

MINUTES OF THE MEETING OF THE PARISH COUNCIL HELD ON MONDAY 22 AUGUST 2016 AT 7.30 PM AT THE VILLAGE HALL

Present: Chairman Cllr. J C Gregan.

Cllrs. Mrs C Adams, C L Atkinson, F A Delderfield, Mrs A V Heaviside, J V Keyes and B S Marshall.

Apologies for absence were received from Cllrs. R L Bass and A J Gable.

105.16 MINUTES OF THE PREVIOUS MEETING

The minutes of the Meeting of the Council held on 18 July 2016 were confirmed and signed.

106.16 DISCLOSURES OF INTEREST

The Chairman reminded Members that, in common with other local authorities, this item is placed high on the agenda to give Members the earliest opportunity to declare known interests in items set out for later discussion; notwithstanding that they should also declare interests as soon as they become aware should the need arise throughout the meeting. There were no disclosures.

107.16 PUBLIC QUESTIONS (Adjournment)

One member the public was present. There were no questions.

108.16 CHAIRMAN'S ANNOUNCEMENTS, REPORTS OF OTHER BODIES AND GENERAL CORRESPONDENCE.

The Chairman referred to AGM of the Essex Wildlife Trust to be held on 10 September at Walton on the Naze and to which members are invited; the Clerk referred to notice advising that all refuse and recycling collections will remain unchanged over the August Bank holiday.

109.16 MATTERS ARISING FROM THE MINUTES

Flooding from Sewage in Hall Road: Because of local concern the Clerk was asked to pass this on to Anglian Water and find out the latest position.

110.16 PLANNING POLICY AND STRATEGY:

Neighbourhood Planning Activity and Support: Cllr Mrs C Adams and the Clerk had attended a recent RCCE Community Led Planning Network event and took part in the group covering *Getting Started with a Neighbourhood Plan*. The group was led by Michelle Gardiner who will be coming to our September meeting and will cover the same subject matter. Michelle will be the consultant working within Maldon District Council Community Planning Protocol for which a service level agreement is presently being arranged. She is also working with Wickham Bishops Parish Council.

It was agreed that on 19 September the Parish Council meeting will start at 8.00pm. Michelle will be invited to discuss with Members and the Clerk informally prior to the Council meeting the process and how we proceed. This will take place at 7.00pm to end at 7.50pm to allow the Council meeting to start at 8.00pm at which any related formal decisions will be taken.

Neighbourhood Plan boundary

Members discussed the boundary for a Great Totham Neighbourhood Plan and a key parameter established is that there is no intention of considering changing the civil parish boundary.

In parished areas parish and neighbourhood plan boundaries are usually coterminous. However, last year the Council had suggested that the North Heybridge Master Plan area is excluded from the Heybridge Neighbourhood Plan as it is advanced in principle but with detailed planning on-going, and this was accepted.

It was therefore seen as appropriate to do likewise in respect of that part lying in Great Totham civil parish to mirror the Heybridge Neighbourhood Plan boundary in the southern part of the civil parish and accord with the discussions held with Heybridge Parish and Maldon District Councils.

Wickham Bishops Parish Council is also considering a plan boundary and asked if Beacon Hill should be included in its Neighbourhood Plan. Members examined the physical relationship of our boundary with all seven neighbouring civil parishes and found that there are five places where there are buildings near boundaries falling more than one parish. Those identified are as follows (see appended map):

Location	Description	Conclusion on Plan Boundaries
Near Godfrey's Farm	3 dwellings in Little Totham and 2 in Great Totham	No reasons could be identified for having a plan boundary different to the civil parish.
Lower Broad Street Green Road	Buildings on east side almost continuous with those in Heybridge Parish.	No reasons could be identified for having a plan boundary different to the civil parish.
Maypole Road	Built up in Wickham Bishops, 5 dwellings in Great Totham. Close to Settlement Boundaries on S East side and development allowed on N East side.	No reasons could be identified for having a plan boundary different to the civil parish.
Kelvedon Road	Dwellings under construction narrow the gap but separation maintained by wooded track and PROW	No reasons could be identified for having a plan boundary different to the civil parish.
Beacon Hill	Mainly well-spaced dwellings within the 75m contour (excluding Kelvedon Road which is within the Settlement Boundary). Most dwellings are in Great Totham and Little Braxted. A few are in Wickham Bishops outside of the present Settlement Boundaries	No reasons could be identified for having a plan boundary different to the civil parish. Whilst not wishing to pre-empt any character assessment carried out as part of neighbourhood planning, the Council can foresee that some agreed common approach and policy across the three parishes would be appropriate in this area.

