



**MINUTES of  
NORTH WESTERN AREA PLANNING COMMITTEE  
10 AUGUST 2022**

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**PRESENT**

Chairman	Councillor Mrs M E Thompson
Vice-Chairman	Councillor J V Keyes
Councillors	M F L Durham, CC, Mrs J L Fleming, CC, S J N Morgan, C P Morley, R H Siddall, E L Stephens and S White

**1. CHAIRMAN'S NOTICES**

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

**2. APOLOGIES FOR ABSENCE**

There were none.

**3. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 7 July 2022 be approved and confirmed.

**4. DISCLOSURE OF INTEREST**

The Chairman advised that the two paragraphs detailed on the agenda in relation to disclosure of interest were incorrect and she read out the correct paragraphs which related to the new Code of Conduct recently adopted by the Council.

Councillors M F L Durham and Mrs J L Fleming disclosed a registrable interest as a Member of Essex County Council who were statutory consultees.

Councillor E L Stephens advised the Committee that she had resigned from Tollesbury's Neighbourhood Planning Team so that she did not have interest.

Councillor S White advised that although she didn't know the applicants of Claremont Garden Centre (application 22/00643/FUL) she had bought trees from them in the past.

## 5. 2100702FUL - LAND NORTH OF 48 WOODROLFE ROAD, TOLLESBURY, ESSEX

<b>Application Number</b>	<b>21/00702/FUL</b>
<b>Location</b>	Land North Of 48 Woodrolfe Road, Tollesbury, Essex
<b>Proposal</b>	Create residential specialist neighbourhood for older people, consisting of 25 dwellings and community hub building, with associated landscaping and infrastructure.
<b>Applicant</b>	Mr Rob Scott - Lewis & Scott Retirement Living Ltd
<b>Agent</b>	N/A
<b>Target Decision Date</b>	12.08.2022
<b>Case Officer</b>	Anna Tastsoglou
<b>Parish</b>	<b>TOLLESBURY EAST</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

It was noted from the Members' Update that a further consultation response had been received from Tollesbury Parish Council along with an additional letter of objection and eight further letters of support.

The report previously presented to the North Western Area Planning Committee on 30 March 2022 was attached as Appendix A to the report.

Members received a verbal update from the Specialist: Development Management which highlighted the following amendments to the Officers' report:

- The proposal of the application incorrectly referred to 29 affordable dwellings and this should read 25 dwellings
- At paragraph 6.4.2 bullet point three should read "...Building to a management company..."

Following the Officers' presentation a supporter, Mr Nigel Appleton, Mr Simon Plater (on behalf of the Parish Council) and the Applicant, Ms Tidswell addressed the Committee.

The Chairman reminded Members at this point that they could not consider anything which was not from statutory consultees.

A lengthy discussion then took place and in response to questions from Members, Officers provided the following information:

- The Environment Agency had not raised any objection to the proposal;
- The 'cascade mechanism' referred to in the terms of the Section 106 Agreement was similar to those which had been applied for other retirement communities within the District, prioritising local residents first.
- In accordance with Policy a Sequential Test was not required to be undertaken on this site.
- The Council and its statutory consultees had not raised any concerns regarding flooding on the site.

Councillor R H Siddall proposed that the Officers' recommendation of approval be agreed, noting that there was a need for this type of development in the District. This proposal was duly seconded.

During the discussion it was noted that the provision of electrical charging points now came under building regulations and was not therefore a planning matter.

In response to a question, the Lead Specialist Place advised that an informative could be added regarding environmental measures such as the use of water butts, gravel drives etc. but this would not be legally binding.

Councillor Siddall amended his proposal asked that an informative be included regarding water butts and anything that mitigated standing water such as gravel drives etc. This amendment was duly seconded.

The Chairman then moved the proposal in the name of Councillor Siddall and upon a vote being taken this was duly agreed.

