



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
10 JULY 2017**

PRESENT

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

228. CHAIRMAN'S NOTICES

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

229. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J P F Archer, E L Bamford, A K M St. Joseph and D M Sismey.

230. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the meeting of the Committee held on 12 June 2017 be received.

It was noted that Councillor Mrs P A Channer was shown as being present as a Member of the Committee, however, she was an Ex-Officio Non-Voting Member.

RESOLVED

- (ii) that subject to the above amendment the Minutes of the meeting of the Committee held on 12 June 2017 be confirmed.

231. DISCLOSURE OF INTEREST

Councillor J V Keyes declared a non-pecuniary interest in relation to Agenda Item 7 FUL/MAL/17/00641 – Poultry Sheds, Moors Farm, Moors Farm Chase, Little Totham as he knew the Applicant, had carried out haulage work for him and had purchased items from him. He was also a Member of Great Totham Parish Council.

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 highways which. This was pertinent to Agenda Item 6 – FUL/MAL/17/0053 – Land Adjacent to Chasefield Cottage, Kelvedon. Councillor Mrs Channer’s non-pecuniary interest also related to any other matters that involved Essex County Council.

Councillor M F L Durham, CC declared the same non-pecuniary interest as Councillor Mrs Channer, as he was also a Member of Essex County Council.

The Committee received the reports of the Chief Executive and determined the following planning applications, having taken into account all representations and consultation replies received, including those listed on the Members’ Updates circulated at the meeting.

232. FUL/MAL/17/00167 - THE GRIFFINS, TUDWICK ROAD, TOLLESHUNT MAJOR

Application Number	FUL/MAL/17/00167
Location	The Griffins Tudwick Road Tolleshunt Major Essex
Proposal	Removal of Condition 3 imposed on approved planning permission MAL/143/78 relating to an agricultural/kennels occupancy condition, as amended on appeal (reference FUL/MAL/15/00301)
Applicant	Mr & Mrs R Vallis
Agent	Mr Peter Le Grys - Stanfords
Target Decision Date	24.04.2017 EOT – 14.06.2017
Case Officer	Hilary Baldwin, TEL: 01621 875730
Parish	TOLLESHUNT MAJOR
Reason for Referral to the Committee / Council	Parish Trigger

Following the Officer’s presentation of the report, Mr P Le Grys, the Agent, addressed the Committee.

The Chairman then proposed that the Officer’s recommendation be accepted and opened the debate to Members. This proposal was duly seconded.

In response to a question regarding the refusal to lift an agricultural tie in a nearby location, the Group Manager for Planning Services advised that both the Council’s Local Development Plan and existing policies protected agricultural dwellings. However, there was policy in existence that acknowledged that such dwellings may be out of date or without demand. The Officer’s report did explain the policy and highlighted the requirements that must be met in order to consider the removal of an agricultural tie.

Members raised various questions regarding agricultural ties and the Group Manager for Planning Services reiterated that it was necessary for a whole suite of requirements to be met in order for an agricultural tie to be removed.

Although Members had concerns regarding the removal of agricultural ties and setting a dangerous precedent, it was acknowledged that all cases must be taken on their own merits and if all the criteria had been met, then it was possible for it to be removed.

The Chairman advised Members that provided the Council's policies had been complied with, then this application should be approved.

RESOLVED that this application be **APPROVED**.

233. FUL/MAL/17/00535 - LAND ADJACENT TO CHASEFIELD COTTAGE, KELVEDON ROAD, WICKHAM BISHOPS

Application Number	FUL/MAL/17/00535
Location	Land Adjacent To Chasefield Cottage Kelvedon Road Wickham Bishops Essex
Proposal	Proposed 4 Bedroom Dwelling
Applicant	Mrs Lynda Kemp
Agent	Mr Chris Loon - Springfields Planning & Development Limited
Target Decision Date	12 July 2017
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	Member Call In

The Officer presented the report and drew Members' attention to a letter which had been received from the Agent. Members were advised that the issues in that letter had been addressed in the report.

The Chairman proposed that the Officer's recommendation to approve this application be accepted and this proposal was duly seconded.

Councillor H M Bass, a Ward Member, advised the Committee that he had called this application in as Wickham Bishops Parish Council had raised concerns. However, although the application site was higher than the adjacent cottages, there were other very large houses nearby and when looked at in context, Councillor Bass accepted the Officer's recommendation.