It was therefore agreed that the Great Totham Plan boundary should be the civil parish of Great Totham excluding that part which is the subject of the North Heybridge Master Plan. The proposed plan boundary is subject to public consultation and the Clerk was asked to make an application to the Maldon District Council.

Communication and Volunteers: As part of the questionnaire sent out last year respondents were asked if they wished to receive further communication by e-mail

and if they wanted to be directly involved in Community Planning. The Clerk will put the names into e-mail groups and ask volunteers to reaffirm their interest.

111.16 PLANNING APPLICATIONS

Use of the New Forms for Planning Comments: At the Planning committee on 2 August the Chairman had advised that, following a call from a Broad Street Green resident who had submitted a planning application, he understood (from the resident) that the Maldon District Council interprets “no comment” on consultation response forms as: “the Parish Council does not support the application”. The Clerk was asked to look into this.

An examination of our comments and how they are reported since the new forms were introduced was carried out and there is no evidence of such an interpretation being made. However, a high level of errors in a very small sample (Great Totham only) were found and it was agreed to pass the report to the Maldon District Council. The report is appended to these minutes.

Tree Preservation Order: An order was received in respect of a tree at 30 Colchester Road.

Planning Decisions: The Clerk reported on the latest planning decisions of the District Council. Cllr C L Atkinson queried why we had not been consulted on a planning application to import nuclear waste to Bradwell on Sea.

Planning Committee 2 August 2016: The Report (draft minutes) of the Planning Committee Meeting of 2 August were received and noted. The comments on planning applications considered are shown below:

LDE/MAL/16/00666 Claim for Lawful Development Certificate for existing manufacture and retail sale of timber products. South Wood Broad Street Green Road – The Council believes this operation has been running for ten years.

HOUSE/MAL/16/00685 Proposed car port and porch together with an extension to the existing garage. Cringlewood Beacon Hill – The Council recommends the granting of planning permission. The development is of acceptable design and will enhance parking arrangements.

For Information: LDP/MAL/16/00778 Claim for Lawful Development Certificate for proposed development: Loft conversion, including a rear facing dormer window and front facing roof lights and a single storey rear extension. 5 St Peters Walk – Noted. The Council has no knowledge of this.

FUL/MAL/16/00570 Open-sided gazebo for use for wedding ceremonies with the following dimensions: Overall Dimensions: 4.3 x 4.3m; Ridge Height: approximately 3.30m with a tiled roof. Forrester Park Golf And Tennis Club Beckingham Road - The Council recommends the granting of planning permission. The development is of acceptable design and will have no adverse effect on the area. It may encourage additional business and add to the local economy and employment opportunities.

FUL/MAL/16/00790 Conversion of existing bungalow to 4 bedroom dwelling and one new four bedroom dwelling. 8 Catchpole Lane - The Council recommends the refusal of planning permission. The development is for an unacceptable use of the land and inappropriate for a domestic garden. It would constitute back-land

development and not be compatible with the site. It would be contrary to policy CC7 as it would not enhance the character of the area and be non-harmonious with the existing pattern of development.

FUL/MAL/16/00810 Erection of one house, driveway and garage following outline permission granted: OUT/MAL/15/00416. Land Adjacent To 6 Captains Wood Road - The Council recommends the refusal of planning permission. The design is of cramped appearance and proposes a dominant garage in the front garden. It would be contrary to policy CC7 as it would not enhance the character of the area and be non-harmonious with the existing pattern of development.

Latest Applications: Comments on planning applications received up to week ending 19 August 2016 were as follows:

HOUSE/MAL/16/00817 Proposed two storey front extension and single storey rear extension to dwelling house. Orchard Cottage 33 Colchester Road – The Council recommends the granting of planning permission. The planned development is acceptable and in accordance with the local planning policy and; would not result in any detrimental effect on the site or its surroundings.

HOUSE/MAL/16/00823 Proposed external alterations, material changes, front door relocated with open porch and create additional crossover to site. 7 Rookery Lane - The Council recommends the granting of planning permission - The planned development is acceptable and in accordance with the local planning policy and; the scale, bulk and design of the proposed extension would not result in any harm to the site or neighbouring properties.

