



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
16 DECEMBER 2020**

PRESENT

Chairman	Councillor Mrs M E Thompson
Vice-Chairman	Councillor J V Keyes
Councillors	M F L Durham, CC, Mrs J L Fleming, K W Jarvis, C P Morley, R H Siddall and Miss S White
In attendance:	Councillors Mrs P A Channer CC and C Morris

134. CHAIRMAN'S NOTICES

The Chairman welcomed everyone to the remote meeting, held under new regulations which came into effect on 4 April 2020 in response to the COVID-19 pandemic. She took Members through some general housekeeping issues, together with the etiquette for the meeting and then asked Officers present to introduce themselves.

This was followed by a roll call of all Members present.

The Chairman notified the Committee that Planning Application 20/01021/FUL – Land Rear of Hill Barn Rectory Lane, Woodham Mortimer had been withdrawn due to technical issues.

135. APOLOGIES FOR ABSENCE

There were none.

136. MINUTES OF THE LAST MEETING

RESOLVED by assent that the Minutes of the meeting of the Committee held on 18 November 2020 be approved and confirmed.

137. DISCLOSURE OF INTEREST

Councillor R H Siddall disclosed a non-pecuniary interest as a resident of Little Totham and as the Chairman of Little Totham Parish Council in relation to Agenda Item 5.

Councillor M F L Durham declared a non-pecuniary interest in all items on the agenda as a Member of Essex County Council who were statutory consultees on a variety of matters relating to the Planning process.

Councillor Mrs M E Thompson declared a non-pecuniary interest as she was acquainted with many people speaking tonight through Parish Council work, particularly in relation to Agenda Items 7 and 8.

Councillor J V Keyes declared a non-pecuniary interest in relation to Agenda Items 9 and 11 as he sits on Great Totham Parish Council.

Councillor C Morris joined the meeting at this point.

138. 20/00493/FUL - LAND SOUTH OF BECKINGHAM BUSINESS PARK, BECKINGHAM STREET, TOLLESHUNT MAJOR

Application Number	20/00493/FUL
Location	Land South Of, Beckingham Business Park, Beckingham Street, Tolleshunt Major
Proposal	Erection of 13No. Business & General Industrial Units (Use Classes B1b, B1c and B2), Office Block (Use Class B1a) and Cafe (Use Class A3), complete with related infrastructure including road, parking spaces, drainage, landscaping and ecological area
Applicant	Mr J. Baker - Beckingham Business Park Developments Limited
Agent	Mr Chris Loon - Springfields Planning And Development
Target Decision Date	11.09.2020 EOT 25.11.2020
Case Officer	Julia Sargeant
Parish	TOLLESHUNT MAJOR
Reason for Referral to the Committee / Council	Major Application Member Call in by Councillor R H Siddall – reasons for call-in: S1 sustainable development, D1 its scale and design, S8 settlement boundary, and the impact on highways and transport

A Members' Update had been circulated prior to the meeting that detailed further correspondence from the Agent, representation received from Tolleshunt D'Arcy Parish Council, two further letters of objection and updated Conditions 2 and 25.

Following the Officer's presentation the Chairman invited an Objector Mr Antony Payne, Tolleshunt Major Parish Council representative Councillor Karen Neath, and the Agent Chris Loon, to address the Committee.

The Chairman moved the Officers recommendation as set out in the report and this was duly seconded.

At this point, the Chairman reiterated that Application 20/01021/FUL – Land Rear of Hill Barn, Rectory Lane, Woodham Mortimer (Agenda Item 10) had been withdrawn due to technical issues and apologised to all those who had attended for this item.

A lengthy debate ensued, and in response to a number of comments the Lead Specialist Place referred Members to the Officer's report and advised that any concerns relating to existing arrangements could not be dealt with through the planning process. In respect of reasons for refusal no objection had been made by Essex County Council, the Council had no green belt, proposed car parking was above required standards and a reason based on sewage and foul water could not be robustly defended at appeal (proposed condition 25 sought to deal with this matter).

