



**MINUTES of
MALDON DISTRICT COUNCIL (EXTRAORDINARY MEETING)
31 MARCH 2016**

PRESENT

Chairman	Councillor P G L Elliott
Vice-Chairman	Councillor H M Bass
Councillors	Mrs B F Acevedo, J P F Archer, E L Bamford, Miss A M Beale, B S Beale MBE, R G Boyce MBE, CC, Mrs P A Channer, CC, R P F Dewick, I E Dobson, M F L Durham, Mrs H E Elliott, A S Fluker, M S Heard, M W Helm, J V Keyes, Miss M R Lewis, R Pratt, S J Savage, Rev. A E J Shrimpton, A K M St. Joseph, Mrs M E Thompson and Miss S White

1043. CHAIRMAN'S NOTICES

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

1044. APOLOGIES FOR ABSENCE.

Apologies for absence were received from Councillors A T Cain, Mrs B D Harker, B E Harker, C A R MacKenzie, M R Pearlman and D M Sismey.

1045. DISCLOSURE OF INTERESTS

Councillor R G Boyce MBE CC declared a non-pecuniary interest as he was a Member of Essex County Council and Chairman of an Almshouse Group.

Councillor Miss S White declared a non-pecuniary interest in Agenda Item 8 – Planning Appeal – Mayland and further declared that she would leave the Meeting for this item.

Councillor S J Savage declared a non-pecuniary interest as he was a Trustee of an Almshouse Trust.

Councillor Mrs P A Channer CC declared a non-pecuniary interest in all matters as she was a Member of Essex County Council who was consulted on Highways, Education and other areas that might be pertinent.

Councillor A S Fluker declared in the interests of openness and transparency that he knew the Agents and some of the Objectors on Agenda Item 4 - OUT/MAL/14/00990 –

1046. OUT/MAL/14/00990 - LAND OFF HOLLOWAY ROAD, HEYBRIDGE

The Council considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

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

Application Number	OUT/MAL/14/00990
Location	Land off Holloway Road, Heybridge, Essex
Proposal	Outline planning application with all matters reserved other than access for a residential development of up to 100 dwellings, with associated public open space and infrastructure.
Applicant	Mr P Dalby
Agent	Mr David Fletcher - Strutt & Parker
Target Decision Date	13 January 2015
Case Officer	Debi Sherman TEL 01621 875862
Parish	Heybridge West
Reason for Referral to the Committee / Council	Departure from the Local Plan 2005 Major Application Strategic Site within the submitted Local Development Plan Previous Committee Decision

The Spatial Planning Team Leader introduced the application and the Major Applications Officer then presented the report to Council making reference to some further information which had been received too late to be included in the Members' Update. Following this, Don Benson of 31 Elizabeth Way, Heybridge, Maldon, an Objector and David Fletcher, the Agent both addressed the Council.

A lengthy debate ensued in which the Ward Members made particular reference to the fact that this proposal was a contentious one which had given rise to concerns as to the impact the development would have on the community of Heybridge. Reference was made to:

- the 30% affordable housing provision (the application had previously been deferred due to the proposed 15% affordable housing provision)
- clarification of the draft Heads of Terms of the proposed Section 106 Agreement particularly for infrastructure contributions
- sustainable drainage and the need for the Environment Agency to consider water discharges from the development
- management of the construction site and the need for registration under the "Considerate Constructors Scheme" (CCS) to ensure additional monitoring
- concern at traffic and flooding implications
- the ability of the Council and other agencies to enforce planning conditions.

The view was expressed that the proposal represented the best outcome likely to be achieved.

A question was asked regarding clarification of the bullet points relating to the Heads of Terms of the Section 106 Agreement. The bullet point reading “OR an equal contribution to one or more of these projects” in relation to Highways infrastructure contributions was considered to be ambiguous in its current form. The Senior Solicitor confirmed that the wording could be re-drafted to clarify that the overall level of contribution to highways projects would not be altered from £1,112,280.00 and nor would the individual projects to be contributed to, but that flexibility can be provided in the S106 wording in relation to the amount paid in relation to each highway project to retain some flexibility, subject to the approval of the Council.

