



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
5 AUGUST 2019**

PRESENT

Chairman	Councillor Mrs M E Thompson
Vice-Chairman	Councillor R H Siddall
Councillors	M F L Durham, CC, Mrs J L Fleming, K W Jarvis, J V Keyes, C P Morley and Miss S White
Ex-Officio Non-Voting Member	Councillor(s) Mrs P A Channer, CC

322. CHAIRMAN'S NOTICES

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

323. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor E L Bamford.

324. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 8 July 2019 be approved and confirmed.

325. DISCLOSURE OF INTEREST

Councillor J V Keyes declared a non-pecuniary interest as he was a Member of Great Totham Parish Council. A further non-pecuniary interest was declared in Agenda Item 9, FUL/MAL/19/00674 - Birchwood Farm, Birchwood Road, Cock Clarks as he had previously conducted business with the Applicant.

Councillor M F L Durham, 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.

Councillor C P Morley declared a non-pecuniary interest in Agenda Item 9, FUL/MAL/19/00674 - Birchwood Farm, Birchwood Road, Cock Clarks as he knows the applicant.

Following the Members declaration of interests, the Chairman advised the Committee that Councillor K W Jarvis was yet to undergo his training and therefore not able to vote on any item.

Councillor K W Jarvis requested that it was noted in the minutes that he was disappointed in Maldon District Council as, despite ongoing correspondence, no training opportunity had been presented to him. He continued, saying that this prevented him fulfilling his role as an elected official; this comment was supported by other Members of the Committee.

In response to Councillor K W Jarvis's comments the chairman advised that she would relay this information to the Leader.

326. FUL/MAL/19/00456 - EIGHT ACRE FARM, BIRCHWOOD ROAD, COCK CLARKS

Application Number	FUL/MAL/19/00456
Location	Eight Acre Farm, Birchwood Road, Cock Clarks
Proposal	Change of use of Kennels to annexe and associated works. Construction of a replacement stable building and the addition of a ménage, hay barn and horse walker pen. New gates and boundary treatments to the site entrance
Applicant	Mr and Mrs Nash
Agent	Mr Andrew Houghton
Target Decision Date	15.08.2019
Case Officer	Devan Lawson
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Major Application Member Call In Councillor Miss S White - Public Interest

Following the Officer's presentation, Mr Robert Nash, the Applicant, addressed the Committee.

Councillor Mrs P A Channer joined the meeting during this item of business.

Councillor Miss S White, opening the discussion, queried why the application was up for refusal given the countryside location and the fact that competition horses require little land for grazing.

Members queried the need for an annex, when its intended use could be met by the main dwelling. Councillor Miss S White proposed that the application be approved as there was a potential need for an annexe as, if tied to the use of stables, there would be no adverse impact to the countryside. She further suggested that a condition be added to ensure the annexe was not sold separately to the main dwelling. This was duly seconded.

The Lead Specialist Place advised that the building proposed was that of a works dwelling to support the business rather than an annexe, as it was materially different to and independent of the main dwelling. It was agreed that were the motion to approve the application be carried that conditions be delegated to Officers, in consultation with both the Chairman and Councillor Miss White.

The Chairman put the proposal to approve the application, contrary to the Officer's recommendation with conditions to be agreed subsequent to the meeting, in consultation with the Chairman, Councillor Miss White, and Officers. Upon a vote being taken the application was approved.

RESOLVED that the application be **APPROVED** with conditions to be determined conditions to be agreed subsequent to the meeting, and in consultation with the Chairman, Councillor Miss S White, and Officers.

Councillor Mrs P A Channer apologised for her late arrival to the meeting, and declared a non-pecuniary interest in all agenda items as a member of Essex County Council, a consultee on planning application matters with respect generally to highways, matters of access and education primarily.

