



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
3 NOVEMBER 2021**

PRESENT

Chairman Councillor Mrs M E Thompson
Vice-Chairman Councillor J V Keyes
Councillors M F L Durham, CC, Mrs J L Fleming, CC, C P Morley,
R H Siddall, E L Stephens and Miss S White

1. CHAIRMAN'S NOTICES

The Chairman welcomed everyone present and went through some general housekeeping arrangements for the meeting.

2. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor K W Jarvis.

3. MINUTES OF THE LAST MEETING

RESOLVED by assent that the Minutes of the meeting of the Committee held on 6 October 2021 be approved and confirmed.

4. DISCLOSURE OF INTEREST

Councillor J V Keyes declared a non-pecuniary interest in Agenda item 6, 21/00901/FUL - Walden Cottage, 58 Walden House Road, Great Totham, CM9 8PN and also declared a pecuniary interest in Agenda item 7, 21/00987/OUT - Land Adjacent 24 Catchpole Lane, Great Totham. He advised the Committee he would leave the Chamber for this item of business.

Councillor M F L Durham declared a non-pecuniary interest as a Member of Essex County Council, a statutory consultee on all planning related matters.

Councillor Mrs J L Fleming declared a non-pecuniary interest as a Member of Essex County Council, a statutory consultee on all planning related matters.

5. 21/00797/FUL - IVY HOUSE, HACKMANS LANE, PURLEIGH, CM3 6RJ

Application Number	21/00797/FUL
Location	Ivy House, Hackmans Lane, Purleigh, CM3 6RJ
Proposal	Demolition of the existing dwelling and erection of a two storey dwelling with attached gym and garage

Applicant	Mr Omar Ashamari
Agent	Miss Nicole Bushell - Arcady Architects
Target Decision Date	12.10.2021 EOT 05.11.2021
Case Officer	Hannah Bowles
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Member Call In by Councillor S White Reason: Sustainability

Following the Officer's presentation, the Chairman opened the debate.

Councillor S White having called in the application said that this was due to concerns raised by the Parish Council regarding sewage and flooding. She acknowledged that these issues had now been addressed under the conditions as detailed in Section 8 of the report and proposed that the application be approved in accordance with the Officer's recommendation. This was seconded by Councillor J V Keyes.

There being no further discussion the Chairman put Councillor White's proposal to approve the application to the Committee and upon a vote being taken the application was unanimously approved.

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: 21/23/01, 21/23/02, 21/23/03, 21/23/04, 21/23/05 and 21/23/07.
- 3 Prior to their use in the development hereby approved, details 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 and retained as such thereafter.
- 4 Within 3 months following the first occupation or connection to utility services, whichever is the sooner, of the dwelling hereby approved, the existing dwelling on the site shall be demolished and the resulting material removed from the site.
- 5 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.

- 6 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.
- 7 No works or development shall take place until full details of both hard and soft landscape works have been submitted and approved in writing by the Local Planning Authority. These details shall include the layout and materials of all hard surfaced areas. Details of soft landscape works shall include planting plans, written specification (including cultivation and other operations associated with plant and grass establishment), schedules of plant noting species, plant size and proposed numbers/densities, where appropriate and an implementation programme.
- 8 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railing and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be construction prior to the first occupation of the development to which it relates and be retained as such thereafter.
- 9 Prior to any works above ground level a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

- 10 Prior to the occupation of the dwelling hereby approved a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

6. 21/00901/FUL - WALDEN COTTAGE, 58 WALDEN HOUSE ROAD, GREAT TOTHAM, CM9 8PN

Application Number	21/00901/FUL
Location	Walden Cottage 58 Walden House Road Great Totham CM9 8PN
Proposal	Replacement dwelling with detached garage and extension to garden land.
Applicant	Mankelow - Bradley David Developments
Agent	Mr Fred McKennon - CITIGROUP
Target Decision Date	11.11.2021
Case Officer	Hannah Bowles
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Member Call In by Councillor J V Keyes Reason: Sustainability and policies S1, H4 and D1

A Members' Update had been circulated prior to the meeting that stated Great Totham Parish Council objected to the application. It also stated that the design, scale and setting were inappropriate and would be out of character with the nearby buildings.

Following the Officer's presentation, the Agent, Fred McKennon, addressed the Committee. The chairman then opened the debate and a discussion ensued. Councillor White proposed that the application be approved contrary to the Officer's recommendation. This proposal was duly seconded.