On enforcement, several conditions required further information to be submitted for approval by the Council and followed up by its Enforcement Team or the Lead Local Flood Authority. Participation in the CCS was voluntary but would be covered in an informative to recommended condition 17. In reply to a question regarding any surplus unused financial contributions and whether these could be applied towards further affordable housing provision, Officers indicated that this was not a mechanism that they had seen employed before but that it could be further explored with the developer in the unlikely event that there was a surplus. With regard to the concerns over flooding and the possible restriction on development in zones 2 and 3, this could be conditioned to be addressed as part of the reserved matters. With regards to proposed condition 9 this was to be altered so that consultation must also occur with the Environment Agency as well as Essex County Council. Also paragraph (a) of condition 9 needed to refer to CIRIA (C753) and not CIRIA (C697).

The Council noted that this was an outline application for development of part of a site allocated in its Local Development Plan.

Some further clarity was requested on capacity of schools, contribution towards improved health facilities, the speed of traffic and surface water run-off. It was noted that any deficiencies in health care provision were being assessed in relation to the North Heybridge Garden Suburb area as a whole. Regarding archaeology, there was a need to ensure that development of the area as a whole ensured that housing was built around those areas of key archaeological finds.

The Chairman advised Members that he would take a vote on the Officer’s recommendation to approve this application subject to the proposed conditions (as slightly modified) to be contained in the Section 106 Agreement with the applicant.

In accordance with Procedure Rule No. 13(3) Councillor Miss M R Lewis requested a recorded vote. This was duly seconded.

For the recommendation:

Councillors Mrs B E Acevedo, E L Bamford, H M Bass, Miss A M Beale, B S Beale MBE, R G Boyce MBE CC, Mrs P A Channer CC, I E Dobson, M F L Durham, Mrs H E Elliott, M S Heard, J V Keyes, Miss M R Lewis, R Pratt, N R Pudney, S J Savage, Rev. A E J Shrimpton, A K M St. Joseph and Mrs M E Thompson

Against the recommendation:

J P F Archer, M W Helm, Miss S White

Abstentions:

R P F Dewick, P G L Elliott, A S Fluker

RESOLVED that this application be **APPROVED** subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following planning obligations:

- Appropriate contributions towards the following strategic infrastructure to support the delivery of the North Heybridge Garden Suburb (note that costs are estimates within the IDP, and are subject to final agreement within the S106 agreement):
 - Highways infrastructure towards all the following projects:
 - B1018 Langford Rd / Heybridge Approach, £4,900
 - B1018 /Heybridge Approach/A414 roundabout, £90,757
 - A414/Spital Rd roundabout, £61,275
 - A414/B1018 Limebrook Way, £27,450
 - A414 Oak Corner junction, £27,331
 - North Heybridge relief road, £900,567
 - OR such sums as required in relation to each of these projects provided that the total contributions due shall not exceed £1,112,280.00 and contributions made to individual projects shall be subject to the approval of the local planning authority
 - Public transport improvements to serve North Heybridge GS, £234,000
 - Education contributions towards the following projects:
 - 56-place EY&C facility, £89,069
 - 210-place (1 FE) primary school, £291,498
 - Expansion of Plume School - lower school, £91,633
 - Expansion of Plume School - upper school/sixth form, £302,789
 - Teen shelters, skateboard facilities and access to shared community facilities, £54,167
 - NEAPs and LEAPs, £11,520
 - Medical facilities to serve North Heybridge GS, £32,400
 - Allotments to serve North Heybridge GS, £4,720
- 30% affordable housing – 50% social rented, 50% intermediate (rent-to-buy).
- Prior to first occupation of any dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Plan including the payment of a £3,000 (three thousand pounds) monitoring fee to Essex County Council and the provision of a Travel Plan Co-ordinator to give advice. The plan is to be monitored annually, with all measures reviewed to ensure targets are met.
- Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers per dwelling, for use with the relevant local public transport operator.