327. FUL/MAL/19/00506 - THE BELL PUBLIC HOUSE, THE STREET, PURLEIGH

Application Number	FUL/MAL/19/00506
Location	The Bell Public House The Street Purleigh
Proposal	Replacement sewerage treatment plant within boundary of extended public house.
Applicant	Mr & Mrs Julian Webb - The Bell PH
Agent	Mr David Taylor - AFT Design (Architects)
Target Decision Date	29.07.2019
Case Officer	Hannah Bowles
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Call in: Councillor Miss S White Reason: Public Interest

Councillor J V Keyes declared a non-pecuniary interest in the application as he occasionally frequents The Bell Public House as a patron.

The Chairman drew the Committees attention to the Members' Update which confirmed the withdrawal of this application.

328. FUL/MAL/19/00538 - WICKHAM GROVE, LANGFORD ROAD, WICKHAM BISHOPS

Application Number	FUL/MAL/19/00538
Location	Wickham Grove Langford Road Wickham Bishops
Proposal	Application for replacement dwelling (renewal of FUL/MAL/16/00595)
Applicant	Mr & Mrs M Wollner
Agent	Mr Russell Forde - Smart Planning Ltd
Target Decision Date	12.08.2019
Case Officer	Hannah Bowles
Parish	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	Major Application

The Officers presented their report to the Committee, after which a brief discussion ensued acknowledging that this was an extension of a prior application and that there had been no relevant changes to legislation within that period.

Councillor M F L Durham proposed that the application be approved in accordance with the Officer's recommendation, which was duly seconded. Upon the Chairman putting the proposal to the Committee, a vote was taken, and the application was approved.

RESOLVED that the application be **APPROVED** in accordance with 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: 16.3347/L401, 0423/000 Rev A, 0423/024 Rev A, 0423/007 Rev A, 0423/006 Rev A, 0423/005 Rev A, 0423/004 Rev A, 0423/046, 0423/042 Rev A, 0423/043 Rev B, 0423/045, 0423/038 Rev A, 0423/039 Rev A, 0423/040 Rev A, 0423/041 Rev A, 0423/034 Rev B, 0423/022 Rev B, 0423/021 Rev B, 0423/020 Rev B, 0423/021 Rev B, 0423/0012 Rev C, 16.3347/M006, 16.3347/M007, 16.3347/M008, 0423/030 Rev A, 0423/029 Rev A, 0423/028 Rev B, 0423/027 Rev A, 0423/025 Rev A, 0423/026 Rev A, 0423/044, 16.3347/L401. REASON: In order to ensure that the development is carried out in accordance with the approved details.
- 3 No development above ground level shall take place until 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 above ground level shall occur until detailed plans of any alterations to the levels of the site have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the scheme as approved.
- 5 No works above ground level 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.

- 6 No development above ground level 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.
- 7 No development above ground level shall commence until details of the surface water drainage scheme to serve the development have been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.
- 8 No development above ground level shall commence until details of the foul drainage scheme to serve the development have been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.
- 9 Prior to the occupation of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter. The development shall be carried out in accordance with the details/samples as agreed.
- 10 No unbound materials shall be used in the surface treatment of the vehicular access within 6m of the highway boundary.
- 11 The outbuildings hereby permitted shall only be used for those purposes' incidental to the use of the dwellinghouse to which it relates and not for any commercial or business purpose or as annexe accommodation.
- 12 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.

329. HOUSE/MAL/19/00653 - HEATH HOUSE, 13 HEATHGATE, WICKHAM BISHOPS

Application Number	HOUSE/MAL/19/00653
Location	Heath House, 13 Heathgate, Wickham Bishops
Proposal	Section 73A application for the removal of existing conservatory and erection of single storey rear extension
Applicant	Mr Gary Howard
Agent	Mr Martin Gray
Target Decision Date	13.08.2019
Case Officer	Hayleigh Parker-Haines
Parish	WICKHAM BISHOPS PARISH COUNCIL
Reason for Referral to the Committee / Council	Member Call In – Councillor M F L Durham – Local Concerns

The Officer presented their report to the Committee, advising that this was a retrospective application which included pictures of the dwelling. The Chairman advised the Committee that the reports contained an error and that the applicant should be showing as Mr Keith Whitelock with Mr Terry Burton as the agent.

