



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
24 MAY 2023**

PRESENT

Councillors M F L Durham, CC, S J N Morgan, C P Morley, E L Stephens,
M E Thompson and S White

1. APPOINTMENT OF CHAIRPERSON

As the Chairperson and Vice-Chairperson of the North Western Area Planning Committee would not be appointed for the municipal year until the extraordinary Council meeting on 8 June 2023 a Chairperson was required for this meeting only. Councillor S J N Morgan proposed that Councillor M F L Durham be appointed as Chairperson of the Committee for this meeting. There being no other nominations this was duly agreed.

RESOLVED that Councillor M F L Durham be appointed as Chairperson for the meeting.

IN THE CHAIR : COUNCILLOR M F L Durham

Councillor Durham then proposed that Councillor M E Thompson be appointed as Vice-Chairperson of the Committee for this meeting. There being no other nominations this was duly agreed.

RESOLVED that Councillor M E Thompson be appointed as Vice-Chairperson for the meeting.

Councillor Thompson, as the previous Chairperson of the Committee, wished to thank the Members, Planning Officers, Committee Clerks and members of the public that participated in the Committee meetings, during the last municipal year.

2. CHAIRMAN'S NOTICES

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

3. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J C Hughes, R H Siddall and L L Wiffen.

4. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 8 March 2023 be approved and confirmed.

5. DISCLOSURE OF INTEREST

Councillor M E Thompson disclosed a pecuniary interest in Agenda Item 6 23/00010/FUL - Spital Farm, Station Road, Tolleshunt D'Arcy, CM9 8HR, as the Applicant farmed the land immediately around her property and she would leave the Chamber for that item of business.

6. 22/00639/FUL - 62 NEW ROAD, TOLLESBURY

Application Number	22/00639/FUL
Location	62 New Road, Tollesbury
Proposal	Proposed development of 17, 1, 2, and 3 bedroom dwellings including access, landscaping and associated works
Applicant	Mr Adam McLatchie – Front Architecture
Agent	Mr Mike Bradburn – Saltmarsh Developments
Target Decision Date	25.05.2023
Case Officer	Devan Hearnah
Parish	TOLLESBURY
Reason for Referral to the Committee / Council	Major Application

It was noted from the Members' Update, circulated prior to the meeting, that there had been a change to the Council's Five-Year Housing Land Supply figures.

Following the Officer's presentation, a brief debate ensued where Members aired their concerns around there being no affordable housing included in the application. Officers explained that compliance with affordable housing requirements would have rendered the scheme unviable and the applicant's Financial Viability Assessment (FVA) was independently verified to the Council's satisfaction. Officers further explained that, having regard to the Planning Balance of the proposal, taking into account the Council's 5 year housing land supply position at that time of 3.66, and the need to bring forward housing in accordance with the Strategic Housing Market Assessment (SHMA), the Council's adopted Local Plan, the Affordable Housing and Viability Supplementary Planning Document 2018, and relevant housing strategies of the Council, exceptional circumstances were demonstrated to support the proposal.

Councillor S J N Morgan proposed that the application be approved in accordance with the Officer's recommendation and this was duly seconded. The Chairperson moved the proposal and it was agreed.

RESOLVED that the application be **APPROVED** subject to a S106 agreement and 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 and retained in complete accordance with following approved drawings:
 - 260 REV P2
 - 255 REV P2
 - 254 REV P2
 - 253 REV P3
 - 252 REV P3
 - 251 REV P2
 - 258 REV P2
 - 257 REV P2

- 256 REV P2
 - 250 REV P4
 - 270 Rev P1
- 3 Prior to their use in the development hereby approved, details and photographs 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 The development shall be implemented in accordance with the dwelling mix hereby approved, which is as follows:

Open market houses:

- 2 no. one-bedroom dwellings
 - 6 no. two-bedroom dwellings
 - 9 no. three-bedroom dwellings
- 5 Full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include, for example:
- i. Proposes finished levels contours;
 - ii. Means of enclosure;
 - iii. Car parking layouts;
 - iv. Other vehicle and pedestrian access and circulation areas;
 - v. Hard surfacing materials;
 - vi. Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting);
 - vii. Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc, indicating lines, manholes, supports);
 - viii. Retained historic landscape features and proposals for restoration, where relevant.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise 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.

The hard landscape works shall be carried out as approved prior to the first use / occupation of the development hereby approved and retained and maintained as such thereafter.

