



**MINUTES of  
DISTRICT PLANNING COMMITTEE  
12 MARCH 2020**

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**PRESENT**

|               |   |
|---------------|---|
| Chairman      | Councillor R G Boyce MBE  |
| Vice-Chairman | Councillor Mrs P A Channer, CC  |
| Councillors   | E L Bamford, M G Bassenger, Miss A M Beale,<br>B S Beale MBE, V J Bell, Mrs J L Fleming, A S Fluker,<br>B E Harker, M S Heard, M W Helm, A L Hull, K W Jarvis,<br>K M H Lagan, C Mayes, C P Morley, C Morris, S P Nunn,<br>N G F Shaughnessy, R H Siddall, N J Skeens, Mrs J C Stilts,<br>Mrs M E Thompson and Miss S White |

**944. CHAIRMAN'S NOTICES**

The Chairman referred to the notices printed on the agenda.

**945. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors M F L Durham, M R Edwards, W Stamp and C Swain.

**946. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the District Planning Committee held on 30 January 2020 be approved and confirmed.

**947. DISCLOSURE OF INTEREST**

Councillor Mrs PA Channer, CC, declared a non-pecuniary in all items on the agenda as a member of Essex County Council, a consultee on highways, access, education, flooding and any other matters within their remit.

**948. 19/01097/RES - LAND SOUTH OF WYCKE HILL AND LIMEBROOK WAY (WESTERN), MALDON, ESSEX**

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| <b>Application Number</b>                             | <b>19/01097/RES</b>  |
| <b>Location</b>                                       | Land South Of Wycke Hill And Limebrook Way (Western)<br>Maldon Essex   |
| <b>Proposal</b>                                       | Reserved matters application for the approval of appearance, landscaping, layout and scale for Phase 1 of the Western Parcel of planning permission FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure) comprising 106 residential dwellings (Use Class C3), new public open space and car parking. |
| <b>Applicant</b>                                      | Crest Nicholson (Eastern)  |
| <b>Agent</b>  | Ms Catherine Williams – Savills  |
| <b>Target Decision Date</b>                           | 19.03.2020   |
| <b>Case Officer</b>                                   | Kathryn Mathews  |
| <b>Parish</b>   | <b>MALDON WEST</b>   |
| <b>Reason for Referral to the Committee / Council</b> | Strategic site in the Approved Local Development Plan  |

Following the Officer’s presentation Mr Owen, Planning Manager for Crest Nicholson (Eastern), addressed the Committee.

A lengthy debate ensued during which Members commented on the application and a large number of questions were raised. In response to these questions Officers provided the following information:-

- That parking spaces did not comply with the Council’s current parking standards but no objection could be raised as they complied with the standards required when the outline planning permission was granted. The garages were large enough to be counted as parking spaces and would be included in the parking provision. All road widths and layout had been approved by Essex County Council Highways Department and the site will have two points of access.
- That affordable housing and housing mix would comply with the s106 agreement across the Western Parcel as a whole. That it was normal in developments of this size that different phases ended up with a different mix of housing.

- That garden sizes complied with the recommended minimum standards. Additional condition would take into account the provision of bat and bird boxes.
- That the Anglian Water Informative confirmed that the sewage pumping station was situated offsite at 15 metres from the development therefore did not constitute a noise nuisance. That on review of layout issues raised by Essex County Council Highways officers had determined that the loss of open green spaces outweighed other concerns therefore the layout would remain as is. Furthermore, the road was a cul-de-sac with little traffic.
- That Broadband requirements formed part of the original outline planning permission and would be dealt with in the normal way. With reference to communal waste storage areas it was noted that these were not necessary as the development comprised individual houses not flats. That electric charging points were not included as they did not form part of the requirements of the outline planning permission.
- That management of water courses, public spaces etc. would be the responsibility of the management company which would include representative(s) of residents and was covered by the s106 agreement linked to the outline planning permission .
- That Maldon District Council did not have a policy in place to protect the provision of small properties therefore there would be no justification to take away permitted developments rights to require that the number of bedrooms were not increased.
- That the outline planning permission conditioned the provision of bridleways on the western and southern site boundaries which would form part of future phases of the development .

In accordance with Procedure Rule No. 13 (3) Councillor C Morris requested a recorded vote on this application. This was duly seconded.

The Chairman put the proposal to approve the Officer's recommendation as set out in the report together with the additional condition relating to the approved Ecological Conservation Management Plan to the Committee. In line with the earlier proposal there was a recorded vote as follows:-

For the recommendation:

Councillors E L Bamford, M G Bassenger, Miss A M Beale, B S Beale, R G Boyce, Mrs P A Channer, J L Fleming, A S Fluker, B E Harker, M S Heard, M W Helm, K W Jarvis, C P Morley, S P Nunn, Mrs N G F Shaughnessy, R H Siddall, Mrs M E Thompson and Miss A S White.

Against the recommendation:

Councillors K M H Lagan, C Morris, N Skeens, and J Stilts.

Abstention:

Councillors V J Bell, A J Hull and C Mayes.

The motion was thereby agreed.

**RESOLVED** that the application be **APPROVED** subject to conditions as detailed in section 8 of the report with the inclusion of an additional condition as detailed below:

4. The development shall be completed in accordance with the approved Ecological Conservation Management Plan and Statement rev.H December 2019 including the Ecological Enhancement Plan for Phase 1 in Appendix 3. The proposed integrated bat boxes, swift boxes and ‘hedgehog highways’ shall be provided in accordance with the approved details before the relevant dwellings, which are to include these ecological enhancements, are occupied. The general bat and bird boxes shall be provided within 1 month of the occupation of the last dwelling within the development hereby approved. All of these ecological enhancements shall be retained as approved in perpetuity.

