



**MINUTES of  
NORTH WESTERN AREA PLANNING COMMITTEE  
6 FEBRUARY 2017**

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**PRESENT**

Chairman	Councillor H M Bass
Vice-Chairman	Councillor Mrs M E Thompson
Councillors	J P F Archer, E L Bamford, M F L Durham, J V Keyes, A K M St. Joseph and Miss S White
Ex-Officio Non- Voting Member	Mrs P A Channer, CC

**952. CHAIRMAN'S NOTICES (PLEASE SEE OVERLEAF)**

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

**953. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor D M Sismey.

**954. MINUTES OF THE LAST MEETING**

**RESOLVED**

- (i) that the Minutes of the meeting of the North Western Area Planning Committee held on 9 January 2017 be received.

**Minute No. 844 – RES/MAL/16/01130 – LAND NORTH WEST OF 34 TO 36  
MALDON ROAD, GOLDHANGER**

Councillor E L Bamford requested that the wording in the final sentence of the second paragraph of this Minute be amended to read “The Parish Trigger would not have brought this application before the Committee.”

**RESOLVED**

- (ii) that subject to the above amendment the Minutes of the meeting of the Committee held on 9 January 2017 be confirmed.

## **955. DISCLOSURE OF INTEREST**

Councillor J V Keyes declared a non-pecuniary interest in respect of Agenda Item 8 – FUL/MAL/16/01419 and LBC/MAL/16/01420 – Vaulty Manor, Goldhanger Road, Heybridge and Agenda Item 9 – OUT/MAL/16/01490 – Land Adjacent 18 Totham Hill Green, Great Totham as he knew the Applicants.

Councillor Mrs P A Channer CC declared a non-pecuniary interest as she was also a Member of Essex County Council who was consulted on planning applications in relation to highways, education and other matters. She also declared a non-pecuniary interest in relation to Agenda Item 8 – FUL/MAL/16/01419 and LBC/MAL/16/01420 – Vaulty Manor, Goldhanger Road, Heybridge, as she knew the Applicant.

The Committee received the reports of the Interim Head of Planning Services and determined the following planning applications, having taken into account all representations and consultation replies received, including those listed on the Members' Update circulated at the meeting.

## **956. MEMBERS' BRIEFING**

There was no Members' Briefing.

## **957. HOUSE/MAL/16/01319 - FAIRWIND, 14 WATERWORKS ROAD, TOLLESBURY**

<b>Application Number</b>	<b>HOUSE/MAL/16/01319</b>
<b>Location</b>	Fairwind 14 Waterworks Road Tollesbury Essex CM9 8RF
<b>Proposal</b>	Retrospective - Erection of outbuilding
<b>Applicant</b>	Mr Dave Walsh
<b>Agent</b>	Mr Samuel Rabin - 3bd LLP
<b>Date Valid</b>	16 December 2016
<b>Target Decision Date</b>	10 February 2017
<b>Case Officer</b>	Spyros Mouratidis, TEL: 01621 875841
<b>Parish</b>	<b>TOLLESBURY EAST</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

Following the Officer's presentation of the report, the Committee debated this application raising concerns about both the height of the building and the possibility of it being used for residential use in future. The Interim Head of Planning Services advised the Committee that under permitted development rights a substantial building would have been allowed, provided that it was ancillary to the main dwelling. If Members were minded to refuse this application, then the Council would be in danger of being seen to be unreasonable.

**RESOLVED** that this application be **APPROVED** subject to the following conditions:

- 1 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
- 2 The building hereby permitted shall only be used for those purposes incidental to the use of the dwelling house to which it relates and not for any commercial or business purpose or as annexe accommodation.

**958. HOUSE/MAL/16/01322 - 4 WELLANDS, WICKHAM BISHOPS**

<b>Application Number</b>	<b>HOUSE/MAL/16/01322</b>
<b>Location</b>	4 Wellands, Wickham Bishops
<b>Proposal</b>	Proposed annexe accommodation within existing garage and proposed extensions, plus dining room and bedroom extensions to main house.
<b>Applicant</b>	Mr & Mrs Taylor
<b>Agent</b>	Mr Stephen Waud
<b>Date Valid</b>	5 December 2016
<b>Target Decision Date</b>	30 January 2017
<b>Case Officer</b>	Emily Hall, TEL: 01621 875744
<b>Parish</b>	<b>WICKHAM BISHOPS</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

Following the Officer's presentation of the report, Mr S Waud, the Agent, addressed the Committee.