LDE/MAL/16/00844 Claim for Lawful Development Certificate for existing use of independent residential dwelling. Annexe 61 Broad Street Green Road – The Council has no information to support or refute the claim – The Council has no evidence of occupation during the last four years but can recall the building being occupied some years ago.

FUL/MAL/16/00912 New four bedroom dwelling with internal garage on land to the west of 'Abbotswood' Land West of Abbottswood Beacon Hill Great Totham - The Council recommends the refusal of planning permission. The site is outside of the settlement development limits and the proposal would be detrimental to the identity and special characteristics of an area of tranquillity. It would have a harmful effect on the surrounding locality and its properties, some of which are listed. The design is unacceptable and out of keeping with the locality and would be prominent and unpleasing. The development would add to the volume of traffic on an already busy road.

(For Information Only) TELPN/MAL/16/00680 Install a high speed broadband cabinet. Junction of Maldon Road and Hall Road - Noted

112.16 FINANCE:

Confirmation of cheques: Cheques were confirmed for:

Amount (£)	Payee	Service
83.84	Silicon Alley	Printing cartridges and paper
444.00	C R Potter	Salary/allowance £444.00

113.16 AMENITIES

Report of the Chairman of the Committee: Cllr C L Atkinson reported that the seat near the War Memorial Bus Shelter has been repaired and replaced with timber donated by Tom's Farm Shop. He also is examining the two moderate risk items identified in the Playground Report and it was agreed he should take the necessary actions. The Clerk has placed an order for hedge cutting. The report was received and adopted.

Playdale Playgrounds: Following the problem with the supply of cushionfall the Clerk has asked the Company if they can advise us of the provenance of the Cushionfall and confirm its compliance to the specification and explain why it was not delivered as quoted, following which a person was named who is looking into it. Subsequently the Company's Accounts Department has asked when they will be paid and the Clerk has referred them to the person looking into it. The Clerk has also drafted a letter for when the answers are received to question payment for the repairs to the zip-wire.

114.16 HIGHWAYS AND TRANSPORTATION

Rangers Scheme: It was noted that the path and walkable verge are now looking in good condition.

Traffic Orders: Notice of a traffic order at Colchester Road Heybridge was received.

Contractor's use of Bull Green: Essex Highways advised that the Design Engineer dealing with the layby scheme at Bull Green is now programming the scheme for construction following the bird nesting season. This will allow for the vegetation clearance to be carried out and then lead straight onto the start of the construction work. He has asked if it would be possible for the contractors to use some of the Great Totham Parish Council land adjacent to the build site.

The Design Engineer would like to use temporary four-way traffic lights as the traffic management for the scheme, rather than a road closure, and access from the field side would assist the contractor to complete the build safely and swiftly, without the need for a formal road closure. Upon completion and as per previous emails, the areas will be top soiled and seeded, with hedgerow and tree returning.

To avoid any delay and to minimise as far as possible inconvenience to road users, the Clerk has agreed, and advised that he hopes that the contractors are able to keep any damage to a minimum. He has advised that if the work runs into school term time the temporary loss of parking may cause additional pressure elsewhere and especially on the opposite side of the B1022 at the end of Hall Road and is it part of the plan to expect and deal with this. This action was confirmed.

115.16 COMMUNITY POLICING

Speedwatch Update: Cllr C L Atkinson reported that checks are carried out, usually weekly, and Essex Police have improved the way they deal with offenders by triggering visits in person to those doing lower speeds than previously. In other parishes Some volunteers have been subjected to threats and the offenders have been cautioned, in other parishes

Low Flying Aircraft: Cllr Mrs A V Heaviside commented on low flying aircraft which had been mentioned to her by a resident.

116.16 ANY URGENT BUSINESS AND FUTURE AGENDA ITEMS

There were no items raised

The meeting closed at 8.55 pm.

GREAT TOTHAM PARISH COUNCIL

Responses to Planning Applications May – July 2016 Using the New Forms Report to Council 22 August 2016

At the Parish Council's Planning Committee held on 2 August the Chairman advised that, following a call from a Broad Street Green resident who had recently had a planning application refused, he understood (from the resident) that the Maldon District Council interprets "we have no comment" on consultation response forms as: "the Parish Council does not support the application". This report examines whether this assertion is supported by evidence from examining the responses to planning applications made by this Council using the new forms introduced in May 2016.

