PRESENT

Chairman  Councillor Cllr P G L Elliott
Vice-Chairman  Councillor Cllr H M Bass

722.  CHAIRMAN'S NOTICES

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

723.  APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs P A Channer CC and C A R MacKenzie.

724.  DISCLOSURE OF INTERESTS

Councillor R G Boyce declared a non-pecuniary interest as a Member of Essex County Council and also a trustee of an Almshouse Association.

Councillor N R Pudney declared a non-pecuniary interest as he sat for the Council on a panel with the NHS at Broomfield Hospital.

Councillor S J Savage declared a non-pecuniary interest as a trustee of an Almshouse and nominated Member of the Overview and Scrutiny Committee to scrutinise the hospital.

Councillor A S Fluker stated that in the interest of openness and transparency he knew the applicant and several of the objectors in relation to Agenda Item 7 – Planning Application for Determination.

Councillor M S Heard stated that he knew a number of the objectors in relation to Agenda Item 7 – Planning Application for Determination.
725. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

726. PLANNING APPLICATION FOR DETERMINATION BY THE COUNCIL

The Council received a presentation from the Council’s legal representative which outlined legal advice in respect of application OUT/MAL/14/01106 Land North of Maldon Hall Farm, Spital Road, Maldon (Agenda Item 7). In addition the presentation highlighted:

- the law relating to decision making by a local authority;
- what is / is not a material consideration when determining a planning application;
- Community Infrastructure Levy regulations, including a number of questions to which the Council was expected to respond to if Members were seeking to support the application. It was noted that the questions and the Council’s response would have to be recorded in such a situation.

It was questioned why this matter was not being considered in open session and in response the legal representative provided the Council with information regarding this.

A number of questions were raised by Members following the presentation and in response the Director of Planning and Regulatory Services and legal representative provided additional information. The questions related to:

- affordable housing;
- the proposed community healthcare facility;
- the emerging Local Development Plan;
- the proposed Section 106 Agreement heads of terms;

727. TO RESUME IN OPEN SESSION

RESOLVED that the meeting resumes in open session.

728. ADJOURNMENT OF MEETING

RESOLVED that the meeting be adjourned to allow those members of the public in attendance for the following agenda item to return to the Council Chamber.
729. **RESUMPTION OF BUSINESS**

RESOLVED that the meeting resumes in open session.

730. **PLANNING APPLICATION FOR DETERMINATION BY THE COUNCIL**

The Council determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members’ Update circulated prior the meeting.

The Chairman advised the Committee that members of the public had registered their wish to speak and outlined the procedure for public participation.

<table>
<thead>
<tr>
<th>CL1</th>
<th>Application Number</th>
<th>OUT/MAL/14/01106</th>
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<tbody>
<tr>
<td></td>
<td>Location</td>
<td>Land North Of Maldon Hall Farm Spital Road Maldon Essex</td>
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<tr>
<td></td>
<td>Proposal</td>
<td>Outline planning application for mixed use development comprising residential development of up to 340 dwellings, community health facilities, care home, Class A1 retail, community land, public open space, landscaping, highway works and associated works at Maldon Hall Farm.</td>
</tr>
<tr>
<td></td>
<td>Applicant</td>
<td>Mr S Cooper (Kensington &amp; Edinburgh Estates) - M&amp;A Speakman Ltd</td>
</tr>
<tr>
<td></td>
<td>Agent</td>
<td>Mr Arfon Hughes - Mango Planning &amp; Development Ltd</td>
</tr>
<tr>
<td></td>
<td>Date Valid</td>
<td>19 January 2015</td>
</tr>
<tr>
<td></td>
<td>Target Date</td>
<td>11 May 2015</td>
</tr>
<tr>
<td></td>
<td>Case Officer</td>
<td>Debi Sherman, TEL: 01621 875862</td>
</tr>
<tr>
<td></td>
<td>Parish</td>
<td>MALDON NORTH</td>
</tr>
</tbody>
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It was noted from the Members’ Update that consultation responses had been received from Historic England and the Clinical Commissioning Group. The application had also submitted further supporting information and a further planning assessment was shown.

