



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
26 AUGUST 2020**

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, J V Keyes and Miss S White
In attendance	Councillors C Morris and W Stamp

1155. CHAIRMAN'S NOTICES

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

1156. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs J L Fleming and C P Morley.

1157. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 29 July 2020 be approved and confirmed.

1158. DISCLOSURE OF INTEREST

Councillor Miss S White declared a interest in relation to Agenda Item 5 20/00472/FUL Oakfield Farm, Hyde Chase, Purleigh advising that she would partake in the discussion but not vote on the application.

Councillor M F L Durham declared a non-pecuniary interest as a Member of Essex County Council who were statutory consultees on a variety of matters relating to planning.

1159. 20/00472/FUL - OAKFIELD FARM, HYDE CHASE, PURLEIGH

Application Number	20/00472/FUL
Location	Oakfield Farm, Hyde Chase, Purleigh
Proposal	Demolition of existing barn to be replaced by 3 bedroom dwelling
Applicant	Mr M King
Target Decision Date	03.04.2020
Case Officer	Hayleigh Parker-Haines
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Member call in from Councillor Miss White Reason: Effect on the countryside, contrary to policy, public interest, unsustainable location, outside development boundary.

The Chairman put to the Committee that the Officers' recommendation of refusal be agreed. This was duly seconded.

In response to a question regarding the reasons for refusal and the use of Policies T1 (sustainable transport) and T2 (site accessibility) within such reasons, the Lead Specialist Place provided some guidance.

The Chairman then put the proposal to the Committee and upon a vote being taken this was agreed.

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

- 1 The application site lies within a rural location outside of a defined settlement boundary 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 site is poorly located relative to facilities, services and sustainable modes of transport. The proposed development would result in the loss of an employment use and it has not been demonstrated to the satisfaction of the LPA that there is no demand for an employment use at this site. Furthermore, the proposal would substantially alter the character and intrinsic beauty of the countryside, particularly through the introduction of a domestic character and dense form of residential development, contrary to the existing grain of residential development in this rural area. The development would therefore be unacceptable, does not constitute sustainable development and is contrary to policies S1, S2, S8, E1, D1 and H4 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2019).
- 2 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the impacts of the development on the European designated nature conservation sites, the development would have an adverse impact on those European

designated nature conservation sites, contrary to Policies S1, and I1 of the Maldon District Local Development Plan and the NPPF.

- 3 Insufficient evidence has been submitted to show that the development would not have an unacceptable impact in terms of ecology. The proposal is therefore considered to be contrary to policy D1 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

1160. 20/00486/FUL - NOVOLI FARM, PUMP LANE, PURLEIGH

Application Number	20/00486/FUL
Location	Novoli Farm, Pump Lane, Purleigh
Proposal	Demolition of existing outbuildings and construction of 6no. dwellings (comprising two terraces of three 2-bedroom dwellings) with associated landscaping and access works.
Applicant	Mr Allen
Agent	Mr Paul Calder
Target Decision Date	05.08.2020
Case Officer	Hannah Bowles
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Member call in from Councillor Miss S White Reasons: Public interest, effects on the countryside, deviation from Local Development Plan (LDP).

It was noted from the Members' Update that a further letter of support and objection had been received.

During her presentation of the application the Officer advised that information contained within paragraph 5.1.3 of the report did not relate to this application and should be ignored.

Following the Officer presentation Members were advised that one public participation submission had been received from the Applicant and this was duly read out.

The Chairman moved the Officers' recommendation of refusal and this was duly seconded by Councillor Miss S White, a Ward Member who highlighted a number of concerns she had with the application. These concerns were reiterated by a number of Members. Upon a vote being taken the proposal was agreed.

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

- 1 The application site lies outside of the defined settlement boundaries where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing in the District. The proposed development would substantially alter the character of the site and surrounding area and have an unacceptable visual impact on the

countryside through the urbanisation and domestication of the site, representing a sprawl of built form outside the settlement boundary of Purleigh. The development would therefore be unacceptable and contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2019).

