwelling known as 9 Heriot Way, Great Totham.  
**REASON:** To clarify the terms of the permission and protect the amenity of the site in accordance with policies S1, D1 and H4 of the Maldon District Local Development Plan.
5. The garage/store as indicated on the site plan (NEWMAN/01/3) shall be used as a garage/store at all times. It shall be used solely for the benefit of the occupants of the dwelling of which it forms part and for no other purpose.  
**REASON:** To ensure that the development is carried out in accordance with the details as approved.

There being no further items of business the Chairman closed the meeting at 8.48 pm.

MRS M E THOMPSON  
CHAIRMAN