



**MINUTES of
DISTRICT PLANNING COMMITTEE
22 SEPTEMBER 2022**

PRESENT

Chairman	Councillor K M H Lagan
Vice-Chairman	Councillor B B Heubner
Councillors	V J Bell, R P F Dewick, M F L Durham, CC, M R Edwards, Mrs J L Fleming, CC, A S Fluker, M S Heard, M W Helm, A L Hull, J V Keyes, S J N Morgan, C P Morley, S P Nunn, N G F Shaughnessy, P L Spenceley, W Stamp, CC, E L Stephens, Mrs J C Stilts and Mrs M E Thompson

255. CHAIRMAN'S NOTICES

The Chairman welcomed everyone to the meeting and went through some general housekeeping arrangements for the meeting.

256. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bassenger, Miss A M Beale, B S Beale, R G Boyce, Mrs P A Channer, C Mayes, R H Siddall, N J Skeens, C Swain and Miss S White.

257. MINUTES OF THE LAST MEETING

RESOLVED

- (i) That the Minutes of the meeting of the District Planning Committee held on 13 July 2022 be received.

RESOLVED

- (ii) That subject to the inclusion of Councillor S J N Morgan on the attendance list the Minutes of the District Planning Committee held on 13 July 2022 be confirmed.

258. DISCLOSURE OF INTEREST

Councillor M F L Durham declared an other registrable interest as a member of Essex County Council (ECC), as Chair of Essex County Traveller Unit (ECTU) and as Deputy Cabinet Member whose portfolio included the ECC Gypsy and Traveller Campsites across the County.

Councillor Fleming a registrable interest as a member of Essex County Council who are statutory consultees and as a member of ECTU.

259. 22/00344/FUL - LAND ON SOUTH SIDE MALDON ROAD, WOODHAM MORTIMER, ESSEX

Application Number	22/00344/FUL
Location	Land On South Side Maldon Road, Woodham Mortimer, Essex
Proposal	Change of use of land for 2 Gypsy/Traveller pitches comprising the siting of 1 mobile home, 1 touring caravan per pitch, alongside the formation of permeable hardstanding
Applicant	Ms M Delaney
Agent	Mr Peter Brownjohn - WS Planning & Architecture
Target Decision Date	05.08.2022
Case Officer	Anna Tastsoglou
Parish	WOODHAM MORTIMER WITH HAZELEIGH
Reason for Referral to the Committee / Council	Councillor / Member of Staff

A Members' Update had been circulated prior to the meeting that detailed further representations from interested parties and the Officer provided a further verbal update that two additional letters of objection had been received together with a letter from a Member of Parliament (MP) highlighting the concerns from residents. It was noted that the two additional letters did not raise any further material planning considerations from those contained in the Officer's report. Following the Officer's presentation, Mr. Russell Forde, speaking on behalf of a group of local residents, Parish Council representative Mr. Brady and the Applicant, Mr. Connors addressed the Committee.

At this point the Chairman moved the Officer's recommendation to approve the application and this was seconded by Councillor Stephens. He then opened the discussion.

A lengthy debate ensued where a range of issues and concerns were discussed. It was noted that there had been a lot of correspondence from residents to Members regarding this proposal. Councillor Durham, whilst acknowledging sympathy with Officers, expressed concern regarding the dangerous entrance to the site. He said it was artificial with no permission not to mention very dangerous.. He felt that the application impacted adversely on the amenity of neighbouring properties together with a detrimental impact on the character and appearance of the rural area. Some Members echoed these concerns and queried issues around the clearance of the site; the biodiversity net gain or otherwise; the availability of other like sites; the status of the applicant as a traveller or otherwise and the sustainability of the site

In response to issues raised Officers provided the following information-

- That the application site was more than 55 metres from the nearest property.
- That Essex Highways had not raised an objection; however they had suggested conditions which have been included in the report;
- That the access already existed, not created by the applicant. Essex Highways Authority had recognised they would use the existing access.
- That the clearance involving trees did not require permission as it was prior to any Tree Protection Order, (TPO) being imposed.

- That as outlined in paragraph 5.3.13 of the Officer report in this instance, the proposal, with the exception of the hardstanding, would involve single storey mobile structures, which are to be located further away from the highway, resulting in minimal impact on the character of the area.
- That in respect of biodiversity this was addressed under conditions 14 &15 of the report . Planting of native species of trees and hedges, together with external lighting to protect species and a landscaping scheme (paragraph 5.7.6) will also be required to provide tree, hedge and shrub planting to offer screening to the site.
- That it was not appropriate to investigate the applicants' status. They are part of the travelling community and can work in the local area. The information received is that they fall under the definition of a traveller community.