**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 planning obligations and subject to conditions as set out below and the addition of an informative as detailed above:

#### **HEADS OF TERMS OF ANY SECTION 106 AGREEMENT**

- No unit shall be occupied other than by persons over 60 year of age;
- A cascade mechanism will be agreed to prioritise occupation of all units to people that live and/or have family connection in the Parish of Tollesbury, then people that live and/or have family connection in the District of Maldon and finally people that live and/or have family connection in the County of Essex.
- Affordable housing: 48% of the development would constitute affordable housing (8x Affordable Rented homes and 4x Shared Equity homes)
- The following restrictions would apply to the proposed Shared Equity units:
  - All properties to be at a discounted rate of 80% of the market value in perpetuity
  - Income cap: Single household to be up to £18,000 per annum and Couple households to be up to £31,350 per annum.
  - Equity and savings cap to be no more than twice the new home value.
- Health Care Contributions: financial contributions for health care provision as required by the NHS.
- Ecology: to provide a financial contribution in accordance with the RAMS scheme adopted by the Local Planning Authority (currently £137.71 per dwelling).
- Highways: financial contribution for off-site highways improvements if required by Essex County Council (ECC) Highways and to submit, agree and implement a Travel Plan.
- The provision, retention and future management and maintenance of community open space and strategic landscaping;
- To create a Management Company with responsibility for future management and maintenance of the children's play area, open spaces, footways, related lighting, street furniture, signage etc and all landscaping;
- The multi-use community building would be provided to an agreed specification before the occupation of the 14th dwelling of the development.
- To transfer the Social Heart Community Building to a management community and retain it in perpetuity.
- To provide an off-site drainage strategy to improve the situation downstream at the industrial units.

## PROPOSED 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:
  - CSL02 REV D
  - Csl02 REV D
  - PL1\_2\_10000 Rev D
  - PL1\_2\_20000 Rev D
  - PL1\_2\_14000 Rev D
  - PL3\_4\_20000 Rev B
  - PL3\_4\_10000 Rev C
  - PL3\_4\_14000 Rev A
  - PL5\_6\_10000 Rev C
  - PL5\_6\_20000 Rev B
  - PL7\_10\_10000 Rev B
  - PL7\_10\_10001 Rev C
  - PL7\_10\_20000 Rev A
  - PL7\_10\_14000 Rev A
  - PL11\_12\_10000 Rev D
  - PL11\_12\_14000 Rev D
  - PL11\_12\_20000 Rev E
  - PL13\_16\_20200 Rev A
  - PL13\_16\_11600 Rev B
  - PL17\_18\_10000 Rev C
  - PL17\_18\_20000 Rev C
  - PL17\_18\_14000 Rev B
  - PL19\_20\_10000 Rev C
  - PL19\_20\_14000 Rev C
  - PL19\_20\_20000 Rev C
  - PL21\_22\_20000 Rev B
  - PL21\_22\_14000 Rev A
  - PL21\_22\_10000 Rev B
  - PL23\_25\_14000 Rev A
  - PL23\_25\_10000 Rev B
  - SS.01 BW Rev C
  - TOLLES-SPEC-001 REV J
  - TOLLES-SPEC-002 REV L
3. The dwelling mix for the development hereby approved shall accord with the following stated housing mix:
  - 11no. one-bedroom units, all affordable units (4 shared ownership units and 7 affordable rented)
  - 8no. two-bedroom units (of which 1 affordable rented unit0
  - 6no. three-bedroom units
4. The development hereby approved shall be carried out in a manner to ensure that residential accommodation on plots 5, 6, 17 and 18, hereby approved, comply with building regulation M4 (3) 'wheelchair user dwelling'. The rest of the development shall comply with building regulation M4 (2) 'accessible and adaptable dwelling'. The development hereby approved shall be retained as such in perpetuity.
5. No development above ground level shall commence until details or samples of the external finishing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and be retained as such in perpetuity.

6. Prior to works above ground level, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority prior to any works occurring above ground level at the application site. These details shall include, for example:
  - i. Proposed finished levels contours;
  - ii. Means of enclosure;
  - iii. Car parking layouts;
  - iv. Other vehicle and pedestrian access and circulation areas;
  - v. Hard surfacing materials;
  - vi. Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting);
  - vii. Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc, indicating lines, manholes, supports);
  - viii. Retained historic landscape features and proposals for restoration, where relevant.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise 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, uprooted, 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.

The hard landscape works shall be carried out as approved prior to the first use / occupation of the development hereby approved and retained and maintained as such thereafter.

7. No development shall commence until information has been submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:
  - Tree survey detailing works required
  - Trees to be retained
  - Tree retention protection plan
  - Tree constraints plan
  - Arboricultural implication assessment
  - Arboricultural method statement (including drainage service runs and construction of hard surfaces)

The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the Local Planning Authority. The tree protection measures shall be carried out in accordance with the approved detail.