The Major Applications Officer presented the application and highlighted that the following additional information which had been received since publication of the Members’ Update detailing the content of both letters:

- a letter from the Clinical Commissioning Group;
- a letter of support from Provide.
During the presentation Members were provided with detailed information regarding Planning Policy and Housing in relation to this application.

Following the Officer presentation an Objector Ms Judy Lea on behalf of the Maldon Hall Farm Group, a Supporter Mr John Nilan on behalf of Provide and the Agent Mr MacFarlane addressed the Committee.

The Chairman introduced Mr Blaise Gamie, Infrastructure Planning Manager and Mr Sean Perry, Head of Economic Growth and Development from Essex County Council who were in attendance to provided Highways and Education information to Members, where required.

Councillor M R Pearlman, a Ward Member, spoke in favour of the Officers’ recommendation for refusal and proposed that this agreed. This proposal was duly seconded.

In accordance with Procedure Rule No. 13 (3) Councillor B S Beale requested a recorded vote. This was duly seconded.

A number of comments were raised regarding the proposed application and in particular reference to a community hospital and the benefits such a facility would have for the District. During the discussion other Members of the Council offered their support to the proposition in the name of Councillor Pearlman.

The Chairman then put the proposition of Councillor Pearlman and upon a vote being taken (as detailed below) this was agreed.

For the recommendation:


Against the recommendation:

Councillor R G Boyce and S J Savage.

Abstention:

Councillor P G L Elliott and A S Fluker.

The Chairman thanked Officers for their thorough and detailed presentation.

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

1. The site is in a sensitive rural location outside of the defined settlement boundary for Maldon where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National
Planning Policy Framework. The site has not been identified by the Council for
development to meet future needs for the District and does not fall within either
a Garden Suburb or Strategic Allocation for growth identified within the Local
Development Plan to meet the objectively assessed needs for housing in the
District. Furthermore, the development would adversely affect the infrastructure
capacity necessary to bring forward the proposed locally planned growth in
terms of both the necessary highway infrastructure and secondary education
capacity to support it. This could potentially inhibit the delivery of a significant
proportion of the housing growth and the strategic infrastructure proposed in the
submitted Local Development Plan and would not represent sustainable
development contrary to the guidance and provisions of the National Planning
Policy Framework and is in particular paragraphs 7, 14 and 17 as well as being
contrary to policies S2, H1, BE1, T1 and PU1 of the Adopted Maldon District
Replacement Local Plan and policies S1, S2, S8, I1, T1 and D1 of the Maldon
District Submitted Local Plan.

2 The site is in a sensitive rural location outside of a settlement boundary. The
proposed development as a result of its unsympathetic scale and form would not
protect or enhance the natural, built or historic environment but be at odds with
its function as part of the wider rural context of this site and its surroundings. It
would have an unacceptably intrusive urbanising effect upon the site and on the
setting and wider character adversely affecting the intrinsic character and beauty
of the countryside which is noted for its distinctive tranquillity and remoteness
as well as the setting of the adjacent designated and non-designated heritage
assets. On this basis, the proposal is not considered to represent sustainable
development and the adverse impacts of the development would significantly
and demonstrably outweigh the benefits of the scheme contrary to the guidance
and provisions of the National Planning Policy Framework in particular
Paragraphs 7, 14, 109, 113, 131, 132, 134, 135 and 216 as well as policies S2,
H1, CC6, CC7, BE1 and BE16 of the Adopted Maldon District Replacement
Local Plan, and policies S1, S8, D1, D3 and N2 of the Maldon District
Submitted Local Development Plan.

3 The proposed development would not meet the requirements for affordable
housing provision in this part of the District. The development would not
therefore contribute to a strong vibrant community because it would not provide
a supply of housing required to meet the needs of present and future generations
and as such is not considered to represent sustainable development contrary to
policies S2, H1 and PU1 of the Adopted Maldon District Replacement Local
Plan, policies S1, S8, H1 and I1 of the Maldon District Submitted Local
Development Plan and the guidance and provisions of the National Planning
Policy Framework, in particular Paragraphs No. 7, 14, 17 and 50.