Following this other Members commented on the need for material planning conditions and lack of compliance with policies should the Committee be minded to refuse the application.

Councillor Durham felt there were appropriate reasons for refusal referring in particular to the reason for approval in the report regarding an ecology net gain which he said would not be the case in this instance as the heavily vegetated site had been stripped of all vegetation.

Having heard all Member comments the Chairman put the Officer's recommendation to approve the application to the Committee and following a request for a recorded vote, duly seconded, this was lost. The results were as follows:

For the Officer's Recommendation to Approve:

Councillors J V Keyes, N G F Shaughnessy, E L Stephens and Mrs M E Thompson.

Against the Officer's Recommendation to Approve:

Councillors V J Bell, R PF Dewick, M F L Durham, M R Edwards, Mrs J L Fleming, M S Heard, M W Helm, S J N Morgan and C P Morley. .

Abstentions:

Councillors A S Fluker, B B Heubner, A L Hull, K M H Lagan, S P Nunn, P L Spenceley, W Stamp and Mrs J C Stilts

The Chairman then called for reasons for refusal of the application and following Councillor Durham's proposal to refuse, these were agreed as follows:-

1. The proposed development would be located outside of the defined settlement boundaries and it would not represent a sustainable form of development due to the poor accessibility of the site. By reason of its location and access, the site would provide poor quality and limited access to sustainable and public transportation, resulting in an increased need of private vehicle ownership and in limited access to services, facilities and employment opportunities. The proposal is therefore considered to be contrary to policies S8, H6 and T2 of the Maldon District Local Development Plan and the National Planning Policy Framework.
2. The proposed development, due to the resultant visual impact from the use of the site for the siting of touring caravans, mobile homes and associated paraphernalia, would detract from the character and appearance of the site itself, the streetscene and the locality more widely. The proposal is therefore be unacceptable and contrary to policies S8, H6 and D1 of the Maldon District Local Development Plan and the National Planning Policy Framework.

3. The proposed development would result in undue harm to the residential amenity of the neighbouring occupiers. The development by reason of the resultant noise levels, and loss of outlook would represent an unneighbourly form of development, contrary to policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework and the Maldon District Design Guide.

The Chairman then put Councillor Durham's proposal to refuse the application, contrary to the Officer's recommendation, to the Committee and it was agreed by assent.

RESOLVED that the application be **REFUSED** for the reasons as outlined above.

260. 22/00454/FUL - LIMEBROOK PARK EAST, LAND SOUTH OF WYKE HILL AND LIMEBROOK WAY, MALDON. ESSEX

Application Number	22/00454/FUL
Location	Limebrook Park East, Land South Of Wyke Hill And Limebrook Way, Maldon, Essex
Proposal	Development of the site to provide 42 residential dwellings (Class C3) together with associated infrastructure
Applicant	Taylor Wimpey (London)
Agent	Mr Oliver Milne - Savills
Target Decision Date	31.10.2022
Case Officer	Kathryn Mathews
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Strategic site within the strategic submitted Local Development Plan

A Members' Update had been circulated prior to the meeting that detailed an additional consultee comment, condition and informative. Following the Officer's presentation Councillor Driver, from Maldon Town Council and Mr Sam Caslin, the Applicant, addressed the Committee.

The Chairman moved the Officer's recommendation to approve the application and this was seconded by Councillor Helm..

A debate ensued where Members raised issues around back-to-back distances; fabric first as opposed to renewables; parking provision; quality of life; the current proposed number of dwellings versus infrastructure; affordable housing contribution and energy saving measures.

In response to issues raised Officers provided the following information:-

- That in terms of parking Maldon District Council's Supplementary Planning Documents (SPD) adopted parking standards have been met, in addition there is a local centre within walking distance, bus services and cycling routes, a good choice of alternative to using the private car. The parking therefore is adequate, all houses have been provided with adequate parking spaces in accordance with the adopted standards.
- That back-to-back distances were all at least around 25 metres as outlined in the Maldon District Design Guide (MDDG) (2017). The housing mix was one of the reasons for the previous refusal. The current application has been assessed

against the most recent Local Housing Needs Assessment and it complies sufficiently.