AND subject to the following conditions:

- 1 The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.
- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 The development shall be carried out in accordance with plans and particulars relating to the appearance, landscaping, layout and scale, (hereinafter called "the reserved matters"), for which approval shall be obtained from the Local Planning Authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.
- 4 The submission of any reserved matters application shall accord with Design Codes developed in conjunction with and approved by the Local Planning Authority. The scope of the Design Codes will be agreed in advance and will take full account of the principles of the approved North Heybridge Garden Suburb Strategic Masterplan Framework. The subsequent reserved matters applications shall accord with the approved Design Codes in all respects.
- 5 Pursuant to the approval of reserved matters, details of the design, layout, and materials for the internal roads, footways and cycleways within the development and the footpath and cycleway connections to the rest of the North Heybridge Garden Suburb shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of works shall be implemented in accordance with the details as agreed.
- 6 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment as approved shall be constructed prior to the first use / occupation of the development to which it relates and be retained as such thereafter.
- 7 Prior to the commencement of development details of the existing and proposed ground levels together with proposed finished floor levels shall be submitted to and be approved in writing by the Local Planning Authority. The development hereby permitted shall then be constructed in accordance with the approved ground and finished floor levels.
- 8 No development shall commence until details of any proposed Local Equipped Area for Play (LEAP) and Local Area for Play (LAP) together with a timetable for implementation and arrangements for the future management and maintenance shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include all items of play equipment, landscaping, ground surfacing, enclosure of the area incorporating self-closing gates, seating, and refuse facilities and safety notices. The LEAP and the LAP shall be implemented and shall be made available for public use in accordance with the approved timetable for implementation unless otherwise agreed through a variation of condition application by the Local Planning Authority. The LEAP and LAP shall be permanently maintained in accordance with the approved details and retained for such purposes thereafter.
- 9 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been

submitted to and approved in writing by the Local Planning Authority and in consultation with Essex County Council and the Environment Agency. The scheme shall be implemented before the development is completed in accordance with the approved details. The scheme shall:

- a) Incorporate the SuDS "Management Train" and ensure all features are designed in accordance with CIRIA (C753) The SuDS Manual, so ecological, water quality and aesthetic benefits can be achieved in addition to the flood risk management benefits. In addition, the maintenance requirements for the SuDS element of the proposed surface water drainage system should be formulated as per the recommendations within the CIRIA SuDS Manual (C753).
- b) Fully investigate the feasibility of infiltration SuDS as a preference and provide evidence to establish if the principles of any infiltration based surface water drainage strategy are achievable on site, based on the ground conditions, such as infiltration or soakaway tests which adhere to BRE365 guidance.
- c) Provide drainage plans and drawings showing the proposed locations and dimensions of all aspects of the proposed surface water management scheme. The submitted plans should demonstrate that the proposed drainage layout will perform as intended based on the topography of the site and the location of the proposed surface water management features. In addition, full design details, including cross sections of any proposed infiltration or attenuation features will be required.
- d) Attenuation storage shall be provided to cater for the 1 in 100 year critical storm plus 30% allowance for climate change for both developed and open space areas of the site and there should be consideration given to long-term storage solutions.
- e) Provide calculations to demonstrate that the proposed surface water management scheme has been adequately sized to accommodate the critical duration 1 in 100 year rainfall event including allowances for climate change without causing nuisance or damage. The management strategy should consider both storage and conveyance of surface water.
- f) Provide calculations of the piped network performance in the 1 in 30 year or 1 in 100 year rainfall events, including climate change.
- g) Provide sufficient information to demonstrate that people and property will be kept safe from flooding, with consideration given to exceedance flows and overland flow routing from on and off site sources, in accordance with CIRIA C635.
- h) Ensure that any surface water discharged from the site to receiving watercourses shall be discharged at a rate no greater than the greenfield 1 in 1 year rate Greenfield runoff rates for all events up to and including the 1 in 100 year rainfall event with allowances for climate change for both developed and open space areas of the site.
- i) Provide details of the future adoption and maintenance of the proposed surface water scheme for the lifetime of the proposed development.
- j) Confirm that the receiving watercourse is in a condition to accept and pass on flows from the discharge proposed. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