REASON: To ensure that the approved measures are fully implemented in the interests of nature conservation in accordance with Policies S1, D1, N2 of the Maldon District Approved Local Development Plan and the NPPF.

**949. 19/01257/FUL - LAND BETWEEN CHANDLERS AND CREEKSEA LANE, MALDON ROAD, BURNHAM-ON-CROUCH, ESSEX**

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| <b>Application Number</b>                             | <b>19/01257/FUL</b>   |
| <b>Location</b>                                       | Land Between Chandlers and Creeksea Lane, Maldon Road, Burnham-On-Crouch, Essex                 |
| <b>Proposal</b>                                       | Erection of 36 dwellings, with associated off-street parking, public open space and landscaping |
| <b>Applicant</b>                                      | David Wilson Homes Eastern Counties   |
| <b>Agent</b>  | N/A   |
| <b>Target Decision Date</b>                           | 02.03.2020 (EoT to be agreed for: 18.03.2020)   |
| <b>Case Officer</b>                                   | Anna Tastsoglou   |
| <b>Parish</b>   | <b>BURNHAM NORTH</b>  |
| <b>Reason for Referral to the Committee / Council</b> | Strategic site within the strategic submitted Local Development Plan                            |

It was noted from the Members’ Update that a letter of objection and a Construction Method Statement had been received. With reference to the latter Members were advised that as a result of this Condition 10 on page 92 of the report was no longer necessary and that the pre-commencement conditions on page 79 of the report on the agenda were no longer relevant.

Following the Officer’s presentation, Mr Webber, on behalf of David Wilson Homes Eastern Counties, addressed the Committee.

A debate ensued during which a number of Members raised concerns regarding over development, education requirements, non-compliance with parking standards, strain on the National Health Service (NHS), loss of green space, no cycle or bridle pathways and social isolation.

Councillor Bell addressing the Burnham-on-Crouch Neighbourhood Development Plan raised concerns regarding the current number of additional dwellings being proposed given the original overall number had been agreed at 180 for this site and the fact that development overall in the area was already 62% over its 15 years target.

Councillor Skeens echoed these concerns and reiterated that development was already massively over the allocation for Burnham-on-Crouch and the infrastructure was not in place to support this over development. He proposed that the application be refused as contrary to the neighbourhood plan. This was duly seconded.

Councillor Fluker reminded Members that this piece of land was meant to act as a buffer between residential and industrial buildings. The schools were already at capacity with children having to attend schools in other villages causing social problems. This development was more intrusive than the original in that it negated the semi-rural nature of the area. He summed up by stressing the need to acknowledge the Neighbourhood Plan given the amount of work that had gone into it.

Councillor Mrs Channer felt that the harm afforded by this development outweighed the benefits. To agree this would be doing the residents a disservice given the loss of valuable open space together with a deficient Heads of Terms and the lack of additional NHS contributions. She concluded by noting that the application was contrary to both the Burnham-on-Crouch Neighbourhood Development Plan and the Local Development Plan (LDP).

In accordance with Procedure Rule No. 13 (3) Councillor C Morris requested a recorded vote on this application. This was duly seconded.

A discussion ensued around demonstrable harm during which the Lead Specialist Place outlined what impact the concerns already raised would have on the final decision and what constituted potential harm. The Chairman then requested reasons for refusal from Members.

Councillor Skeens having already proposed that the application be refused contrary to the Officer's recommendation outlined the reasons of over development, unacceptable urbanisation, and the non-completion of a s106 agreement. This was duly seconded.

The Chairman put the proposal to refuse the application, contrary to the Officer's recommendation, to the Committee. In accordance with an earlier proposal a recorded vote was taken as follows:

For the refusal:

Councillors E L Bamford, M G Bassenger, B S Beale, V J Bell, Mrs P A Channer, a s Fluker, B E Harker, M S Heard, M W Helm, A J Hull, K W Jarvis, C Mayes, C P Morley, C Morris, S P Nunn, MRS N G F Shaughnessy, N Skeens, MRS M E Thompson and MISS S White.

Against the refusal:

Councillors A M Beale, J L Fleming, KMH Lagan and R H Siddall.

Abstention:

Councillors R G Boyce, and J Stilts.

The motion was thereby agreed.

**RESOLVED** that the application be **REFUSED** for the following reasons:

- 1 The use of the land, previously approved to be used as landscaped area and public open space, for residential purposes would erode the quality of development at the

strategically allocated site and result in unacceptable urbanisation to the detriment of the character and appearance of the strategically allocates site and the wider area. This is unacceptable and contrary to the National Planning Policy Framework (2019), policies S1, S2, S6, D1 and N1 of the Maldon District Local Development Plan (2017), policies S1 and HO.5 of the Burnham-on-Crouch Neighbourhood Development Plan (2017) and the guidance contained in the Maldon District Design Guide SPD (2017).

- 2 The proposed development, by reason of its layout, impact on the living conditions of the future occupiers of a number of dwellings and the shortfall in size of the proposed garages is considered to result in overdevelopment of site to the detriment of the character of the area contrary to the National Planning Policy Framework (2019), policies S1, S2, S6, D1 and T2 of the Maldon District Local Development Plan (2017), policies S1, HO.1 and HO.5 of the Burnham-on-Crouch Neighbourhood Development Plan (2017) and the guidance contained in the Maldon District Design Guide SPD (2017).

**950. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRMAN OF THE COMMITTEE DECIDES ARE URGENT**

The meeting closed at 9.17 pm.

R G BOYCE MBE  
CHAIRMAN