**RESOLVED** that this 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: PA-160427-01 Rev. A, PA-160427-03, PA-160427-02, PA-160427-05 Rev. A, PA-160427-04 Rev. B, PA-160427-07, PA-160427-06 Rev. A.
3. The external surfaces of the development hereby approved shall be constructed of materials and of a finish as detailed within the application.
4. An internal pedestrian access shall be retained at all times between the existing dwelling house and the extension hereby permitted.
5. The annex hereby permitted shall be occupied only as an annex for purposes ancillary and incidental to and in conjunction with the use of the existing property as a single dwelling house and not as a separate or independent unit of residential accommodation.

**959. FUL/MAL/16/01419 AND LBC/MAL/16/01420 - VAULTY MANOR, GOLDHANGER ROAD, HEYBRIDGE**

<b>Application Number</b>	<b>FUL/MAL/16/01419</b>
<b>Location</b>	Vaulty Manor Goldhanger Road Heybridge Essex
<b>Proposal</b>	Wedding gazebo within the enclosed garden of Vaulty Manor
<b>Applicant</b>	Mr Colin Downie - Osea Leisure Park
<b>Agent</b>	Geoffrey Vale - Geoffrey Vale Chartered Architect
<b>Date Valid</b>	6 December 2016
<b>Target Decision Date</b>	07 March 2017
<b>Case Officer</b>	Yee Cheung, Tel: 01621 876220
<b>Parish</b>	<b>GOLDHANGER</b>
<b>Reason for Referral to the Committee / Council</b>	The planning application and Listed Building Consent both fall under the parishes of Goldhanger and Heybridge and therefore would need to be considered by Members at the North Western Area Planning Committee and Central Area Planning Committee.
<b>Application Number</b>	<b>LBC/MAL/16/01420</b>
<b>Location</b>	Vaulty Manor Goldhanger Road Heybridge Essex
<b>Proposal</b>	Wedding gazebo within the enclosed garden of Vaulty Manor
<b>Applicant</b>	Mr Colin Downie - Osea Leisure Park
<b>Agent</b>	Geoffrey Vale - Geoffrey Vale Chartered Architect
<b>Target Decision Date</b>	31.01.2017
<b>Case Officer</b>	Yee Cheung, Tel: 01621 876220
<b>Parish</b>	<b>GOLDHANGER</b>
<b>Reason for Referral to the Committee / Council</b>	The planning application and Listed Building Consent both fall under the parishes of Goldhanger and Heybridge and therefore would need to be considered by Members at the North Western Area Planning Committee and Central Area Planning Committee.

**RESOLVED** that the Planning and Licensing Committee be **recommended to APPROVE** application FUL/MAL/16/01419 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 the approved drawings specifically referenced on this decision notice.

**RESOLVED** that the Planning and Licensing Committee be **recommended to GRANT LISTED BUILDING CONSENT** for application LBC/MAL/16/01420 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 the approved drawings specifically referenced on this decision notice.

**960. OUT/MAL/16/01490 - LAND ADJACENT 18 TOTHAM HILL GREEN, GREAT TOTHAM**

<b>Application Number</b>	<b>OUT/MAL/16/01490</b>
<b>Location</b>	Land Adjacent 18 Totham Hill Green, Great Totham
<b>Proposal</b>	Erect detached bungalow with integral garage, and layout parking and amenity areas.
<b>Applicant</b>	Mr & Mrs L And R De Belligny
<b>Agent</b>	Mr Stewart Rowe - The Planning And Design Bureau Ltd
<b>Date Valid</b>	22 December 2016
<b>Target Decision Date</b>	16 February 2017
<b>Case Officer</b>	Emily Hall, TEL: 01621 875744
<b>Parish</b>	<b>GREAT TOTHAM</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

The Officer presented the report to the Committee and advised that the letters of representation shown in the Report and the Members' Update were incorrect. There had been 23 letters of support and 4 letters of objection received, as follows:

**Support:**

Mr Martin Frost, Perrins Colchester Road Great Totham Maldon Essex CM9 8ED  
Mr David Goodwin, Slough House Farm Scraley Road Great Totham Essex CM9 8JA  
Mr Daniel Gower, 2 Foster Road Great Totham Essex CM9 8PZ  
Mr J Gower, 22 Heriot Way Great Totham Essex CM9 8BW  
Mr S Gower, 18A Walden House Road Great Totham Essex CM9 8PN  
Mr & Mrs J Gegan, Winwoof Lodge Totham Hill Green Great Totham Essex CM9 8DX  
Miss A Gregory, 13 Spring Lane Great Totham Essex CM9 8DL  
Mrs Rachel Hamilton, Lawns Farm 29 Plains Road Great Totham Maldon Essex CM9 8DT  
Mrs Jacqueline Jenkins, Great Totham Garage 2 Hall Road Great Totham Essex CM9 8NN  
Mrs Jan Lockett, 11 Staplers Heath Great Totham Maldon Essex CM9 8NG  
Mr Brian Lorkin, 27 Totham Hill Green Great Totham Essex CM9 8DX  
Brian & Theresa Marshall, Sheepcoates Hall Sheepcoates Lane Great Totham Essex CM9 8NT  
Mr J Marven, Marvens Riding Stables Fanners Farm Wickham Bishops CM8 3LX  
Mr & Mrs P Witney, 31 Totham Hill Green Great Totham Maldon Essex CM9 8DX  
Mr & Mrs Petett, Hill Farm Beckingham Road Great Totham Essex CM9 8DY  
M J Phillis, Godfreys Farmhouse Sheepcoates Lane Little Totham Maldon Essex  
Mr N Reynolds, Longfield Plains Road Great Totham Essex  
Stephen Ross & Amanda Burton, 10A Totham Hill Green Great Totham CM9 8DX  
Mr Robert Wakelin, 2 Jepcracks Farm Church Road Great Totham Maldon Essex  
Mrs J White, 55 Maldon Road Great Totham Essex CM9 8NL  
Mr & Mrs Brian Whiting, Hill House 1 Colchester Road Great Totham Essex CM9 8BZ  
Peter Whitnall, 18 Totham Hill Green Great Totham Essex CM9 8DX  
Daniel Wylie, Beckingham Manor Beckingham Road Great Totham Essex CM9 8EB

**Object:**

Mr & Mrs D Harris, 19 Totham Hill Green Great Totham Essex CM9 8DX  
C A Heaviside, 12 Totham Hill Green Great Totham Essex CM9 8DX  
Mrs Jean Perratt, Wesley Cottage 21 Totham Hill Green Great Totham Essex CM9 8DX  
Mrs Gail Todd, Bean Cottage 14 Totham Hill Green Great Totham Essex CM9 8DX

Following the Officer's presentation of the report, Mr J Gegan, a Supporter, of Winwoof Lodge, Totham Hill Green, Great Totham and Mr R King, the Applicant's father, representing the Applicant, both addressed the Committee.

Councillor J V Keyes, a Ward Member, advised the Committee that he had called this application in to be considered by the Committee. Permission was originally sought for a house on this site, whereas this application was for a bungalow where an old asbestos shed was currently situated. Planning permission had been granted for a house on a site on the opposite side of the road. Councillor Keyes proposed that this application be approved contrary to the Officer's recommendation.

The Officer advised Members that the dwelling on the opposite side of the road for which permission had been granted was within the settlement boundary, whereas the application on this site was outside of the settlement boundary.

A discussion then ensued. A previous application for a house on this site was dismissed on appeal, with the conservation officer's concerns being a material consideration. Members noted that the conservation officer had not raised any concerns regarding the application which was now being considered. Although as this application was outline in nature, if Members were minded to approve it, then any conditions to be imposed by the conservation officer would be considered at the reserved matters stage.

Members raised concern that as this was an outline application and if permission was granted, then the applicant could come back with a very different proposal at a later stage. However, attention was drawn to the fact that the application before the Committee, whilst outline, was clearly for a bungalow and that the site was right on the edge of the settlement boundary.

The proposal to approve this application was duly seconded and, upon a vote, the motion was passed.

**RESOLVED** that this application be **APPROVED**, subject to the following conditions:

- 1 The development shall be carried out in accordance with plans and particulars relating to the scale, appearance and landscaping of the site (hereinafter called "the reserved matters"), for which approval shall be obtained from the Local Planning Authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.
- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.