- 10 No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved foul water strategy.
- 11 A) No demolition/development or groundworks shall commence until a Written Scheme of Investigation, in response to an archaeological brief, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
- B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).
- C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- 12 No development or demolition/conversion of any kind shall take place within the site until the applicant, their agents, the owner of the site or successors in title, has secured the implementation of a programme of archaeological recording from an accredited archaeologist or historic building specialist in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in a manner that accommodates the agreed programme of works.
- 13 The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access therefrom. Furthermore, the carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until such time as the final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and paths commensurate with the frontage of each dwelling shall be fully completed with final surfacing within twelve months from the occupation of such dwelling.
- 14 Prior to the commencement of any development on site, which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction a contaminated land assessment report shall be submitted to the Local Authority for approval. The report should contain the following information-
- i) Historical information of how each part of the site has been used in the past;
 - ii) The types of material which have been buried, stored or disposed of, or otherwise present at this site;
 - iii) Initial risk assessment;

And where necessary (as identified by the assessment report) a full site survey and remediation plan shall be submitted in writing to the Local Planning Authority for approval.

- iv) The results of a number of test bores / windows samples carried out at this site, indicating the presence of any contaminants; and
- v) A plan of remediation for the safe removal of any contaminated land and its replacement with inert fill or, alternatively, a plan of how contaminated land is to be safely encapsulated or otherwise remediated. This shall include timescales and phasing of remediation works

All the approved remediation measures shall be implemented in their entirety prior to the commencement of the construction of structures, the laying of services or of any infrastructure on site unless otherwise agreed in the remediation plan.

This must be conducted in accordance with the Department for Environment, Food and Rural Affairs (DEFRA) and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and any other relevant supporting guidance and standards.

15 The Local Planning Authority shall be notified in writing at least seven days prior to any removal, encapsulation or other remediation of any contaminants.

16 The Local Planning Authority shall require written validation that:

- i) All contaminated material removed from the site is removed by an appropriate licensed contractor to a facility approved by the Environment Agency.
- ii) All imported material is suitable for its intended use
- iii) All agreed remediation measures identified as necessary in the contaminated land assessment have been undertaken to render the site suitable for the use specified.

17 No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority of an on-site construction management plan detailing:

- Access arrangements to the site in conjunction with demolition/construction operations
- The parking of vehicles or site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Wheel and underbody washing facilities
- Mitigation measures to protect ecology on site
- Dust management
- Pollution control: protection of water courses and ground water and soils, bunding of fuel storage areas, sewage disposal
- Temporary site illumination
- Arrangements for keeping the site entrance and adjacent public road clean.
- Construction noise management plan

All approved measures shall be put in place prior to development commencing on site and all subsequent construction of the development shall be implemented in accordance with the approved details.