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

Having spoken against the application, highlighting a number of concerns, Councillor R H Siddall proposed that the application be refused, contrary to the Officer's recommendation. He provided specific reasons for refusing the application but following advice from the Lead Specialist Place amended these to one reason. That given the application was contrary to policy S8 as it had an impact on the character of the area, policies D2 and N2 due to the impact, scale and density of the development, would not fit within its surround area and the density of the design. This was duly seconded and it was agreed that the wording would be delegated to Officers in consultation with the Chairman and Ward Members. Upon a vote being taken this was agreed.

RESOLVED that the application be **REFUSED** for the reasons as agreed above.

Councillor Mrs J L Fleming left the meeting at this point and did not return.

139. 20/00954/FUL - BARNS AT LOWER FARM, BLIND LANE, TOLLESHUNT KNIGHTS

Application Number	20/00954/FUL
Location	Barns at Lower Farm, Blind Lane, Tolleshunt Knights
Proposal	Conversion of barns to dwelling
Applicant	Mrs N Gudgeon
Agent	Mr G Clark - Clark Partnership
Target Decision Date	18.12.2020
Case Officer	Hayleigh Parker-Haines
Parish	TOLLESHUNT KNIGHTS
Reason for Referral to the Committee / Council	Departure from Local Plan

A Members' Update had been circulated that advised the Applicant had completed a Section 106 agreement in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and as a result Section 8 had been amended accordingly.

The Chairman moved the Officers' recommendation as set out in the report. This was duly seconded and upon a vote being taken was 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 complete accordance with approved drawings: 20/1609/00, 20/1609/01, 20/1609/02A, 20/1609/03, 20/1609/04, 20/1609/05, 20/1609/06, 20/1609/07, 20/1609/08, 20/1609/09, 20/1609/10, 20/1609/11, 20/1609/12 and 20/1609/13A
3. Prior to their use in the development hereby approved, details or samples of the materials to be used in the construction of the external surfaces, including windows and doors, of the development hereby approved shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
4. Prior to the occupation of the development hereby approved details of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be provided prior to the occupation of the dwelling hereby approved in accordance with the approved details and be retained as such in perpetuity.
5. Prior to the occupation of the development details of both hard and soft landscape works to be carried out shall 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 occupation 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 shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - The parking of vehicles of site operatives and visitors
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - Wheel washing facilities
 - Measures to control the emission of dust, noise and dirt during construction
 - Hours and days of construction operations.
7. No development works above ground level shall occur until details of the surface water drainage scheme to serve the development has 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. The scheme shall ensure that for a minimum:

- 1) The development should be able to manage water on site for 1 in 100 years 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.

8. No development above ground level shall be occur 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. The vehicle parking area and associated turning area shown on plan 20/1609/02A shall be provided prior to the occupation retained in this form in perpetuity. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
10. Details of the refuse and cycle stores shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The development shall be implemented in accordance with the approved details and be retained for such purposes in perpetuity thereafter.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site.
12. The public's rights and ease of passage over footpath number 8 in Tolleshunt Knights shall be maintained free and unobstructed at all times.

140. 20/00955/FUL AND 20/00956/LBC - BOHUNS BYRE CHURCH STREET, TOLLESBURY

Application Number	20/00955/FUL & 20/00956/LBC
Location	Bohuns Byre Church Street Tollesbury
Proposal	Conversion, renovation and extension to historic barn to create 2 bedroom house.
Applicant	Mrs Katherine Brown
Agent	Ms Annabel Brown - Annabel Brown Architect
Target Decision Date	16.11.2020 EOT 18.12.2020
Case Officer	Hannah Bowles
Parish	TOLLESBURY EAST
Reason for Referral to the Committee / Council	Member Call In from Councillor E L Bamford for Departure from Local Plan

Following the Officer's presentation, the Chairman advised that she agreed for a statement from an Objector, Mr Matthew Byatt to be read out. Following this the Agent, Ms Annabel Brown addressed the Committee.