The new planning application comment forms have provision for the following types of response:

1. Recommend the granting of planning permission for which a box must ticked and the material planning reasons for making the recommendation cited, or;
2. Recommend the refusal of planning permission for which a box must ticked and the material planning reasons for making the recommendation cited, or;
- 3i. Tick a box declaring that "we have no comment" or alternatively;
- 3ii. Tick a box saying that we raise no objection but wish to make a comment.

1 and 2 allow reasonably clear cut decisions about what to recommend and why, following an examination of the application against the material planning policies, although it is often more difficult to identify the actual reasons for recommending granting compared with refusal. 3i is of use when the Council is indifferent and has no planning concerns about whether the proposed development takes place or not. Four is useful when a "yes-if" position is apparent, for example if a condition were applied which counters a possible objection, and responses one, two or three are inappropriate.

Parish council comments are added to the Maldon District Council's website database soon after receipt and incorporated into officer's reports. Some planning decisions are delegated to officers and others are decided by Committee (or Council in some cases). In the case of delegated applications the reports are usually listed on the website as "site visit notes" and the Parish Council's response appears in them in two places; in the table at the head of the report and in the main body of the report under "Consultation Replies" In the case of applications decided by Committee the reports are usually called "officers final reports" and the Parish Council response appears only in the main body of the report under Parish Council Response. According to the timing of reports and meetings of the Parish Council and the Maldon District Council Committees our comments (including no comment) are either placed in the reports or, in the case of Committee decisions, incorporated into the process through Members Updates given at the particular meeting at which the decision is made (along with any other last minute information).

The accurate conclusion to be drawn from a "We have no Comment" response is that the Council has no recommendation to make on whether an application is granted or refused, so it would be true to say the Council does not support the application but equally true to say it has no objections. The response form does not use the word

support, but if it is the chosen word for the reports or committee discussion it should be made clear that the parish council neither supports or objects to a particular application if it selects “We have no Comment” as a response.

As a test of whether or not the resident’s assertion is true the following table looks at the Parish Council’s responses to all applications considered since the introduction of the new forms in May of this year to the end of July and how they are incorporated into the District Council’s planning application system.

	Application	Parish Council Response to MDC	How Reported in Officers Report or Members Update
1.	For Information: LDP/MAL/16/00268 Claim for Lawful Development Certificate for a proposed development: Proposed rear dormer. 4 St Peters Walk.	None	
2.	For Information: LDP/MAL/16/00370 Claim for Lawful Development Certificate for a proposed development: New outbuilding in garden to create gym, home office and playroom ancillary to main dwelling. Lodge Cottage Goat Lodge Road	None	
3.	OUT/MAL/16/00289 Residential development. Land Opposite 34 Hall Road	Recommend Refusal box ticked. Reasons set out in detail.	[No report on database yet.]
4.	HOUSE/MAL/16/00405 Rear single storey extension, garage conversion, removal of existing rear conservatory and removal of existing flat and polycarbonate roofs with replacement tiled pitched roofs. Ashcroft Kelvedon Road	Recommend Granting box ticked. Reason given.	Heading table says “support application”. Main body of report says Parish Council response is from St Lawrence Parish Council – support application
5.	HOUSE/MAL/16/00473 Two storey side extension to dwelling. 32 Broad Street Green Road	No Comment box ticked.	No comment.
6.	FUL/MAL/16/00440 Construction of an agricultural storage building to serve farm holding utilising existing farm access to Sheepcoates Lane. Land Rear Of Krallis Tan Sheepcoates Lane	Recommend Refusal box ticked. Reasons set out in detail	Set out as bullet points with Officer’s response.
7.	HOUSE/MAL/16/00434 New brickwork wall and pillars with automatic vehicular entrance gates set back from public highway, to improve security into the site. Little Hill Goat Lodge Road	Recommend Granting box ticked. Reasons set out in detail.	“Support” shown in table at top of report; “No Comment” under consultation replies in body of report
8.	HOUSE/MAL/16/00447 Construction	No Comment box	No comment

