



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
2 OCTOBER 2017**

PRESENT

Chairman	Councillor Mrs M E Thompson
Vice-Chairman	Councillor E L Bamford
Councillors	J P F Archer, H M Bass, J V Keyes, A K M St. Joseph and Miss S White

478. CHAIRMAN'S NOTICES

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

479. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs P A Channer CC, M F L Durham CC and D M Sismey.

480. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 4 September 2017 be approved and confirmed.

The Chairman drew Members attention to the Members' Update circulated at the meeting.

481. DISCLOSURE OF INTEREST

Councillor J V Keyes declared a non-pecuniary interest as he sat on Great Totham Parish Council.

Councillor H M Bass declared a personal interest in relation to Agenda Item 6 - RES/MAL/17/00719 – Land East of Malone Cottage, Maypole Road, Wickham Bishops, Essex – as he lived on the same road. In the interests of openness and transparency he advised that Wickham Bishops Parish Council, of which he was a member, had contacted the developer and the agent to encourage them to bring plans forward to the Parish Council. Councillor Bass had sought legal advice on this declaration and had been advised that this did not amount to pre-determination.

Councillor Bass did not vote at Wickham Bishops Parish Council meetings and attended the North Western Area Planning Committee at the Council with an open mind.

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' Update circulated at the meeting.

482. HOUSE/MAL/17/00702 AND LBC/MAL/17/00703 - FORGE COTTAGE, HACKMANS LANE, COCK CLARKS, ESSEX

Application Number	HOUSE/MAL/17/00702
Location	Forge Cottage Hackmans Lane Cock Clarks Essex
Proposal	Two storey extension to rear of existing listed cottage
Applicant	Mrs Maria Malone Charlton
Agent	Ms Annabel Brown - Annabel Brown Architect
Target Decision Date	25.09.2017 (Extension of Time (EOT) 06.10.2017)
Case Officer	Devan Lawson, TEL: 01621 875845
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Parish Trigger

Application Number	LBC/MAL/17/00703
Location	Forge Cottage Hackmans Lane Cock Clarks Essex
Proposal	Two storey extension to rear of existing listed cottage
Applicant	Mrs Maria Malone Charlton
Agent	Ms Annabel Brown - Annabel Brown Architect
Target Decision Date	25.09.2017 (EOT 06.10.2017)
Case Officer	Devan Lawson, TEL: 01621 875845
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Parish Trigger

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

FUL/MAL/17/00702:

- 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 drawing: A1237A/Block, A12372A/PP04A, A13380/GA/A13380/BR02.

LBC/MAL/17/00703:

- 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 drawing: A1237A/Block, A12372A/PP04A, A13380/GA/A13380/BR02.

- 3 Prior to the commencement of development, samples of brick, roof and ridge tile and weatherboard to be used in the construction shall be submitted to, and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials, and retained as such thereafter.
- 4 Details of any hard or soft landscaping associated with the extension hereby approved, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
- 5 Brickwork shall be laid in Flemish bond unless otherwise agreed in writing prior to the commencement of the work.

483. RES/MAL/17/00719 - LAND EAST OF MALONE COTTAGE, MAYPOLE ROAD, WICKHAM BISHOPS, ESSEX

Application Number	RES/MAL/17/00719
Location	Land East Of Malone Cottage Maypole Road Wickham Bishops Essex
Proposal	Reserved matters application for the approval of appearance, landscaping, layout and scale on approved planning application OUT/MAL/15/00267 allowed on appeal APP/X1545/W/15/313309 (Outline planning application with some matters reserved for the residential development of 14 dwellings, garages and associated works)
Applicant	Mr Steve Wheelhouse - Moody Homes Ltd
Agent	Mr Mark Morgan - Petro Designs Ltd
Target Decision Date	17 October 2017
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	Member Call In

Following the Officer's presentation of the report, Mr I Wardrop representing Wickham Bishops Parish Council and Mr P Kratz, the Applicant's legal representative, both addressed the Committee.

Members debated this application and were in agreement with the Officer's recommendation. However, the following issues were highlighted, in addition to any comments made in the Officer's report:

- There was no link between the houses on Maypole Road and Great Totham Road;
- There would be difficulties crossing the road from the proposed dwellings for children going to and from school;
- It was understood that the Government's opinion was that affordable housing should not be segregated from open market housing as was shown here;
- The Parish Council had done a market survey and there was no requirement for large houses;
- There would be an impact on the adjacent Scout site;

- The Council must be satisfied that there would be adequate replacement for any hedgerow removed to protect the street scene and provide the same amount of landscaping that is currently in place.