6. Details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the local planning authority prior to first use/occupation of the development hereby approved. 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 works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the

development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to 1.15l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party/ All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

8 The scheme shall subsequently be implemented prior to occupation.
All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (ACJ Ecology, March 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an Ecological Clerk of Works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

9 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 or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights 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).

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

No works above ground level associated with the development hereby approved shall take place until a strategy to facilitate superfast broadband for the future occupants of the dwellings hereby approved, either through below ground infrastructure or other means, has been submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the agreed details.

11 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities / frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

- Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.
- 12 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.
- 13 Prior to any works above ground level 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.
- 14 The remediation scheme, as set out within the Remediation Method Statement report No 2781/Rpt 2v2 by Brown2Green dated April 2022, must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to the Local Planning Authority for approval.

The written verification shall include that:

- i) All contaminated material removed from the site is removed by an appropriate licensed contractor to a facility approved by the Environment Agency
- ii) All imported material is suitable for its intended use
- iii) All agreed remediation measures identified as necessary in the contaminated land assessment have been undertaken to render the site suitable for the use specified.

This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

- 15 The development shall be carried out in accordance with the Construction Phase Method Statement 62 New Road Tollesbury CM9 8RE (April 2022) throughout the construction period.
- 16 Prior to the occupation of the development hereby approved, at least one electric charging point per dwelling shall be provided for vehicles and electric bicycles and shall be retained thereafter.
- 17 Prior to the first occupation of the development, the vehicle parking and turning areas, as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. Each dwelling will be provided with the required number of vehicle parking spaces as set out within the Maldon District Vehicle Parking Standards. The parking and turning areas shall be retained as such for the life of the development.
- 18 The bicycle parking facilities to serve Plots 5-12 as shown on the approved plan 255 Rev P2 which is attached to and forms part of this permission shall be provided in accordance with the approved scheme prior to the first occupation of the development and retained for such purposes thereafter.

Cycle parking shall be provided for Plots 1-4 and Plots 13-17 prior to the occupation of the development hereby approved in accordance with Maldon

- District Council's adopted standards. The approved facility shall be secure, convenient, covered and retained at all times.
- 19 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 20 Prior to occupation of the development hereby approved, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport for each dwelling. The packs are to be provided by the Developer to each dwelling free of charge.
- 21 Prior to the first occupation of the development the access arrangements as indicated on the approved plans shall be fully implemented and retained as such for the life of the development.
- 22 Prior to the first occupation of the dwellings hereby approved, a scheme for waste management shall be submitted to and approved in writing by the Local Planning Authority.
- 23 Prior to the first occupation of the development any redundant dropped kerb crossings shall be fully reinstated with full height kerbing and footway construction as necessary
- 24 Prior to the first occupation of the building hereby permitted, the first floor window(s) in the eastern elevation of Plots 13, 15 and 17 and western elevation of Plots 14 and 16 shall be glazed with opaque glass and of a non- openable design with the exception of a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.

Councillor Thompson left the Chamber at 8:03pm

7. **23/00010/FUL - SPITAL FARM, STATION ROAD, TOLLESHUNT D'ARCY, CM9 8HR**

Application Number	23/00010/FUL
Location	Spital Farm, Station Road, Tolleshunt D'Arcy, CM9 8HR
Proposal	Proposed demolition of agricultural barns and construction of 2No dwellings
Applicant	Messrs William & Robert Bradshaw
Agent	Mr Ian O'Hanlon - Tricker Blackie Associates Ltd
Target Decision Date	13.03.2023 Extension of time until 28.04.2023
Case Officer	David Green
Parish	TOLLESHUNT D'ARCY
Reason for Referral to the Committee / Council	Member Call in by Councillor J V Keyes, none given.

Following the Officer's presentation, the Agent, Mr I O'Hanlon, addressed the Committee. The Chairperson then opened the discussion.

Councillor S White proposed to approve the application, contrary to the Officer's recommendation, as it conformed with Policy D2, part 4, the reuse of existing and redundant buildings, and policy H5, Rural exception schemes; Councillor White also noted that the previous refusal was under delegated powers and that rural councillors have a high knowledge of local sites and in the absence of an alternative proposal, the scheme could be supported under policy D2, this was duly seconded by Councillor Morgan.

