



**MINUTES of
COUNCIL (EXTRAORDINARY)
28 FEBRUARY 2019**

PRESENT

Chairman	Councillor H M Bass
Councillors	J P F Archer, E L Bamford, Miss A M Beale, B S Beale MBE, A T Cain, Mrs P A Channer, CC, I E Dobson, M F L Durham, CC, A S Fluker, Mrs B D Harker, B E Harker, M S Heard, J V Keyes, Miss M R Lewis, M R Pearlman, R Pratt, CC, S J Savage, Mrs N G F Shaughnessy, Rev. A E J Shrimpton, Mrs M E Thompson and Miss S White

908. CHAIRMAN'S NOTICES

The Chairman referred to the list of notices on the back of the agenda.

909. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R G Boyce MBE, R P F Dewick, Mrs H E Elliott, P G L Elliot, M W Helm, N R Pudney, D M Sismey and A K M St. Joseph.

910. DISCLOSURE OF INTEREST

Councillor J V Keyes disclosed a non-pecuniary interest as a member of Great Totham Parish Council.

Councillor R Pratt disclosed a non-pecuniary interest as a Member of Essex County Council who were consultees on planning applications.

Councillor Mrs P A Channer disclosed a non-pecuniary interest as a Member of Essex County Council who were consultees on matters such as highways, access and flooding.

Councillor M F L Durham disclosed a non-pecuniary interest as a Member of Essex County Council.

The Committee received the reports of the Director of Strategy, Performance and Governance and determined the following planning applications, having taken into account all representations and consultation replies received, including those listed on the Members' Update circulated prior to the meeting.

911. OUT/MAL/15/00419 - LAND AT BROAD STREET GREEN ROAD, MAYPOLE ROAD AND LANGFORD ROAD, GREAT TOTHAM, ESSEX

Application Number	OUT/MAL/15/00419
Location	Land At Broad Street Green Road, Maypole Road And Langford Road Great Totham / Heybridge Essex
Proposal	Amended application part outline/part detailed (hybrid) application for mixed use development including: (i) Residential development (Use Class C3) (Outline) (ii) Residential Care (Use Class C2) (Outline) (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline) (iv) Primary school and early years childcare facility (Use Class D1c) (Outline) (v) A relief road between Broad Street Green Road and Langford Road (Detailed element) (vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline); (vii) Construction of initial gas and electricity sub-stations (Detailed); and (viii) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, on-site drainage, and infrastructure works (Outline).
Applicant	Countryside Properties & EC, MA & DC Watson & KL Watson-Knee
Agent	Mr Kevin Coleman - Phase 2 Planning & Development Ltd
Target Decision Date	TBC.
Case Officer	Ian Harrison, TEL: 01621 875751
Parish	GREAT TOTHAM, HEYBRIDGE, LANGFORD AND ULTING.
Reason for Referral to the Committee / Council	Environmental Impact Assessment Strategic Site S2(d) within the Approved Local Development Plan Major Application

It was noted from the Members' Update that further information had been received from the Applicant and Officers had provided comments in respect of this. In addition, an amendment to conditions 8, 16 and 49 and addition of a new condition 50 were suggested.

The Lead Specialist Place presented the application to the Council and highlighted that the site plan included with the Officers' report was incorrect and the correct plan was made available on the screen for Members. Members were reminded of Section 28(6) of the Planning and Compulsory Purchase Act (2004) which referred to the development plan and how determination must be made in accordance with the plan unless material considerations indicated otherwise. The Officer then went on and set out for Members what should be considered as a material consideration.

The Council was introduced to Mr Dave Chapman from Essex County Council (ECC) the Lead Local Flood Authority (LLFA) who was in attendance to provide additional information, if required.

Following the Officers' presentation, an objector, Mr Sargood (representing Heybridge Residents Association), Councillor Perry on behalf of Heybridge Parish Council and the Agent, Mr Coleman addressed the Committee.

Councillor A S Fluker, Leader of the Council, referred to the Local Development Plan and the disappointment that this scheme did not bring forward a Flood Alleviation Scheme (FAS), but how that the application was now policy compliant in terms of affordable housing. Councillor Fluker proposed that the application be approved in accordance with the Officers' recommendation. This proposal was duly seconded.

Councillor Miss M R Lewis, a Heybridge Ward Member, addressed the Committee raising a number of concerns and highlighted how the application had been approved (subject to a Section 106 agreement) in 2016 by the Council in order to achieve a FAS which had been proposed by the Environment Agency. Councillor Miss Lewis referred to a flood meeting that had taken place earlier on in this week with the Environment Agency and ECC where new options for flood alleviation were presented.