- That with reference to quality of life the standard would be satisfactory, having been assessed against environmental health advice and the garden and house sizes proposed.
- That fabric first is an approach to use building materials and building techniques aimed at reducing the energy need through a design approach rather than artificial support.
- That the outline planning application was for up to 1,000 houses but the same site is allocated for a minimum of 1,000 so the proposal is compliant with the development plan. In terms of density/overcrowding the current proposal is for 42 houses which is more than previously refused. However, the Housing mix has changed so the building footprint is less, the total number of bedrooms would only increase by one and, at 30 dwellings per hectare, the density is still quite low and complies with the parameter plan approved as part of the outline planning permission.
- That funding for additional medical provision and school places will be secured by the S106.
- That with reference to affordable housing it fully complies on percentages in terms of 1, 2 and 3 bedroom affordable rented properties and more than the minimum Policy requirement for affordable housing is proposed.
- That an additional condition could be included requiring further details of the energy saving measures to be incorporated into the development.

There being no further discussion the Chairman put the duly seconded Officer's recommendation to approve the application to the Committee together with the additional condition on energy saving measures and it was approved.

RESOLVED that the application be **APPROVED** subject to a S106 agreement and conditions as recommended with an additional condition requiring further details of the energy saving measures to be incorporated into the development:

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- Affordable housing (33%);
- A financial contribution towards RAMS (the current rate is £137.71 per dwelling);
- A financial contribution towards Early Years & Childcare (£55,948), Primary Education (£186,494), Secondary Education (£171,180) and Libraries (£3,267.60);
- A financial contribution towards the provision of medical services (£20,800);
- Monitoring fees

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 accordance with the following approved plans and documents:

22.1644.010 Accommodation Schedule 100 rev.AE
22.1644.050 rev.B site location plan
22.1644.100 rev.AH site layout
22.1644.110 block plan
22.1644.201 rev.B materials plan
22.1644.202 rev.B parking layout
22.1644.203 rev.B garden areas plan
22.1644.204 rev.B refuse plan
22.1644.205 rev.A storey heights plan
22.1644.206 rev.B density plan
22.1644.207 rev.C affordable housing plan

22.1644.300 rev.A street scene AA
22.1644.301 rev.A streetscene BB

22.1644.400 rev.A NA20
22.1644.401 rev.A NA20
22.1644.410 NA32
22.1644.420 rev.A NT30
22.1644.421 NT30
22.1644.422 rev.A NT30
22.1644.423 rev.A NT30
22.1644.424 NT30
22.1644.425 NT30
22.1644.430 rev.A NT31
22.1644.440 NT32
22.1644.441 rev.A NT32
22.1644.450 rev.A NA42
22.1644.460 rev.A NA43
22.1644.461 rev.A NA43
22.1644.462 rev.A NA43
22.1644.463 rev.A NA43
22.1644.470 rev.A NT42
22.1644.471 rev.A NT42
22.1644.480 rev.A NA51

22.1644.481 rev.A NA51
22.1644.500 rev.A maisonette 2x1B
22.1644.501 rev.A maisonette 2x1B
22.1644.502 rev.A maisonette
22.1644.503 rev.A maisonette 4x1B
22.1644.510 rev.A NA21
22.1644.511 rev.A NA21
22.1644.520 rev.A NA30
22.1644.521 rev.A NA30
22.1644.530 NA34 (Coltford)
22.1644.531 NA34 (Coltford)

22.1644.601 rev.A single garages
22.1644.602 rev.A twin garages

Z5111-041 rev.B swept paths

3000_300_C_Phase 4 Soft Landscape Proposals Sheet 1 of 2
3000_301_C_Phase 4 Soft Landscape Proposals Sheet 2 of 2
3000_302_C_Phase 4 Hard Landscape Proposals Sheet 1 of 2
3000_303_C_Phase 4 Hard Landscape Proposals Sheet 2 of 2

Arboricultural Method Statement, prepared by SES
Energy Statement, prepared by Energist

3. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
 - Final modelling and calculations for all areas of the drainage system.
 - The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation.