- 2 The proposed development, by reason of its unsympathetic form, design, layout and density results in an incongruous form of development that would have a detrimental impact on the character and appearance of the rural locality and the streetscene. The development would therefore be unacceptable and contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2019).
- 3 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the impacts of the development on the European designated nature conservation sites, the development would have an adverse impact on those European designated nature conservation sites, contrary to Policies S1, and I1 of the Maldon District Local Development Plan and the NPPF.

1161. 20/00601/FUL - THE BUNGALOW, GREEN LANE, LITTLE TOTHAM

Application Number	20/00601/FUL
Location	The Bungalow, Green Lane, Little Totham
Proposal	Section 73A application for the refurbishment of a building and the change of use of associated land to residential (C3)
Applicant	Mr Tom and Mrs Vicky Witney
Agent	Mr Chris Moore – Plainview Planning Ltd
Target Decision Date	EOT 28.08.2020
Case Officer	Hayleigh Parker-Haines
Parish	LITTLE TOTHAM
Reason for Referral to the Committee / Council	Member Call In – Councillor Siddall – Policy S1 and S8 – Sustainable Development within the Village and Settlement Boundaries

It was noted from the Members’ Update that a consultation response had been received from Little Totham Parish Council.

Following the Officer presentation, the Chairman advised that there had been one submission under the public participation scheme from the Applicant and this was duly read out.

The Chairman then put the Officers’ recommendation of proposal to the Committee.

Councillor R H Siddall, a Ward Member, provided some background to the site, felt the proposal did not represent change or urbanisation, was well screened and did not have a detrimental impact on the countryside. This was supported by Councillor J V Keyes,

the other Ward Member, who proposed that the application be approved, contrary to the Officers' recommendation. This proposal was duly seconded. The Chairman advised that there was already a proposal which was the substantive motion and had to be voted on first.

In response to further discussion, the Lead Specialist Place advised the Committee of the Council's Policies, and how legislation was clear that the application should be determined in accordance with the Local Development Plan. He provided further advice and expressed concern with the proposed approach. The Officer explained to the Committee that if they were mindful to approve the application they needed to address and evidence the reasons for refusal.

In response to a question the Officer clarified that there was not legally a dwelling on the site as it had been abandoned and this decision had not been challenged by the applicant.

The Chairman then put the Officers' recommendation of approval to the Committee. Upon a vote being taken this motion was declared lost.

The Chairman then sought a proposal and reasons for approval. Councillor Siddall proposed that the application be approved for reasons that it returned a building to use, did not represent urbanisation and was sustainable, with conditions. In response the Lead Specialist Place advised if Members were mindful to approve the application he would recommend that this be delegated to Officers subject to completion of a Section 106 agreement and the confirmation of conditions etc. also being delegated to Officers in consultation with the Chairman. A debate ensued during which further advice was provided by Officers and additional reasons for approval were discussed. The proposal in the name of Councillor Siddall was duly seconded by Councillor Keyes.

Following further discussion, Councillor Siddall clarified that the reasons for approval were because the application was returning an existing residential building back into residential use, there was no harm in terms of the infrastructure and the surrounding area and there was no urbanisation. Councillor Keyes confirmed he was still happy to second the proposal for the reasons given.

In response to a query, the Lead Specialist Place clarified that if supported the proposal would be approval of the application but delegated to Officers in consultation with the Chairman and Ward Members subject to the completion of a Section 106 agreement and suitable conditions.

Upon a vote being taken this was agreed.

RESOLVED that subject to completion of a Section 106 agreement **APPROVAL** of this application with suitable conditions be delegated to Officers in consultation with the Chairman of the Committee and Ward Members.

There being no further items of business the Chairman closed the meeting at 2:23pm.

MRS M E THOMPSON
CHAIRMAN