A lengthy debate ensued, during which some Members echoed the views of Councillor Miss Lewis and a number of further concerns and comments were raised, including:

- removal of the FAS which was part of the application when approved by the Council in December 2016;
- the scheme not being compliant with the Local Development Plan (LDP);
- the proposed timescale for development with particular reference made to three years for the relief road and six years for the medical centre.
- concerns raised by local residents, in particular regarding the FAS;
- potential damage the development would do to local wildlife;
- the application did not provide high grass, low density areas;
- the impact of the development on Heybridge wood.

It was noted however that this was a strategic site and it was important for the Council's five year housing land supply.

In response to questions, the Lead Specialist Place clarified the following:

- The scheme proposed:
 - 669 (minimum) 1 and 2 bedroomed properties;
 - 402 minimum 3 bedroomed properties;
 - 267 (maximum) 4 bedroomed or above properties;
 - This would work out at 54 (minimum) bungalows.
- The proposed affordable housing units for the elderly would be specified as part of the Section 106 legal agreement. The market housing did not specify an elderly person allocation, but the provision of bungalows was seen as meeting a demand which related to this.
- Affordable housing needs would be in accordance with the Council's policy in respect of nomination rights. The policy stated elderly persons housing as being

for persons aged 55 and above and this therefore would be the requirement for this application.

- This application complied with Policy S4 as it was integral to the strategic development.

Councillor Mrs P A Channer left the meeting at this point and did not return.

In response to a question regarding whether Essex County Council, as LLFA, felt the Sustainable Urban Drainage Scheme proposed was acceptable, Mr Chapman responded. Members were advised that at this stage the information submitted demonstrated that the scheme would deal with its own surface water drainage on the site, as it was legally required to do. However, proposed conditions requested further details of the surface water drainage strategy and maintenance place which would come forward at a later stage.

Councillor Fluker referred to his earlier proposition of approval and raised concern regarding the comments made by the LLFA. He then withdrew his proposition of approval and proposed that the application be deferred to allow the LLFA to come back with further information. This proposal was not seconded.

In response, the Lead Specialist Place referred Members to the National Planning Policy Guidance and read from this regarding planning applications which were outline in nature. He advised that this was a standard process for the determination of planning application and similar to how the Council had processed every outline application before it. The flooding report submitted with this application covered all the points and accepted that the general principles could be met and proposed condition 37 would require addition information which was standard practice.

In response to a further question, Mr Chapman referred to the LLFA consultation response in which condition 4 requested submission of a maintenance plan which would then be subject to written approval by the LLFA. He advised that they were confident that the information provided highlighted that the scheme managed the surface water itself.

Councillor Miss M R Lewis proposed that the application be refused, contrary to Officers' recommendation, on the grounds that it was not a fully integrated system and that Members were not comfortable under the Flood and Water Management Act 2010 that they did not have enough information to make a decision in a comfortable and confident way. This was duly seconded.

It was clarified that the reasons for refusal should relate to Members not being comfortable and confident of the ongoing maintenance and management of the scheme that had been proposed and that the scheme was not fully compliant, in that it was not fully integrated with the North Heybridge Garden Suburb as per policy S4 - paragraph 2.59 on page 53 of the Approved Local Development Plan and bullet point on page 28 of the same document.

In accordance with Procedure Rule No. 13 (3) Councillor I E Dobson requested a recorded vote.

The Chairman then put the proposal of refusal in the name of Councillor Miss Lewis, contrary to the Officers'; recommendation and the voting was as follows:

For the recommendation:

Councillors J P F Archer, E L Bamford, Miss A M Beale, B S Beale, A T Cain, I E Dobson, Mrs B D Harker, B E Harker, M S Heard, Miss M R Lewis, M R Pearlman, J V Keyes, S J Savage, Mrs N G F Shaughnessy, Rev. A E J Shrimpton and Miss S White.

Against the recommendation: None.

Abstention:

Councillors H M Bass, M F L Durham, A S Fluker, R Pratt and Mrs M E Thompson

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

- 1 Insufficient evidence has been submitted with the application to demonstrate that the proposed development would be able to incorporate adequate surface water drainage infrastructure and that the infrastructure that would be proposed would be maintained in a manner that would ensure that the development would not cause increased flood risk within the vicinity of the site and the catchment area of the watercourses that are within the site. The potential impact on flood risk resulting from the development is unacceptable and contrary to policies S1, S4 and D5 of the Maldon District Local Development Plan and the guidance contained within the NPPF.