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 the approved drawings specifically referenced on this decision notice.
- 3 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials and details as approved.
- 4 No development shall commence until 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 boundary treatment as approved shall be constructed

- prior to the first use / occupation of the development to which it relates and be retained as such thereafter.
- 5 No development shall take place until full details of both hard and soft landscape works to be carried out 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 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.
 - 6 Prior to the first occupation of the proposed dwelling, the proposed vehicular access shall be constructed to a width of 4.8m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.
 - 7 The development shall not be occupied until such time as the car parking and turning area, has been provided in accord with the details shown in Drawing Numbered 017.09.PL-102 Revision A. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development.
 - 8 Prior to the commencement of the development a 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.
 - 9 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.
 - 10 Prior to the commencement of development, details and height of the screen of the balcony shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the details approved and retained as such thereafter.

234. FUL/MAL/17/00641 - POULTRY SHEDS, MOORS FARM, MOORS FARM CHASE, LITTLE TOTHAM

Application Number	FUL/MAL/17/00641
Location	Poultry Sheds Moors Farm Moors Farm Chase Little Totham
Proposal	Variation of conditions 6 & 7 on approved planning permission FUL/MAL/15/00439 (Change of use of existing agricultural poultry sheds to be used for the storage of reclaimed building materials)
Applicant	Mr J Purdy
Agent	Mr Peter Le Grys - Stanfords
Target Decision Date	4 August 2017
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	LITTLE TOTHAM
Reason for Referral to the Committee / Council	Member Call In

The Chairman proposed that the Officer's recommendation be accepted. However, this proposal was not seconded.

Following the Officer's presentation of the report, Mr Le Grys, the Agent, addressed the Committee.

The Chairman advised that a consultation response from Environmental Health was included in the Members' Update.

Prior to the Committee debating this application, the Group Manager for Planning Services commented on the points made by the Agent. The application related to the removal of conditions and Members must consider what could potentially happen and how that could be controlled.

Members debated this application in some detail and raised various questions to which the Group Manager for Planning Services responded:

- Some of the buildings had already been demolished - Members were advised that there remain two buildings on this site, although others had been demolished. This application relates to storage in the remaining buildings, together with open storage on the site;
- Varying conditions was not the best way to deal with this and it would be better if the Applicant submitted a new proposal - To a certain extent, this was a reasonable way to deal with the application as it permitted open storage on the entire site. There were still two buildings in existence and the condition is clear, precise and meets all the tests. If permission was refused, then the Council could continue with enforcement action;
- The Agent stated that this is a different application, although the report states it was identical to the previous one - The current application was to remove conditions and this was the same as the previous application. A material consideration that must be taken into account was the Council's previous decision. Members would need to bring forward different material considerations if they thought it appropriate.

The Group Manager for Planning Services advised Members that the consultation period for this application had not expired and a decision would be delegated to the Chief Executive, subject to no new material considerations coming forward.

Members requested assurance that the wording on this application was identical to the wording on the previous application. Whilst Members did not have a problem to this application per se, due to the previous application being refused, it was difficult to have a favourable attitude to this one if it was identical to the previous one. The Group Manager for Planning Services confirmed that this application was to remove conditions.

Members were of the opinion that this application should be refused and the Applicant be invited to submit a new application that was different. It was considered that the site could benefit from landscaping, improvement in access and also that there should be restrictions on working hours etc.

Councillor J V Keyes, a Ward Member, then proposed approval of this application, contrary to Officers' recommendation, as he was of the opinion that this would cause less harm to the previous use of the site. This proposal was not seconded.

The Chairman proposed that the Officer's recommendation to refuse this application be agreed and this was duly seconded.

It was suggested that Officers meet with the Applicant to discuss how to proceed with a new application for this site.

RESOLVED that the Chief Executive be authorised to **REFUSE** this planning permission, following expiry of the statutory consultation period, for the following reasons:

- 1 The use of the site without compliance to Conditions 6 of planning permission FUL/MAL/15/00439 has resulted in a development that is unacceptable in principle, due to its visual impact upon the intrinsic character and appearance of the area contrary to policies S2, CC6, CC19 and BE1 of the adopted Maldon District Replacement Local Plan, policies S1, S8, E4 and D1 of the Maldon District Submitted Local Development Plan and the guidance and provisions of the National Planning Policy Framework.
- 2 The use of the site without compliance to Conditions 6 and 7 of planning permission FUL/MAL/15/00439 has resulted in noise pollution, which is detrimental to the amenity of the neighbouring residential occupiers contrary to saved policies CON5, CC19 and BE1 of the Replacement Local Plan and emerging policies D1 and D2 of the submission Local Development Plan and advice contained within the National Planning Policy Framework.