Members continued to debate the merits/de-merits of the application. Councillor Durham commented that the application was not in keeping or sympathetic with the local area and that the proposed design was incongruous. Councillor Siddall and Councillor Morley concurred with this view.

In response to issues raised the Lead Specialist Place confirmed that this application hadn't raised any issues in relation to renewable energies or sustainable development, therefore the point about a newer dwelling being more sustainable than the existing was a neutral material consideration. Furthermore, additional car parking facilities was also a neutral material consideration.

The Chairman then put the duly seconded proposal in the name of Councillor White to approve the application to the Committee and upon a vote being taken this was refused. She then put the Officer's recommendation to refuse the application for the reasons detailed in Section 8 of the report. Upon a vote being taken this was agreed.

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

- 1 The proposed replacement dwelling, due to its design, appearance and scale is considered to form a dominant and bulky building, wholly out of keeping with the character of the area. Furthermore, the harm, as a result of the change of use of agricultural land to residential, would result in the unnecessary urbanisation of the open and undeveloped countryside, which currently positively contributes to the rural area in which it is set. The proposal would result in demonstrable visual harm to the site and surrounding area contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan and Government guidance contained in the National Planning Policy Framework.

Councillor J V Keyes left the meeting for this item of business and did not return.

7. 21/00987/OUT - LAND ADJACENT 24 CATCHPOLE LANE, GREAT TOTHAM

Application Number	21/00987/OUT
Location	Land Adjacent 24 Catchpole Lane, Great Totham
Proposal	One detached dwelling
Applicant	Mr A Marven
Agent	Mr Peter Le Gryns
Target Decision Date	17.11.2021
Case Officer	Sophie Mardon
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Member Call In – Councillor J V Keyes - Policies D1, H4 and S1 of LDP

A Members' Update had been circulated prior to the meeting that detailed further representation received from Essex County Council Highways. The Officer added a verbal update clarifying that the associated fee for the unilateral undertaking had not been received which was a valid reason for refusal.

Following the Officer's presentation, the Agent, Peter Le Gryns, addressed the Committee. Prior to opening the debate the Lead Specialist Place addressed issues raised by the agent as follows:

- That the unilateral undertaking had not been checked as the fee had not been received and that this stood as a reasonable reason for refusal.
- That the Planning Inspector had a significantly different opinion on this site. The previous appeal decision was a material consideration in this instance as the inspector had found the site to have intrinsic value.
- That the weight given to this development was minimal in relation to the Five-Year Housing Land Supply (5YHLS). The site provided a view of the open countryside and was important as it marked the end of the village.

A debate then ensued where Councillor Durham also referred to the Inspector's comments about the value of the site and confirmed that he agreed with the Officer's reasons for refusal. Councillor Siddall commented that he knew the area and confirmed it was prone to flooding. He said that if the proposed dwelling could be built in line with the streetscene it would be favourable but this was not possible due to the flood risk.

Councillor White proposed that the application be approved on the basis of a lack of a 5YHLS, with conditions delegated to Officers. This was not seconded. Councillor Durham then proposed that the application be refused as per the Officer's recommendation and this was duly seconded by Councillor Siddall.

The Chairman then put the Officer's recommendation to refuse the application to the Committee for the reasons detailed in Section 8 of the report and upon a vote being taken it was approved.

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

- 1 The proposed development of this site for a new single dwelling would result in demonstrable harm to the open character and appearance of the area which, due to the urbanisation of the site, would detract from the intrinsic character and beauty of the countryside. The siting if the dwelling would not reflect the

pattern of development within the area and would exacerbate the harm to the character and appearance of the area. The harm identified above would significantly outweigh any benefits of a new dwelling house, given the limited contribution that a single dwelling would provide to the housing stock. Therefore, the development is considered to form an unjustified sprawl of built form on this currently undeveloped land, contrary to policies S8, D1 and H4 of the LDP.

- 2 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the development makes no contribution for affordable housing to meet the identified need in the locality, the necessary financial contribution towards Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy, the management and maintenance of the public open space and would fail to secure the provision of residential travel packs for sustainable modes of transport, required for the future occupiers of the site contrary to Policies S1, D1, H1 and I1 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.

The meeting closed at 8.20 pm.

MRS M E THOMPSON
CHAIRMAN