Speaking on behalf of the neighbours Ms Alicia Lai, an Objector, and Mr Keith Whitelock, the Applicant, addressed the Committee.

Councillor K W Jarvis opened the discussion informing the Committee that he had visited the property, and that the extension contradicted D1 of the Local Development Plan (LDP) as it impacted the neighbour's amenities, was overbearing, and caused a loss of light to their property.

A lengthy discussion followed where both Members and Officers made comment that they were not enthused by retrospective applications. An acknowledgement of the previous conservatory was made, with the dimensions of the new extension and roof, and the distance from the neighbouring property was considered. For clarification, the Lead Specialist Place advised Members that there was a need for a retrospective application due to the projection of the upper rear extension being over 50% of the existing dwelling.

Councillor Mrs J L Fleming proposed that the application be deferred to allow time for a site visit to be organised, and this was duly seconded.

The Chairman then put Councillor Mrs Fleming's proposal to the Committee, and upon a vote being taken the deferral was agreed.

RESOLVED that the application be **DEFERRED**.

330. FUL/MAL/19/00674 - BIRCHWOOD FARM, BIRCHWOOD ROAD, COCK CLARKS

Application Number	FUL/MAL/19/00674
Location	Birchwood Farm, Birchwood Road, Cock Clarks
Proposal	Erection of building for oyster purification and ancillary aquiculture storage by the Maldon Oyster Company
Applicant	Mr Emans - Maldon Oyster Company
Agent	Kate Jennings - Whirledge & Nott
Target Decision Date	07.08.2019
Case Officer	Hannah Bowles
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Member Call In The planning application is called in by Councillor Miss S White due to public interest.

The Officer presented their report to the Committee, making reference to the Members' Update which advised of a representation being received in objection to the application. After which Mr Richard Emans, the Applicant, addressed the Committee.

Councillor Miss S White opened discussion on the application noting that it complied with the Local Development Plan (LDP) and the Corporate Plan. Further comments were made on how drainage could be conditioned, and that the structure would be hidden from view once built as it was set back from the road.

Councillor Miss S White then went on to propose that the application be approved, contrary to the Officer's recommendation, with conditions to the water and drainage at the site. This was duly seconded.

A further discussion ensued with Members commenting on how the prospective building would be in keeping with those already in situ, the site was immaculately kept and, in addition to the support this would offer this local business, the benefits gained from the application would outweigh any detriment to the countryside.

Due to the complex nature of the application the Committee agreed to consider the proposal with any conditions to be delegated to Officers in consultation with the Chairman subsequent to the meeting.

The Chairman then put the proposal to approve, subject to conditions, to the Committee and upon a vote being taken the application was approved.

RESOLVED that the application be **APPROVED** subject to delegated conditions

331. TPO 5/19 - SOUTH WOOD INCLUDING WICK WOOD, FAIRWINDS FARM, ULTING

Application Number	TPO 5/19
Location	South Wood including Wick Wood, Fairwinds Farm, Ulting
Proposal	Confirmation of TPO 5/19
Owners	Mark Parish, Spencer & Patricia Firth, John & Judith Tomlins, Peter & Valerie Jones, Goran & Julie Stewart, Gavin & Cassandra Armitage, Northumbrian Water Limited and William & Vicki Barrett.
Confirmation by	07.11.19
Case Officer	Sophie Mardon
Parish	ULTING
Reason for Referral to the Committee / Council	Decision on confirmation of a Tree Preservation Order as per the Council's scheme of delegation

The Officer presented their report to the Committee after which a brief discussion ensued where Members made reference to the site being ancient woodland.

The Chairman proposed the Officer's recommendation to confirm the Tree Preservation Order (TPO). Upon the proposal being put to a vote the TPO was confirmed.

RESOLVED that the Tree Preservation Order (TPO) be confirmed.

There being no further items of business the Chairman closed the meeting at 8.34 pm.

MRS M E THOMPSON
CHAIRMAN