- 18 Prior to the submission of any reserved matters application a noise impact assessment shall be conducted and submitted to the Local Planning Authority for Approval. The noise impact assessment shall be undertaken in accordance with the NPPF (and associated guidance) and shall include the modelling of the noise contours at relevant receptor locations. The Noise Impact Assessment shall, where identified as necessary, also include a scheme of mitigation and an evaluation of the mitigation options. The Noise Impact Assessment should also be used to inform the final design and layout of the development which, unless suitable justification is provided, natural ventilation using open windows without compromising the internal noise environment. Only the approved scheme shall be implemented and maintained in the approved form thereafter.
- 19 Prior to first occupation of the development the proposed access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4m by 70m in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
- 20 Prior to first occupation of the development the developer shall implement the bellmouth access for the proposed development, as shown in principle on approved drawing no.M121-001, with all details being agreed with the Highway Authority, to include but not limited to:
- Minimum 10m radii and a carriageway width of 5.5m
 - The provision of 2 x 2m footways into the site
 - The provision of dropped kerb crossing points and tactile paving across the bellmouth and Holloway Road
- 21 Prior to first occupation of any of the dwellings hereby permitted the existing bus stops shall be upgraded in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority and shall incorporate include the following:
- The east bound stop shall be provided with raised kerbs, shelter and Real Time Passenger Information.
 - The west bound bus stop shall be provided with raised kerbs
- 22 No development shall commence until the details of a Residential Travel Information Pack for sustainable transport have been submitted to and approved in writing by the Local Planning Authority. The approved Residential Information Travel Pack shall be provided to residents on first occupation of each dwelling.
- 23 The scheme to be submitted pursuant to the reserved matters regarding layout shall make provision for car parking within the site in accordance with the Council's adopted car parking standards. Prior to the occupation of any dwelling the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.
- 24 Finished Flood Levels for living and sleeping accommodation for all dwellings shall be set no lower than 5.50mAODN and 5.69mAODN, respectively. In all areas of the site, Finished Floor Levels should be set at a minimum level of 300mm above the surrounding ground level.
- 25 No clearance or destruction of any vegetation or structure which may be used as a breeding site shall take place during the bird breeding season, 1st March to 30th August, unless otherwise agreed by a variation of condition application by the Local Planning Authority.

- 26 The areas of public open space shall be laid out and landscaped in accordance with a detailed scheme and timetable for implementation to include details of future management and maintenance that shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of development. The open space shall be made available for public use in accordance with the approved timetable for implementation unless otherwise agreed through a variation of condition application by the Local Planning Authority. The amenity space shall be permanently maintained in accordance with the approved details and retained for such purposes thereafter.
- 27 The landscaping details and specifications of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses. 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 hereby approved 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 that 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.
- 28 No development shall commence 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.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies, the North Heybridge Garden Suburb Strategic Masterplan Framework (October, 2014) and any representations that may have been received and subsequently

determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

1047. ADJOURNMENT OF MEETING

The Chairman adjourned for a short time at 8.33pm to allow some members of the public to leave the Chamber and for other members of the public to take seats in the public gallery of the Chamber. Formal business was resumed at 8.39pm.

1048. FUL/MAL/14/00356 - LAND BETWEEN CHANDLERS AND CREEKSEA LANE, MALDON ROAD, BURNHAM-ON-CROUCH

The Council determined the following planning application, having taken into account all representations and consultation replies received.

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

Application Number	FUL/MAL/14/00356
Location	Land Between Chandlers And Creeksea Lane Maldon Road Burnham-On-Crouch Essex
Proposal	Application for full planning permission for 180 homes (including 20 bungalows), new vehicular accesses onto Maldon Road, the spine road through the development, green space, and associated infrastructure. Outline planning permission with all matters reserved (except for access) is sought for a 50-60 bed care home, a nursery school, 3.4 hectares of B1, B2 and B8 with 1.7 hectares of temporary private amenity space, and 0.5 hectares of allotments.
Applicant	Mr Simon Butler-Finbow - Pigeon Land Ltd
Agent	Mr David Barker - Evolution Town Planning LLP
Target Decision Date	07.04.2016 (extension of time agreed)
Case Officer	Julia Sargeant, TEL: 01621 875851
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Major Application Strategic Site within the submitted Local Development Plan Departure from the Local Plan 2005 Parish Trigger

The Members' Update provided details of further representations received since the report was written.

Following presentation of the report by the Major Applications Officer, Natalie Bettany of Burnham Residents Oppose Over Development (BROOD) an Objector, Councillor Wendy Stamp of Burnham-on-Crouch Town Council and Simon Butler-Finbow, the Applicant addressed the Council.