4. Prior to the occupation of any of the dwellings hereby permitted, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided. The surface water drainage system shall be maintained as approved.
5. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.
6. The development shall be carried-out in accordance with the Preliminary Ecological Appraisal prepared by SES (March 2022) as well as the following additional biodiversity enhancements prior to the occupation of the development:
 - installation of a total of 12no. bat boxes (mixed provision of built in and externally fitted) across the development units in accordance with the Preliminary Ecological Appraisal (paragraph 4.13);
 - installation of a total of 20no. bird boxes (mixed provision of Swift bricks and sparrow-type) across the development units in accordance with the Preliminary Ecological Appraisal (paragraph 4.18);
 - installation of hedgehog (& amphibian) "highway" gaps in every boundary fence which shall be suitably sign-posted for new residents. These gaps should be both between neighbouring plots and in external fencelines in accordance with the Preliminary Ecological Appraisal (paragraph 4.23).
7. No development above slab level shall take place until details of a lighting strategy for the development including details of the location and type of fixtures and fittings has been submitted to and approved in writing by the Local Planning Authority. No external lighting except for that approved shall be installed and once implemented shall be retained in accordance with the approved scheme.
8. Notwithstanding the soft landscaping details submitted, no development above slab level shall take place until revised soft landscaping details to include more native/local species have been submitted to and approved in writing by the local planning authority. The details of the soft landscape works shall include 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 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, 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.

9. The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (March 2022), Fluvial Modelling Technical Note, Hydraulic Modelling Technical Notes, Z5111 Limebrook Fluvial Model (July 2022) and Z5111 Limebrook Phase 4 Tidal Submission (July 2022), prepared by Ardent Consulting Engineers.
10. No development shall commence until samples of all materials to be used in the construction of the external surfaces of the development, 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.
11. Notwithstanding the provisions of Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification) there shall be no hard surfacing of front gardens.
12. The boundary treatment hereby approved shall be constructed prior to the first use / occupation of the development to which it relates and be retained as such thereafter.
13. The foul drainage scheme shall be implemented as approved prior to occupation of any of the dwellings hereby permitted and maintained in accordance with the approved scheme thereafter.
14. Each of the dwellings hereby permitted shall be provided with an electric vehicle charging point and a cycle store (the latter in accordance with details which shall have been submitted to and approved in writing by the local planning authority) prior to their occupation. The development shall be retained as approved thereafter.
15. The vehicle parking and turning areas proposed shall be provided, hard surfaced, sealed and marked out prior to the first occupation of the development in accordance with the approved details. The parking and turning areas shall be retained, in perpetuity, as approved and for their intended purpose.
16. No development shall commence above slab level until a strategy to facilitate superfast broadband for future occupants of the site has been submitted to and approved in writing by the local planning authority. The strategy may include commercial arrangements for providers and shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the local planning authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.
17. Notwithstanding the provisions of Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification) there shall be no hard surfacing of front gardens.

18. No development above slab level shall take place until details of the dwellings to be occupied only by those 55 years and over have been submitted to and approved in writing by the local planning authority. The occupation of these dwellings shall be limited to those aged 55 years and over.
19. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details throughout the construction period.
20. No development shall be occupied on site until the highway infrastructure serving the site, bus service and children's play areas approved as part of the adjacent development (Phase 2 of the Eastern Parcel references 22/00393/VARM, 18/00494/FUL and 18/01440/RES, as amended) have been completed and are ready for use.
21. Prior to the first occupation of the proposed development, a Residential Travel Information Pack for sustainable transport to include six one day travel vouchers for use with the relevant local public transport operator shall be provided for occupiers of each of the dwellings hereby permitted. Details of the Travel Information Pack shall be submitted to and approved in writing by the local planning authority prior to being provided to any occupier.
22. Notwithstanding the details submitted, the dwellings hereby permitted shall not be occupied unless and until a Flood Warning and Evacuation Plan has been submitted to and approved in writing by the local planning authority. The occupiers of each of the dwellings shall be provided with a copy of the approved Plan prior to their first occupation of the dwellings.
23. Notwithstanding the Energy Statement submitted, no development above slab level shall take place until an energy statement has been submitted to and approved in writing by the local planning authority. The energy statement shall demonstrate how the total predicted carbon emissions of the development will be minimised and include a schedule of proposed non-renewable energy saving technologies, their respective carbon reduction contributions, size specification, location, design and a maintenance programme. The development shall be completed in accordance with the approved details prior to the occupation of any approved buildings and shall thereafter be maintained and remain fully operational in accordance with the approved maintenance programme.

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

There were none.

The meeting closed at 9.52 pm.

K M H LAGAN
CHAIRMAN