912. RES/MAL/18/01440 - LAND SOUTH OF WYCKE HILL AND LIMEBROOK WAY, MALDON, ESSEX

Application Number	RES/MAL/18/01440
Location	Land South Of Wycke Hill And Limebrook Way, Maldon, Essex
Proposal	Approval of reserved matters (layout, scale, appearance and landscaping) for Phase 2 of the Eastern Parcel of the wider Land South of Wycke Hill and Limebrook Way site (LPA Application Ref. FUL/MAL/18/00071), comprising the construction of 406 residential dwellings (Use Class C3) and associated work
Applicant	Taylor Wimpey (East London)
Agent	Ms Catherine Williams – Savills
Target Decision Date	12.03.2019
Case Officer	Kathryn Mathews
Parish	MALDON WEST
Reason for Referral to the Committee / Council	At the discretion of the Director of Strategy, Performance and Governance

It was noted from the Members' Update that the description of the proposal had been amended and in light of this a revised recommendation was detailed. In addition, some amendments to sections 3, 6 and 7 of the report were detailed, a consultation response from the Countryside and Coast Officer had been received and an amendment to condition 1 and deletion of conditions 4 and 9 were detailed.

Following the Officers' presentation, the Agent, Ms Williams addressed the Committee.

Councillor B E Harker proposed that the application be refused, contrary to Officers' recommendation, as he felt the application failed to encourage a greater proportion of smaller 1 and 2 bed homes contrary to Policy H2 of the LDP and contrary to the Strategic Housing Market Assessment (SHMA). This proposal was duly seconded.

As a point of clarification Members were advised that the related outline application had been determined before the Council had a five year housing land supply and Local Development Plan. Housing mix had been accepted and was not therefore a matter for consideration at this stage.

A debate ensued, during which some Members expressed concern regarding the style of houses being presented, in particular the proposed flats and flat rooves.

Councillor S J Savage then proposed that Officers recommendation (as set out in the Members' Update) be approved. This was duly seconded.

The Chairman sought clarification from Councillor Harker regarding his earlier proposition. Councillor Harker advised that he wished to withdraw his proposition.

At this point Councillor M R Pearlman left the meeting for a short while and then returned.

In response to questions raised particularly in relation to the information detailed in the Members' Update, the Principle Planning Officer clarified a number of points, including:

- the table in paragraph 3.1.10 of the report had been updated in the Members' Update and related only to market housing residential mix. The Officer went through the changes and it was noted that although the figures had changed the proposal still complied with the outline permission granted.
- reference in the main report to elderly bungalows and flats related to the affordable housing mix which remained the same.

The Chairman commented that it was not acceptable for Members' Updates to be sent out late and this was causing great difficulty. He questioned whether the changes outlined were a material amendment.

Councillor I E Dobson proposed that the application be deferred. This was duly seconded.

The Chairman sought clarification on the reason for deferral and it was agreed that this was due to a lack of technical information.

The Chairman then put the proposed deferral in the name of Councillor Dobson, and upon a vote being taken this was agreed.

RESOLVED that the application be **DEFERRED** due to a lack of technical information within the Officers report.

913. FUL/MAL/18/01439 - LAND SOUTH OF WYCKE HILL AND LIMEBROOK WAY, MALDON, ESSEX

Application Number	FUL/MAL/18/01439
Location	Land South Of Wycke Hill And Limebrook Way, Maldon, Essex
Proposal	Redevelopment to provide 33 residential units (Class C3) together with associated infrastructure
Applicant	Taylor Wimpey (East London)
Agent	Ms Catherine Williams – Savills
Target Decision Date	12.03.2019
Case Officer	Kathryn Mathews
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Strategic site within the strategic submitted Local Development Plan

It was noted from the Members' Update that an update to paragraph 7.9 of the report had been provided and consultation responses had been received from Environmental Health and the Countryside and Coast Officer.

Following the Officers' presentation, the Agent, Ms Williams addressed the Committee.

In response to a question regarding on whether the Strategic Housing Market Assessment (SHMA) should be a material consideration, the Lead Specialist Place referred to the Local Development Plan and how both the policy and text relating to it had to be read together therefore making the SHMA material consideration and of material weight.

Councillor S J Savage proposed that the application be refused in accordance with Officers' recommendation. This was duly seconded and upon a vote being taken was agreed.

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

1. The proportion of smaller residential units within the open market housing mix proposed is not consistent with the Council's Strategic Housing Market Assessment and inadequate justification for such variation has been provided. The proposal therefore fails to deliver the housing required to serve the Maldon District and fails to accord with policy H2 of the Maldon District Approved Local Development Plan and the National Planning Policy Framework.
2. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary affordable housing and financial contributions towards medical services, education and RAMS have not been secured. As a result, the development would not meet the identified need in the locality to address the Council's strategic objectives on affordable housing and supporting a mixed and balanced community, would have an adverse impact on the European designated nature conservation sites and would not make adequate provision for medical services and education for the future occupiers of the site, contrary to Policies S1, S2, S3, S4, H1, D1, D2, N1, N2 and I1 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.

There being no further items of business the Chairman closed the meeting at 9.30 pm.

H M BASS
CHAIRMAN