In response to a question on the types of housing to be offered, the Officer advised that policy H2 (housing mix) was not mentioned in the reasons for refusal as there was a housing mix within the site and Officers were focussing on scale, landscaping and appearance.

RESOLVED that this application be **REFUSED** for the following reason:

- 1 Wickham Bishops is a settlement that is Arcadian in character with the landscape dominating the appearance of the village with existing development interspersed amongst the landscape. The proposed development as a result of its poor layout, lack of permeability, site coverage, urban form, its unsympathetic design and appearance, the scale and bulk of the development, would lead to the creation of a cramped form of development resulting in an unacceptable impact on the character of the site and surrounding area. The proposed development would be out of character with the distinctive Arcadian context of the surrounding area at this transitional position at this edge of a village location and nearby rural countryside landscape. As such the proposal is contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.

484. FUL/MAL/17/00747 - GREAT DOWNS FARM, STATION ROAD, TOLLESBURY, ESSEX

Application Number	FUL/MAL/17/00747
Location	Great Downs Farm Station Road Tollesbury Essex
Proposal	Proposed replacement detached two storey dwelling.
Applicant	Mrs J Kayode
Agent	Mr Andrew Watkins - Mullins Dowse Architects Ltd
Target Decision Date	3 October 2017
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	TOLLESBURY EAST
Reason for Referral to the Committee / Council	Parish Trigger

Following the Officer's presentation of the report, the Committee was advised that the Parish Council had objected to this application on landscape issues. However, Councillor A K M St. Joseph, the Ward Member, had visited the site and was of the opinion that the proposed dwelling would not be intrusive as it was surrounded by trees and the houses behind the site were higher up.

In response to a question, the Officer advised that there was tree protection and an impact assessment that would protect trees.

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

- 1 The development hereby permitted shall begin no later than three years from the date of this decision.

- 2 The development shall be carried out in accordance with the following approved plans and documents: SITE LOCATION PLAN, 6032/SURVEY 2, 6032/3B, 6032/2A, Arboricultural Impact Assessment dated 24 August 2017 and referenced 352, PROPOSED FINISHES document received by the Council on 23 June 2017.
- 3 Within three 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.
- 4 The external surfaces of the dwellinghouse hereby permitted shall be constructed of the materials specified on the PROPOSED FINISHES document received by the Council on 23 June 2017.
- 5 Notwithstanding the hard and soft landscape scheme shown on drawing number 6032/3B, full details of the provision and subsequent retention of both hard and soft landscape works on the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

Soft landscape works:

- 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers / densities.
- 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support.
- 3) Details of the aftercare and maintenance programme.

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 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.

Hard landscape works:

- 4) Details of walls with brick types, construction design and dimensions
- 5) Details of paved surfacing, with materials finishing and edgings
- 6) Details of street furniture, with designs materials and dimensions

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 A hedgerow scheme including the size and nursery stock of the proposed specimens shall be submitted to and approved in writing by the Local Planning Authority. The hedgerow shall be planted within the first available planting season (October to March inclusive) following the commencement of the development, in accordance with the approved details and retained in perpetuity.

If within five years of the planting of the hedge any plant is removed, uprooted, destroyed or dies another plant of the same species and size shall be planted in the first available planting season, unless the Local Planning Authority gives written consent to any variation.

- 7 The trees and hedges identified for retention on the approved Arboricultural Impact Assessment dated 24 August 2017 and referenced 352 which is attached to and forms part of this permission shall be protected during the course of the development. The trees and/or hedges shall be protected by which accord with British Standard 5837:2012 (Trees in Relation to Construction). The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Within the fenced protection zone(s) no materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence, nor shall any change in ground level be made within the fenced area unless otherwise first agreed in writing by the Local Planning Authority. If within five years from the completion of the development a tree or hedge shown to be retained is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement shall be planted within the site of such species and size, and shall be planted at such time, as specified in writing by the Local Planning Authority.

- 8 The development hereby permitted shall not be first occupied / provided with connection to utility services until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area(s) shall be retained in this form at all times. The vehicle parking area(s) shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development.
- 9 Development shall not commence on site until a scheme for the provision and implementation of surface water drainage incorporating Sustainable Urban Drainage Schemes (SUDs) and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans and prior to the occupancy of the development hereby approved.
- 10 No development shall commence 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.