235. 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: 19/06/2017
Application Number: HOUSE/MAL/17/00084 (APP/X1545/D/17/3176627)
Site: Gransden - 1 Churchacre - Hall Road - Tollesbury
Proposal: Extension and garage conversion to form granny annex
Appeal by: Mr Ben Lawrence
Appeal against: Refusal
Appeal procedure requested: Householder Appeal Service (HAS)

Appeal Start Date: 27/06/2017
Application Number: COUPA/MAL/17/00232 (APP/X1545/W/17/3176062)
Site: Land Adjacent Purleigh Law Walton Hall Lane Purleigh
Proposal: Prior approval of change of use from agricultural to a dwellinghouse and associated operational development.
Appeal by: Mr S Ascott
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.

HOUSE/MAL/16/01499 (Appeal Ref: APP/X1545/D/17/3173096)
Proposal: Roof conversion and alterations to a domestic property.
Address: 26 Walden House Road Great Totham
Decision Level: Delegated
APPEAL ALLOWED– 12.06.2017

FUL/MAL/16/00657 (Appeal Ref: APP/X1545/W/17/3166779)
Proposal: Change of use of agricultural building to B1 light industrial use
Address: Oakfield Farm Hyde Chase Purleigh
Decision Level: Committee overturned Officer recommendation to approve
APPEAL ALLOWED – 14 June 2017

FUL/MAL/16/01430 (Appeal Ref: APP/X1545/W/17/3170054)
Proposal: Erect 5No. dwellings, internal access road, associated car parking and landscaping
Address: Land West Of Great Downs Farm - Station Road - Tollesbury
APPEAL DISMISSED – 27 June 2017
DECISION LEVEL: Delegated

FUL/MAL/16/00541 (Appeal Ref: APP/X1545/W/17/3169977)
Proposal: Pair of semi-detached 2 bed dwellings
Address: Land Adjacent To Badgers Leap - Park Lane - Tolleshunt Knights
APPEAL DISMISSED – 27 June 2017
DECISION LEVEL: Committee (as per Officer recommendation to refuse)

FUL/MAL/16/01186 (Appeal Ref: APP/X1545/W/17/3167869)

Proposal: The creation 2No. new dwellings on previously developed commercial land known as the Poultry Houses currently and historically used for business use.

The demolition of the poultry houses addition of new dwellings with own gardens, car parking and garaging

Address: Poultry Houses North East Of Rockleys Farm - Church Road - Tolleshunt Major

APPEAL DISMISSED – 27 June 2017

DECISION LEVEL: Delegated

FUL/MAL/16/00681 (Appeal Ref: APP/X1545/W/17/3171748)

Proposal: Demolition of existing bungalow & erection of replacement dwelling with associated parking.

Address: Little Orchard, Kitchener Road, North Fambridge, Essex, CM3 6NJ

Decision Level: Delegated

APPEAL ALLOWED – 7 July 2017

FUL/MAL/16/01267 (Appeal Ref: APP/X1545/W/17/3169727)

Proposal: Demolition of existing rear single garage. Construction of a 2 bedroom bungalow with a flat green roof over.

Address: Land Rear Of 18 Prince Of Wales Road - Great Totham

Decision Level: Delegated

APPEAL DISMISSED – 7 July 2017

**APPLICATION FOR AWARD OF COSTS MADE BY THE LPA
AGAINST THE APPELLANT REFUSED – 7 July 2017**

The following appeal decision incorrectly reported the application reference number, please see the correct details below:

HOUSE/MAL/16/01449 (Appeal Ref: APP/X1545/D/17/3173096)

Proposal: Roof conversion and alterations to a domestic property.

Address: 26 Walden House Road Great Totham

Decision Level: Delegated

APPEAL ALLOWED– 12 June 2017

236. EXCLUSION OF THE PUBLIC AND PRESS

The Chairman suggested that Enforcement be dealt with at a separate meeting of the Committee to be held during the day time within the next four weeks.

It had been agreed that Enforcement should not be dealt with in detail during Area Planning Committee meetings. This had been agreed by the Planning and Licensing Committee and discussions with the Chairman of each Area Planning Committee would be held with a view to arranging daytime meetings to discuss Enforcement.

Some Members advised that they worked full time and would have difficulties attending day time meetings.

RESOLVED that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

237. ENFORCEMENT UPDATE

Members were advised that if they had specific queries, then they could contact case Officers by telephone or email. Officers would then be able to respond with researched and detailed answers. There was no need to wait until a formal meeting to discuss enforcement.

The Committee received and noted the quarterly update on enforcement cases affecting the Committee's area. Some cases were discussed and the Enforcement Officer provided updates where requested to do so and advised Members of planned action to be taken.

Officers were thanked for the improved report format and the progress in cases that were being actioned.

There being no further items of business the Chairman closed the meeting at 8.44 pm.

MRS M E THOMPSON
CHAIRMAN