In response to a debate and comments raised, the Lead Specialist Place provided information on a number of points including the lack of a Five Year Housing Land Supply (5YHLS), marketing, use of the adjoining site, the proposed scale of the dwelling etc. He advised that conditions could be imposed to address concerns around trees and ground contamination.

The Chairman moved the Officer's recommendation that the application be approved with the additional two conditions as advised by the Lead Specialist Place. This was duly seconded but upon a vote being taken was declared lost.

The Chairman proposed that the application be refused, contrary to the Officer's recommendation. Following a discussion regarding reasons for refusal it was agreed that the reason for refusal should relate to a lack of evidence with the precise wording delegated to Officers in consultation with the Chairman and Ward Members. This was duly seconded and upon a vote being taken was agreed.

At a later point in the meeting the Lead Specialist Place advised that a separate decision in relation to the Listed Building application for this site was required. The Chairman proposed that the Listed Building application (20/00956/LBC) be refused for the reason that there was not optimum viable use of the building. This proposal was duly seconded and upon a vote being taken was agreed.

RESOLVED

20/00955/FUL:

- (i) that the application be **REFUSED** subject to the reason as detailed above with the wording delegated to Officers in consultation with the Chairman and Ward Members;

20//0956/LBC

- (ii) that Listed Building Consent be **REFUSED** subject to the reason as detailed above with the wording delegated to Officers in consultation with the Chairman and Ward Members.

Councillor C Swain joined and Councillor Mrs P A Channer, CC left the meeting during this item of business.

141. **20/00974/HOUSE - 19 BLIND LANE, GOLDHANGER**

Application Number	20/00974/HOUSE
Location	19 Blind Lane, Goldhanger
Proposal	Double garage with room in roof to the front of existing dwellinghouse
Applicant	Wells
Agent	Paul Lonergan - Paul Lonergan Architects
Target Decision Date	19.11.2020
Case Officer	Hannah Bowles
Parish	GOLDHANGER
Reason for Referral to the Committee / Council	Member Call In from Councillor M E Thompson - Reason: Goldhanger Parish Council has asked me to call this in as they support the application. The relevant policy is D1, in particular items a & b.

Following the Officer's presentation, Councillor Elaine Wells speaking on behalf of Goldhanger Parish Council addressed the Committee.

The Chairman moved the Officer's recommendation that the application be refused for the reasons as detailed in Section 8 of the report. This was duly seconded.

A debate ensued during which a number of Members commented on the design, appearance and impact of the proposed dwelling. In response to a question regarding personal circumstances, the Lead Specialist Place provided additional information and guidance.

The Chairman then put the Officer's recommendation to refuse the application to the Committee and upon a vote being taken it was declared lost.

The Chairman then proposed that the application be approved, contrary to the Officer's recommendation, for the reason that the impact on the countryside and street scene

would not cause significant harm, subject to conditions as delegated to Officers. This was duly seconded and upon a vote taken it was agreed.

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

Councillor M G Bassenger joined the meeting during this item of business.

142. 20/01000/OUT - BUILDING AT THE OLD DAIRY, BROAD STREET GREEN ROAD, GREAT TOTHAM

Application Number	20/01000/OUT
Location	Building at the Old Dairy, Broad Street Green Road, Great Totham
Proposal	Replacement of a commercial building with up to three dwellings
Applicant	Mr Lawson
Agent	Peter Le Grys – Stanfords
Target Decision Date	15.12.2020
Case Officer	Hayleigh Parker-Haines
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Member call in from Councillor J V Keyes Reason: S1, S8, E1 and H4

A Members' Update had been circulated prior to the meeting that detailed representation received from Great Totham Parish Council.

During the Officer's presentation a verbal update regarding legal agreement had been provided to overcome the third reason for refusal. However proof of the checking fee had not been provided and therefore Officers proposed that reason for refusal 3 remained.