485. FUL/MAL/17/00862 - BARN, GREAT DOWNS FARM, STATION ROAD, TOLLESBURY

Application Number	FUL/MAL/17/00862
Location	Barn Great Downs Farm Station Road Tollesbury
Proposal	Part-Retrospective - Change of use and conversion of a building into a self-contained two-bedroom dwellinghouse (Use Class C3)
Applicant	Mr D Lai
Agent	Mr Paul Lonergan - Paul Lonergan Architects
Target Decision Date	18 October 2017
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	TOLLESBURY EAST
Reason for Referral to the Committee / Council	Parish Trigger Departure from the Local Development Plan

Following the Officer's presentation of the report, Mr D Lai, the Applicant, addressed the Committee.

In response to a question, the Officer showed the location of buildings on the plan to clarify the relation between the application site and the building immediately adjacent that had a certificate for lawful use for continued occupation. The Officer also confirmed that if permission were granted for this application then there would be three independently owned dwellings on this site.

Councillor A K M St. Joseph, the Ward Member, proposed approval of the Officer's recommendation and this was duly seconded.

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

- 1 The development shall be carried out in accordance with the following approved plans and documents: 1706/2/001 R-B, 1706/2/002, 1706/2/003 R-A, 1706/2/100 R-C, 1706/2/210 R-C.
- 2 The external surfaces of the dwellinghouse hereby permitted shall be constructed of the materials specified on drawing 1706/2/100 R-C and match those already used on the building.
- 3 The building shall not be occupied as a dwellinghouse unless a scheme for the proposed hedgerow shown on approved plan 1706/2/003 R-A including the size and nursery stock of the proposed specimens and a timetable for its implementation has been submitted to and approved in writing by the Local Planning Authority.

The hedgerow shall be planted within the first available planting season (October to March inclusive) following the approval of the scheme, in accordance with the approved details and retained in perpetuity.

If within five years of the planting of the hedge any plant is removed, uprooted, destroyed or dies another plant of the same species and size shall be planted in the first available planting season, unless the local planning authority gives written consent to any variation.

- 4 The building shall not be occupied as a dwellinghouse until such time as the vehicle parking area indicated on the approved plans underneath the balcony/car port structure, including any parking spaces for the mobility impaired, has been

hard surfaced, sealed and marked out in parking bays. The vehicle parking area(s) shall be retained in this form at all times. The vehicle parking area(s) shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development.

- 5 Prior to the first occupation of the building as a dwellinghouse, an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites – Code of Practice and the Environment Agency’s Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), together with, if any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development, shall have been submitted in writing to the local planning authority for approval.

Where identified as being necessary in the approved assessment/report, the site shall be remediated in accordance with the approved measures and timescale and a verification report demonstrating the effectiveness of the remediation carried out shall be submitted in writing to the Local Planning Authority for approval within 14 days of the report being completed.

- 6 The building shall not be occupied as a dwellinghouse unless a comprehensive ecological survey of the site, undertaken to ascertain if any protected species are present, along with details of the provision and implementation of ecological mitigation to protect any protected species if found to be present has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the first occupation of the building as a dwellinghouse.

486. HOUSE/MAL/17/00922 - OLD TIMES COTTAGE, MILL LANE, TOLLESHUNT MAJOR, ESSEX

Application Number	HOUSE/MAL/17/00922
Location	Old Times Cottage Mill Lane Tolleshunt Major Essex
Proposal	Ground and first floor extension additional dormer window to front, juliet balcony to the rear and garden store
Applicant	S Norrington & H Tarling
Agent	W.G. Goodall
Target Decision Date	24 October 2017
Case Officer	Devan Lawson, TEL: 01621 875845
Parish	TOLLESHUNT MAJOR
Reason for Referral to the Committee / Council	Councillor / Member of Staff

Councillor E L Bamford, a Ward Member, commented that this was a much better scheme than that which had been previously refused and the Parish Council were also happy with the new application. Councillor Bamford then proposed approval of this application, which was duly seconded.

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 drawing: 17-2302-1B, 17-2302-1D.
- 3 The external surfaces of the development hereby approved shall be constructed of materials and finish to match the existing dwelling.

487. OTHER AREA AND PLANNING 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: 20/09/2017

Application Number: LDP/MAL/17/00004 (APP/X1545/X/17/3176124)

Site: Orchard Cottage 11 Handleys Lane Wickham Bishops

Proposal: The erection of a detached pitched roof building

Appeal by: Mrs J Stafford

Appeal against: Refusal

Appeal procedure requested: Written Representation

Appeal Start Date: 21/09/2017

Enforcement Notice Reference Number: ENF/12/00332/01

Appeal Reference Number: APP/X1545/C/17/3175549

Site: Lot 13, Land West Of Middle Wood, Maypole Road, Great Totham, Essex

Alleged Breach of Planning Control: Without planning permission the unauthorised change of use.