4 The proposal would create a new access on a Main Distributor in the Essex
County Council Development Management Route Hierarchy where the main
function is that of carrying traffic safely and efficiently between major centres in
the County. The proposed alteration to the roundabout would lead to
deterioration in the efficiency of the through road as a traffic carrier.
Furthermore, the proposal would take capacity out of the local highway network
and would provide a junction arrangement that would, when taking account of
locally planned growth, reach capacity and lead to delay and congestion on the
network and the inability of the Main Distributor road to fulfil its function of carrying traffic safely and efficiently between settlements. This would be contrary to policies T1 and T2 of the Adopted Maldon District Replacement Local Plan, policies T1 and T2 of the Maldon District Submitted Local Development Plan and the guidance and provisions of the National Planning Policy Framework, in particular paragraphs 29-32.

5. The Council’s evidence base has demonstrated that there is limited capacity for convenience retail floor space and no residual capacity for comparison retail floor space. The scale of proposed retail development proposed could therefore prejudice the vitality and viability of the Maldon and Heybridge town centres and other committed retail development in the district contrary to Adopted Maldon District Replacement Local Plan policy SH2 and Maldon District Submitted Local Development Plan policy E2. The proposed development is in an out of town location and is not compliant with the guidance and provisions of the National Planning Policy Framework and in particular the sequential test set out in paragraph 24.

POSITIVE AND PROACTIVE STATEMENT
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing with the Applicant/Agent. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal.

731. EXCLUSION OF PUBLIC AND PRESS

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

732. PLANNING APPEAL IN SOUTHMINSTER

The Council considered the report of the Director of Planning and Regulatory Services providing Members with information regarding an appeal against the Council’s refusal of outline planning application for a site in Southminster.

The report sought Members agreement for the Council not to continue to defend reasons for refusal 2 and 4 on the grounds of them being difficult to defend without expert witnesses. A decision on this matter was required as the Council had to provide its statement on the case to the Planning Inspectorate.

In response to a question regarding why Southminster and Burnham-on-Crouch were grouped together as one unit in respect of education, the Education Officer provided the Committee with detailed information including how this was based on funding distribution from the Department for Education.

A number of concerns were raised regarding Surface Water Drainage and the Flood & Water Management Act, the timescale for changing/ removing reasons for refusal and if the reason for refusal was not defended how the Council would have confidence that the proposed
scheme would be correctly managed in the future. In response, the Director of Planning and Regulatory Services advised that he was unable to respond fully to the comments raised and suggested that in light of this and due to a revised start date being awaited in respect of the appeal that the matter be delegated to Officers in conjunction with the Chairman of the Council and relevant Members. It was suggested that the Chairman of the Finance and Corporate Services Committee also be involved given the related costs.

Councillor A S Fluker proposed that the Council not defend reason for refusal 1 and sought clarification from Officers as to why they felt this could be defended. This proposal was not seconded. Following further discussion Councillor Fluker proposed that in relation to the suggestion from the Director of Planning and Regulatory Services that this also include the two Ward Members and Councillor Miss M R Lewis, Leader of the Council.

Councillor Miss Lewis proposed that in respect of reason for refusal 2 the suggestion of the Director of Planning and Regulatory Services be agreed. This was duly seconded and agreed. The Council also agreed that reason for refusal 4 should not be defended at appeal.

RESOLVED

(i) that the decision regarding not defending reason for refusal 2 from the decision notice relating to planning application OUT/MAL/14/00613 – Theedhams Farm, Steeple Road, Southminster be delegated to the Director of Planning and Regulatory Services in conjunction with the Chairman of the Council and relevant Members;

(ii) that reason 4 from the decision notice relating to planning application OUT/MAL/14/00613 – Theedhams Farm, Steeple Road, Southminster not be defended with the appeal.

There being no further items of business the Chairman closed the meeting at 9.43 pm

P G L ELLIOTT
CHAIRMAN