In the lengthy debate that ensued, Members expressed concern at the scale and complexity of this proposal and the extent to which it was consistent with the strategic allocation included in the Local Development Plan. In particular, reference was made to:

- Actual need for a nursing home
- Distribution of affordable housing
- Flooding/surface water run off
- Enforceability of planning conditions
- Conflict in use of spine road and its giving access to employment land
- Separating residential traffic from employment traffic
- Arrangements for dealing with access, design, archaeology and parking for various component uses
- Future potential access to the land also in the ownership of the applicant but not currently part of the application site
- Future use and management of open space at the south of the site.

Officers responded to and clarified some of the above points and confirmed that the proposal was consistent with the LDP strategic allocation in relation to developer contributions, the affordable housing level, the amount of employment space and the number of dwellings, but inconsistent with the LDP in relation to the total site area and layout of employment space. Despite the increased site area, the number of dwellings proposed did not exceed the strategic housing allocation. The site has been allocated in the LDP at 29 dwellings per hectare, the development proposal facilitates a much lower density of 15 dwellings per hectare reflective of its surroundings. In assessing the impact of the scheme Officers considered the impact of developing between the Housing and Employment allocations on the site and its surroundings whilst also considering the merits of providing 40% affordable housing and the additional elements proposed such as the care home, children's nursery and allotments. Officers concluded that in this case the proposal represented sustainable development and that there was not sufficient demonstrable harm to warrant recommending refusal.

Members generally remained concerned about the nature of the proposal, , and the potential precedent for other strategic allocation sites the approval of this proposal might set.

It was proposed by Councillor Miss M R Lewis, and duly seconded, that consideration of this application be deferred for further information, clarification of existing information, discussion with the applicant with particular reference to use of the spine road, and for a site visit by Members. This was put to the Council and agreed.

RESOLVED that consideration of this application is **DEFERRED** for the reasons given above.

1049. ADJOURNMENT OF MEETING

The Chairman adjourned for a short time at 10.00 pm to allow some members of the public to leave the Chamber. Formal business was resumed at 10.06pm.

Councillors J P F Archer and Miss S White left the Meeting at this point.

1050. EXCLUSION OF THE PUBLIC AND PRESS

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

1051. MLA/MAL/16/00253 - LAND EAST OF WYCKE HILL, MALDON

Application Number	MLA/MAL/16/00253
Location	Land East of Wycke Hill, Maldon, Essex
Proposal	Application under S106BA of the Town and Country Planning Act 1990: Amendment to the affordable housing obligation within the Unilateral Undertaking dated 20th October 2014 for approved planning permission OUT/MAL/13/00763. The amendment seeks to reduce the affordable housing provision from 30% as approved to either 14% for the 117 dwelling reserved matters application (RES/MAL/15/00071) or 0% for the 108 reserved matters application (RES/MAL/15/01055)
Applicant	Linden Partnerships Ltd/Dartmouth Park Estates Limited
Agent	Aaron Elliott – Quod
Target Decision Date	31 March 2016, unless otherwise agreed with the applicant
Case Officer	Chris Purvis, TEL: 01621 875851
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Previous Committee Decision

The agenda item was withdrawn by Officers to enable further work to be undertaken before the matter was considered by Council.

1052. PLANNING APPEAL - MAYLAND

The Council considered the report of the Director of Planning and Regulatory Services on information received regarding an outstanding appeal against the Council's refusal of application OUT/MAL/15/00179 due to be heard at a public Inquiry later in the year.

Officers sought Council approval of a recommendation made in relation to the stance the Council should adopt with regards to refusal ground 3: the report provided background information relating to the application and outlined key issues in relation to the SUDs ground of refusal.

RESOLVED that the Council no longer defend reason no. 3 as part of the appeal Inquiry concerning planning application ref. OUT/MAL/15/00179.

Following the vote Councillors A S Fluker and S J Savage requested that their votes against the motion be recorded.

There being no further items of business the Chairman closed the meeting at 10.35 pm

P G L ELLIOTT
CHAIRMAN