- 4 Prior to the commencement of development, details and samples of the external materials to be used on the dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5 As part of the reserved matters details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the local planning authority. 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.
- 6 As part of the reserved matters full details of both hard and soft landscape works to be carried out shall be 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 commencement 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.
- 7 Notwithstanding the details submitted with this application, no development shall commence, other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:
  - (i) a survey of extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:
    - Human health,
    - Properly (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - Adjoining land,
    - Groundwaters and surface waters,
    - Ecological systems
    - Archaeological sites and ancient monuments;
  - (i) an appraisal of remedial options, and proposal of the preferred option(s). 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.
- 8 No development shall commence, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. 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.
- 9 The approved remediation scheme 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. 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. 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.
- 10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8. This must be conducted 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. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 9.
- 11 Prior to the commencement of the development 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.



- Reason: To prevent pollution and to ensure the foul drainage scheme is adequate to serve the development in accordance with policy CON5 of the Maldon District Replacement Local Plan
- 12 Prior to the commencement of the development 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.
  - 13 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.
  - 14 Any gates erected at the vehicular access shall be inward opening only and shall be recessed a minimum of 6m. from the highway boundary.

## 961. OTHER AREA PLANNING AND RELATED MATTERS

### (i) Appeals Lodged:

It was noted from the Agenda and Members' Update that the following appeals had been lodged with the Planning Inspectorate:

Appeal Start Date: 17 January 2017

Enforcement Notice Reference Number: ENF/15/00093/2

**Appeal Reference Number: APP/X1545/C/16/3161041**

Site: Tolleshunt Wood Within Chantry Wood Witham Road Wickham Bishops

Alleged Breach of Planning Control: Without planning permission the unauthorised operational development to erect a building

Appeal by: Mr Guy Dehn

Grounds of Appeal:

Ground A

*That planning permission should be granted for what is alleged in the notice*

Ground C

*that there has not been a breach of planning control*

Ground F

*that the steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections*

Appeal Start Date: 25/01/2017

**Application Number:** HOUSE/MAL/16/00921 (APP/X1545/D/17/3166724)

Site: 48 Maldon Road, Great Totham, Essex, CM9 8NL

Proposal: Erection of an approximately 1800 mm high fence along the boundary of the property

Appeal by: Mr Andrew Porcas

Appeal against: Refusal

Appeal procedure requested: Householder Appeals Service (HAS)

Appeal Start Date: 26/01/2017

**Application Number: FUL/MAL/16/00460 (APP/X1545/W/16/3163932)**

Site: Land At Goat Lodge Road - Great Totham

Proposal: Erection of nine dwellings, creation of new accesses to Goat Lodge Road and Staplers Heath, estate roads, garages and car spaces, foul and surface water drainage and landscaping.

Appeal by: Mr Alan Collier

Appeal against: Refusal

Appeal procedure requested: Written Representations

**(ii) Appeal Decisions:**

It was noted from the agenda and Members' Update that the following appeal decisions had been received from the Planning Inspectorate.

**COUPA/MAL/16/00593 (Appeal Ref: APP/X1545/W/16/3157810)**

Proposal: Prior approval of proposed change of use of Agricultural Building to a Dwellinghouse (Class C3), and for Associated Operational Development

Address: Unit 1 Honeywood Farm - Honeypot Lane - Purleigh

**APPEAL ALLOWED & FULL COSTS AGAINST THE COUNCIL**

**ALLOWED – 9 January 2017**

**DECISION LEVEL:** Delegated

**OUT/MAL/16/00048 (Appeal Ref: APP/X1545/W/16/3155011)**

Proposal: Outline application for a single dwelling

Address: Land Between Heath House And Little Braxted House, Braxted Road, Little Braxted

**APPEAL DISMISSED – 19 January 2017**

**DECISION LEVEL:** Committee as per Officer recommendation to refuse

**FUL/MAL/16/00353 (Appeal Ref: APP/X1545/W/16/3159655)**

Proposal: Demolition of existing dwelling and erection of a replacement dwelling with associated triple garage

Address: Great Canney Cottage, Hackmans Lane, Purleigh, Essex, CM3 6RP

**APPEAL DISMISSED – 27 January 2017**

**DECISION LEVEL:** Delegated

**OUT/MAL/15/01342 (Appeal Ref: APP/X1545/W/16/3152640)**

Proposal: Outline planning permission for demolition of existing dwelling and erection of up to 52 residential dwellings with associated vehicular access.

Address: Land Rear Of 9 Church Road - Wickham Bishops

**APPEAL ALLOWED – 1 February 2017**

**DECISION LEVEL:** Delegated

There being no further items of business the Chairman closed the meeting at 8.22pm.

H M BASS  
CHAIRMAN

(a)  
(b)