Appeal by: Wayne Alfred Phillips

Grounds of Appeal: that the breach of control alleged in the enforcement notice has not occurred as a matter of fact, that there has not been a breach of planning control, the steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections, that the time given to comply with the notice is too short.

Appeal procedure requested: Informal Hearing

Appeal Start Date: 27/09/2017

Application Number: FUL/MAL/16/01142 (APP/X1545/W/17/3182321)

Site: Stow Maries Aerodrome Hackmans Lane Cold Norton

Proposal: Planning application for operational arrangements for the use of the Airfield at Stow Maries Great War Aerodrome including hours of operation, restrictions on the number of take offs and landings, and arrangements for Special Public Event days. The arrangements to be as follows:

The airstrip to be used by fixed wing and propeller driven aircraft, helicopters, apart from emergency services machines, may only use the site in the event of emergency or during Public Event days

Take offs and landings only after 08.00 hours and no later than either 20.00 hours, or sunset which ever is earlier

In the Winter months (November to April inclusive) there shall be no more than 25 landings and 25 take offs per day

In the Summer months (May to October inclusive) there shall be no more than 25 landings and 25 take offs on weekdays

In the Summer months (May to October inclusive) there shall be a maximum of 50 landings and take offs per day at weekends and bank holidays apart from Special Public Event Flying days when maximum landings and take offs are increased to 75 take offs and 75 landings per day

Appeal by: The Trustees - Stow Maries Great War Aerodrome Trust

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 28/09/2017

Application Number: OUT/MAL/17/00102 (APP/X1545/W/17/3179881)

Site: Land Adj to Eagle Lodge Plains Road Lt Totham

Proposal: Construction of two storey dwelling

Appeal by: Mr Michael Kempen

Appeal against: Refusal

Appeal procedure requested: Written Representations

(i) Appeal Decisions:

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

COUPA/MAL/17/00232 (Appeal Ref: APP/X1545/W/17/3176062)

Proposal: Prior approval of change of use from agricultural to a dwellinghouse and associated operational development.

Address: Land Adjacent Purleigh Law - Walton Hall Lane - Purleigh

APPEAL ALLOWED – 4 September 2017

DECISION LEVEL: Delegated

FUL/MAL/16/01044 (Appeal Ref: APP/X1545/W/17/3167028)

Proposal: Removal of condition 3 (agricultural occupancy condition) on approved planning permission FUL/MAL/82/00003

Address: Honeywood Farm - Honeypot Lane - Purleigh

APPEAL ALLOWED – 4 September 2017

DECISION LEVEL: Committee (as per Officer recommendation)

HOUSE/MAL/17/00229 (Appeal Ref: APP/X1545/D/17/3176670)

Proposal: One and a half storey side extension to existing residential annex.

Address: Oakfields House Hackmans Lane Purleigh

Decision Level: Delegated

APPEAL ALLOWED – 7 September 2017

HOUSE/MAL/17/00084 (Appeal Ref: APP/X1545/D/17/3176627)

Proposal: Extension and garage conversion to form granny annex

Address: Gransden - 1 Churchacre - Hall Road - Tollesbury

APPEAL ALLOWED – 8 September 2017

DECISION LEVEL: Delegated

HOUSE/MAL/17/00253 (Appeal Ref: APP/X1545/D/17/3177876)

Proposal: Two storey side and rear extension

Address: Pond House - 26 Maldon Road - Great Totham

APPEAL DISMISSED – 14 September 2017

DECISION LEVEL: Delegated

FUL/MAL/16/01404 (Appeal Ref: APP/X1545/W/17/3172133)
Proposal: Retrospective - Use of building as single dwelling house
Address: Falconers Lodge Offices Oak Farm Road Woodham Walter
APPEAL DISMISSED – 21 September 2017
DECISION LEVEL: Delegated

HOUSE/MAL/17/00469 (Appeal Ref: APP/X1545/D/17/3180676)
Proposal: Proposed room in roof with small dormer
Address: Brecknell Cottage, 55 Mell Road, Tollesbury, Essex
APPEAL DISMISSED – 25 September 2017
DECISION LEVEL: Delegated

HOUSE/MAL/17/00399 (Appeal Ref: APP/X1545/D/17/3181375)
Proposal: Construction of tennis court
Address: Spring Elms Farm, Spring Elms Lane, Little Baddow, Essex, CM3
4SQ
APPEAL DISMISSED – 25 September 2017
DECISION LEVEL: Delegated

(ii) Appeal Re-determination:

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

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

There being no further items of business the Chairman closed the meeting at 8.16 pm.

MRS M E THOMPSON
CHAIRMAN