



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
2 SEPTEMBER 2019**

PRESENT

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

332. CHAIRMAN'S NOTICES

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

333. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J V Keyes and Mrs J L Fleming.

334. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 5 August 2019 be approved and confirmed.

335. 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 education, highways, matters of access and education primarily.

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 education, highways, matters of access and education primarily.

336. FUL/MAL/19/00728 - LAND OPPOSITE BLUEBELL BARN, LOWER BURNHAM ROAD, LATCHINGDON

Application Number	FUL/MAL/19/00728
Location	Land Opposite Bluebell Barn, Lower Burnham Road, Latchingdon
Proposal	Development of a farm shop incorporating a seafood counter and removal of existing building
Applicant	Mr M Lancaster
Agent	Mrs Elizabeth Milne - Whirledge And Nott
Target Decision Date	23.08.2019
Case Officer	Hannah Bowles
Parish	COLD NORTON
Reason for Referral to the Committee / Council	Member call in by Councillor Miss S White due to public interest (prominent location).

The Officer presented their report to the Committee, making reference to the Members' Update which provided a response from Environmental Health and the addition of conditions 11 – 15.

Councillor Miss S White opened the discussion by informing the Committee she had received numerous comments from her constituents in favour of the application, which also had her full support.

At this time, the Chairman advised the Committee that Councillor K W Jarvis had completed his training and was now eligible to vote on applications, for which Councillor K W Jarvis expressed his thanks to the Lead Specialist Place.

A brief discussion ensued where, in response to questions from Members, the Development Management Team Leader confirmed that a licence would be required if the farm shop chose to sell alcohol, and that the building currently situated on the proposed site would be demolished.

The Chairman put the Officers recommendation of approval to the Committee, and upon a vote being taken the application was unanimously agreed.

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:18/52/01, 18/52/02, 18/52/03.
- 3 The external materials to be used in the construction of the building hereby permitted shall be as specified within the application.
- 4 The use hereby permitted shall only be undertaken between the hours of 08:00 – 19:00 Monday to Sundays and Public Holidays.
- 5 Deliveries to and collections from the site shall only be undertaken between 0800 hours and 1800 hours on weekdays and between 0800 hours and 1700 hours on Saturdays and not at any time on Sundays and Public Holidays.
- 6 The premises shall only be used as a shop, which sells only food and drink, and for no other purpose including any purpose as defined within Class A1 of the Schedule to the Town & Country Planning Use Classes (Amendment) Order 2005 (or in any provision

equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.

7 There shall be no discharge of surface water from the development onto the Highway.

8 No unbound material shall be used in the surface treatment of the car parking areas.

9 All loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken within the application site, clear of the public highway.

10 Prior to the first use of the shop hereby permitted the existing business 'Sea Food King' shall cease operating out of the site and all associated paraphernalia shall be removed from the site.

11 No development works above ground level shall occur until details of the surface water 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. The scheme shall ensure that for a minimum:

- 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
- 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield).

You are advised that in order to satisfy the soakaway condition the following details will be required: details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted. Reason: To ensure that the surface water drainage scheme is adequate to serve the development in accordance with Policy D2 of the Maldon District Local Development Plan.

12 No development works above ground level shall occur until details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

13 Should the existence of any contaminated ground or groundwater and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, it must be reported in writing immediately and a risk assessment of the site shall be undertaken and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future.

The work will be undertaken by a competent person in accordance with DEFRA

and the Environment Agency's 'Model Procedures for the Management of Land Contamination (CLR 11), the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and current UK best-practice guidance and policy.

- 14 No extraction or ventilation equipment shall be installed or fitted to any part of the building except in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The scheme as approved shall be installed and retained as such thereafter.
- 15 No works above ground level shall occur until details of all external illumination of the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the local planning authority. All illumination within the site shall be retained in accordance with the approved details and retained as such thereafter.

337. OUT/MAL/19/00740 - ATHERSTONE LODGE, FAMBRIDGE ROAD, MUNDON

Application Number	OUT/MAL/19/00740
Location	Atherstone Lodge, Fambridge Road, Mundon
Proposal	Outline application, with matters of access, layout, appearance and scale for determination, to demolish chalet bungalow and garage. Erect three pairs of semi-detached houses (6no. dwellings) to provide accommodation for seasonal workers ancillary to the business at rear of site.
Applicant	Mr Paul Scott - Ben Rigby Game Ltd
Agent	Mr Stewart Rowe - The Planning and Design Bureau Ltd
Target Decision Date	05.09.2019
Case Officer	Hannah Bowles
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Member Call In Councillor Miss Sue White Public interest (neighbours)

The Officer presented the report to the Committee, informing Members that a previous application had been dismissed at appeal.

A brief discussion ensued with Members commenting on the ground plans not being indicative to the scale nor access of the site. Further comments were made acknowledging that the district already had a five-year housing supply and the application was not situated on a strategic site.

Councillor Miss S White proposed the application be refused in accordance with the Officer's recommendation, this was duly seconded, and upon a vote being taken the recommendation was agreed.

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 provision of six dwellings in the form of three pairs of semi-detached dwellings would be in stark contrast with development present within the area and would substantially and demonstrably alter the character of the site and rural area and have an unjustified visual impact on the countryside. Further, insufficient information has been submitted to demonstrate the functional need to house seasonal workers, in this location and therefore, the development would be unacceptable and 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 (2019).

338. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRMAN DECIDES ARE URGENT

At the request of Members, the Chairman confirmed for the Committee that HOUSE/MAL/19/00653 - Heath House, 13 Heathgate, Wickham Bishops, which had been deferred at the 5 August 2019 meeting, was expected to return to the 30 September 2019 meeting of the Committee.

There being no further items of business the Chairman closed the meeting at 7.41 pm.

MRS M E THOMPSON
CHAIRMAN