	of a 3 bay cartlodge. Chasefield Farm 64 Walden House Road	ticked.	
9.	FUL/MAL/16/00460 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. Land At Goat Lodge Road	Recommend Refusal box ticked. Reasons set out in detail	[No report on database yet.]
10.	HOUSE/MAL/16/00513 Two storey side extension & front canopy pitched roof feature.25 Hall Road	No Comment box ticked.	Support shown in heading table and main body.
11.	OUT/MAL/16/00534 New two bedroomed cottage with detached garage and new access drive. Land South of Wesley Cottage Totham Hill Green - Recommend Refusal	Recommend Refusal box ticked. Reasons set out in detail	Verbatim with Officer's response.
12.	HOUSE/MAL/16/00584 Replacement of entrance gates to the two existing vehicle entrances to the property Totham Hill House 1 Totham Hill Green	No Comment box ticked.	No comment to make
13.	FUL/MAL/16/00578 Erect two storey house. Land Adjacent 20 Rookery Lane	Recommend Refusal box ticked. Reasons set out in detail	Report says No response received at time of writing. Not included in report but on database 28 June but not in Members Update for 11 July meeting.
14.	HOUSE/MAL/16/00565 Single storey, rear/side extension with roof lantern and replacement of existing conservatory by an extension with matching roof lantern. Caper Cottage Goat Lodge Road	No Comment box ticked.	No comment.
15.	FUL/MAL/16/00586 Proposal to replace the existing metal hay barn with a new hay barn. Rohan House, Broadoak Chase, Mill Road	No Comment box ticked.	No comment to make.
16.	HOUSE/MAL/16/00446 1.5 storey, rear extension. Rainbow Cottage, Kelvedon Road [Rainbow Cottage is on the Great Totham and Wickham Bishops Parish Boundaries]	No Comment box ticked.	[Great Totham Response form on database 28 June (4 days after consultation but not mentioned in report of 11 July.)]
17.	FUL/MAL/16/00645 Extension to Food Commodities Warehouse with Associated Landscaping. The Commodity Centre Braxted Park Road Great Braxted	No Comment box ticked.	[No report on database yet.]

18.	OUT/MAL/16/00611 Erection of 4 bedroom dwelling with garage/car port and formation of new highway access. 1 Staplers Heath	No Comment box ticked.	No comment.
19.	FUL/MAL/16/00719 Proposed residential development comprising 9 dwellings, garages, car parking spaces, new access roads, foul and surface water drainage and landscaping. Land West Of Beadle Place.	Recommend Refusal box ticked. Reasons set out in detail	[No report on database yet.]
20.	FUL/MAL/16/00743 One dwelling. Land North Of Poplar Grove Chase.	Recommend Refusal box ticked. Reasons set out in detail	[No report on database yet.]
21.	WTPO/MAL/16/00779 TPO 02/09. T1 Ash - fell and replace with 1 standard oak. G1 Hawthorn - fell and replace with mixed hedgerow. T3 Oak - identified rooting zone. T4 Ash - fell and replace with oak T5 Sycamore - fell and replace with oak Ravello Maypole Road.	No objection box ticked. "Support Tree Officer's recommendation" added.	[No report on database yet.]
22.	For Information Only LDP/MAL/16/00689 Claim for lawful development certificate for proposed new outbuilding in garden to create gym, home office and playroom ancillary to main dwelling.	None	

During the study period 22 applications were received at Great Totham of which three were for information only so noted by the Parish Council and no response was made. Of the remaining 19 six have not reached the stage at the time of writing where the officers' reports are available so the study sample becomes 13 applications.

The Parish Council made the "We have no comment" response to nine of these applications of which seven have reached the report on the database stage and there is no instance in the written reports of this being recorded as "the Parish Council does not support the application", including that of the complainant. The complainant's assertion therefore is unfounded in the case of the written reports on applications in Great Totham.

It can be seen from the above table however that there are some errors and inconsistencies, which may not have affected the planning decision, but give cause for concern as there are so many appear in a very small sample:

Application 4 has an error in attributing a response from St Lawrence to an application in Great Totham and although an obvious error we do sometimes comment on an application in a neighbouring parish and vice versa. The wrong name is confusing.

Application 7 is incorrect and even conflicts with other parts of the same report.

Application 10 is an incorrect report

Application 13 Incorrect statement has been confirmed by the Maldon District Council and is being investigated separately to this report.

Application 16 response not included in report.