A debate ensued around the brownfield site, its status as employment land and its location in relation to nearby housing estates. In response to Members questions the Lead Specialist Place confirmed that the site was currently in use as B1 employment land and could be adjacent to a household without causing harm.

The Chairman then moved the Officer's recommendation that the application be refused for the reasons as set out in section 8 of the report. This was duly seconded and upon a vote being taken the motion was declared lost.

Reasons for approval were discussed. The Lead Specialist Place advised Members there was a need to have regard to reasons for refusal as well as the sites planning history, that it was not within a settlement boundary and the loss of employment land.

In response to the debate the Lead Specialist Place advised the Committee it could defer consideration of this application to its next meeting and Officers provide additional information but new information could not be brought into the reason for approval.

Councillor M F L Durham, proposed that the Committee defer the application for further information, this was duly seconded. Upon a vote being taken the motion was declared lost.

Councillor J V Keyes proposed that the application be approved, contrary to the Officers' recommendation and gave reasons for approval. This was duly seconded. Reasons for approval were discussed, guidance provided by Officers and the Chairman clarified that the reason for approval was that the gain of the three dwellings outweighed the loss of employment land. The Chairman put the proposed approval to the Committee for the reason outlined. Prior to voting on this the Lead Specialist Place suggested that conditions be delegated to Officers in consultation with the Chairman and Ward Members. Upon a vote being taken this was duly agreed.

RESOLVED that the application be **APPROVED** subject to conditions delegated to Officers in consultation with the Chairman and Ward Members.

143. 20/01021/FUL - LAND REAR OF HILL BARN RECTORY LANE, WOODHAM MORTIMER

Application Number	20/01021/FUL
Location	Land Rear Of Hill Barn Rectory Lane, Woodham Mortimer
Proposal	Proposed conversion of existing equestrian/storage buildings to form offices (Use Class E(g) formally B1) alongside access, parking, landscaping and other associated development.
Applicant	Mr Mervyn Clark
Agent	Mr Lindsay Trevillian - Phase 2 Planning Ltd
Target Decision Date	03.12.2020 EOT 18.12.2020
Case Officer	Hannah Bowles
Parish	WOODHAM MORTIMER
Reason for Referral to the Committee / Council	Member Call In from Councillor M F L Durham, CC - Reason: This is an employment opportunity which complies with elements of the Local Development Plan (LDP). Departure from Local Plan

Following the Chairman's earlier announcement, it was noted that this item had been withdrawn.

144. 20/01083/HOUSE - FIR TREES, MALDON ROAD, TIPTREE

Application Number	20/01083/HOUSE
Location	Fir Trees, Maldon Road, Tiptree
Proposal	Rear two storey extension
Applicant	Mr A McCheyne
Agent	Paula Robertson – Plater Claiborne Architects
Target Decision Date	18.12.2020
Case Officer	Hayleigh Parker-Haines
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Member call in from Councillor R H Siddall Reason: S1, H7, S8 and D1

Following the Officer's presentation, the Applicant, Mr Alan McCheyne, addressed the Committee. The Chairman then moved the Officer's recommendation of refusal and this was duly seconded.

During the discussion that ensued the Lead Specialist Place provided guidance on developments within the countryside, agricultural ties and how such dwellings were only allowed in exceptional circumstances.

The Chairman then put the Officer's recommendation of refusal to the Committee and upon a vote being taken it was declared lost.

Councillor R H Siddall proposed that the application be approved, contrary to the Officer's recommendation, for the reason it had been demonstrated the 87 requirements had been met by the applicant to ensure the agricultural land could be worked effectively and accommodate that need. This was duly seconded.

The Chairman put Councillor Siddall's proposed approval of the application to the Committee advising that should it be mindful to agree this conditions would be delegated to Officers. Upon a vote being taken this was agreed.

RESOLVED that the application be **APPROVED** subject to conditions delegated to Officers in consultation with the Chairman and Ward Members.

There being no further items of business the Chairman closed the meeting at 9.15 pm.

MRS M E THOMPSON
CHAIRMAN