The Lead Specialist: Development Management, clarified that Policy D2 is for re-use of buildings and not rebuild, and the proposed development would result in demolishing the barns so would not be applicable It was further clarified by officers that H5 was not

a relevant policy in this instance, as H5 requires rural exception schemes to be 100% affordable housing for local needs and satisfy a number of other criteria which this scheme does not, including being inconsistent with the Class Q permission the site currently benefits from.

Councillor White then proposed to approve the application, contrary to the Officer's recommendation as it conformed with Policy D1 given the construction would accord with the street scene, whether it was a reuse or rebuild; this was duly seconded by Councillor Morgan. The Chairperson moved the proposal and upon a vote being taken it was duly agreed.

RESOLVED that the application be **APPROVED** subject to conditions delegated to Officers in consultation with the Chairperson.

Councillor Thompson returned to the Chamber at 8:23pm

8. 23/00147/HOUSE - SEPTEMBER BARN, CHELMSFORD ROAD, PURLEIGH, ESSEX, CM3 6QP

Application Number	23/00147/HOUSE
Location	September Barn, Chelmsford Road, Purleigh, Essex, CM3 6QP
Proposal	Single storey rear extension
Applicant	Mr Ben Strathern
Agent	Mr John Crowley - Anthro Architect Ltd
Target Decision Date	21.11.2022
Case Officer	Nicola Ward
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Member Call-in by Councillor S White citing Policy D1 and S1

Following the Officer's presentation, the Applicant, Mr B Strathern, addressed the Committee.

A brief discussion ensued, resulting in a proposal from Councillor S White to approve the application contrary to the Officer's recommendation, citing Policies D1 and S1, this was duly seconded.

A debate then took place around the amenity space and the design of the proposed development. In response to issues raised, Officers provided the following information:

- That the proposed extension would reduce the private amenity space at the property to approximately 74m², which would be significantly below the recommended minimum standard for a property of the size proposed, which would also compartmentalise the amenity space, making it unusable.
- That a similar application considered by the Central Area Planning Committee on 15 July 2020, was refused in line with the Officer's recommendation due to the reduced garden size.
- Officers drew Members' attention to the Maldon District Design Guide (2017) that stated that a garden (private amenity space) would be at the rear of the property and urged Members to be clear in the minutes what they were allowing, to ensure Committee Members weren't setting a dangerous precedent for future applications. It was also pointed out that gardens are normally to the rear of properties and not the front and the Councils policies concerned rear gardens.

Councillor White reiterated her proposal to approve the application contrary to the Officer's recommendation, citing Policies D1 and S1, as it complimented the landscape, the design and character were commensurate with the existing buildings and materials that were in use, it allowed a family to remain in the area, this was duly seconded by Councillor Morley.

Councillor Stephens wanted it recorded that the material difference with this application was that the front garden, on its own, was sufficient amenity space and was capable of being made into a private, secure amenity space.

There being no further discussion, the Chairperson moved the proposal to approve the application contrary to the Officer's recommendation to the Committee and 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 Chairperson.

9. 23/00229/FUL - LAND NORTH OF POPLAR GROVE CHASE, GREAT TOTHAM

Application Number	23/00229/FUL
Location	Land North of Poplar Grove Chase, Great Totham
Proposal	Construction of stable block
Applicant	Mr and Mrs A Lawson
Agent	Mrs Melanie Bingham-Wallis – Foxes Rural Ltd
Target Decision Date	31.05.2023
Case Officer	Devan Hearnah
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Member Call In – Councillor J V Keyes Polices S1, D1, E1, E4 and H4

Following the Officer's presentation, the Agent, Mrs M Bingham-Wallis, addressed the Committee. The Chairperson then opened the discussion.

A brief debate ensued and Officers advised that there had not been a justifiable and functional need demonstrated for the proposed development as there were two stables to the north on the existing site that could house two donkeys and the development would cause unacceptable harm to the character and appearance of the rural area.

Councillor S J N Morgan suggested that a condition be placed upon the development to ensure it was for equine use only, Members and Officers agreed. Councillor White proposed to approve the application contrary to the Officer's recommendation, as the proposed use and design of the building was suitable in a countryside setting, this was duly seconded by Councillor Morgan.

The Chairperson put the proposal to approve the application to the Committee and this was agreed.

RESOLVED that the application be **APPROVED** subject to conditions delegated to Officers, in consultation with the Chairperson and to include a condition that restricts the use of the building for equestrian purposes only.

There being no other items of business the Chairperson closed the meeting at 9.06 pm.

M F L DURHAM
CHAIRMAN