8. Prior to any works above ground level, a Landscaping Management Plan for at least five years to show how the development would improve the part of the site adjacent to the woodland area shall be submitted to and approved 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, uprooted, 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. Details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the Local Planning Authority prior to first use/occupation of the development hereby approved. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.
10. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than incidental outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the Local Planning Authority.
11. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - a. the parking of vehicles of site operatives and visitors
  - b. loading and unloading of plant and materials
  - c. storage of plant and materials used in constructing the development
  - d. wheel and underbody washing facilities
12. Prior to first occupation of the development hereby approved, and as shown in principle on planning drawing No. CSL02 Rev D, the principle access shall be 5.5 metres wide with junction radius and footway on each side. The details to be agreed with the Highway Authority.
13. Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.
14. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.
15. Prior to occupation of the development, the developer will construct a 2m wide footway on the northern side of Woodrolfe Road. The footway shall route from the proposed site access junction to the existing footway located to the east of the site as shown in DWG No. TOLLES-SPEC-001 Rev J.
16. Prior to occupation of the development, the developer will construct 2no uncontrolled dropped kerb pedestrian crossings either side of the proposed development access on Woodrolfe Road as shown in principle within DWG No. TOLLES-SPEC-001 Rev J.
17. Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.
18. No development works above ground level shall occur until details of the foul drainage scheme to serve the development shall be submitted to and agreed in

- writing by the Local Planning Authority. The agreed scheme shall be implemented as approved prior to the first occupation of the development.
19. Prior to the commencement of the development the applicant shall submit in writing a construction management plan to the Local Planning Authority for approval. Within the construction management plan it must consider the following requirements:

The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:

- a) no waste materials should be burnt on the site, instead being removed by licensed waste contractors;
- b) no dust emissions should leave the boundary of the site;
- c) consideration should be taken to restricting the duration of noise activities and in locating them away from the periphery of the site;
- d) hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors Environmental Health at Maldon District Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974.

Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.

Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter.

Where there is requirement for dewatering the site the relevant consent must be sought from the Environment Agency.

Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained from Essex County Council.

20. No works except demolition 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:
- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
  - A 300mm freeboard should be provided for the pond / basin above the top water level during 100yr plus 40 percent CC as per CIRIA SuDS Manual C753.

- Detailed engineering drawings of each component of the drainage scheme.
- Provide engineering site layout of the proposed drainage network at the site. This should include the following details: cover levels, invert levels, pipes dimensions, slopes, Pond / basin top and bottom levels as well as invert levels both at inlet and outlets, outflow manholes and pipes levels, and top water level in the attenuation pond/basin during 100year plus 40percent CC allowance
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

21. No works except for demolition shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented as approved and retained as such in perpetuity.
22. Prior to the occupation of the development hereby approved, 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, has been 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 with the details to be agreed by the Local Planning Authority.
23. 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.
24. The dwellings hereby approved shall not be occupied until the car parking spaces and turning areas have been provided as shown on plan CSL02 Rev D. The car parking hereby approved shall be retained for the use of occupiers or visitors to the residential units in perpetuity.
25. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (PEA) Report Ref: 20-4058 (Lockhart Garratt Ltd, June 2021), Reptile Mitigation Strategy 21-1524 (Lockhart Garratt Ltd, December 2021), Reptile Mitigation Plan 4661/01/21-1565 (Lockhart Garratt Ltd, December 2021), Biodiversity Impact Assessment (Lockhart Garratt Ltd, June 2021) and Water Vole Survey Report Ref: 21-0481 (Lockhart Garratt Ltd, July 2021) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.
26. No development shall take place until a Final Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the Local Planning Authority.

The Final Reptile Mitigation Strategy shall include the following.

- a. Purpose and conservation objectives for the proposed works.
- b. Review of site potential and constraints.
- c. Detailed design(s) and/or working method(s) to achieve stated objectives.
- d. Extent and location/area of proposed works on appropriate scale maps and plans.
- e. Type and source of materials to be used where appropriate, e.g. native species of local provenance.



- f. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g. Persons responsible for implementing the works.
- h. Details of initial aftercare and long-term maintenance of the Receptor area(s).
- i. Details for monitoring and remedial measures.
- j. Details for disposal of any wastes arising from works.

27. The Final Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter. No development shall take place (including any demolition, ground works, site clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority.

The CEMP (Biodiversity) shall include the following:

- a. Risk assessment of potentially damaging construction activities.
- b. Identification of "biodiversity protection zones".
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). This should include a Water Vole Method Statement which outlines any need for a further walkover survey to re-assess the Water Vole suitability and population on site.
- d. The location and timing of sensitive works to avoid harm to biodiversity features.
- e. The times during construction when specialist ecologists need to be present on site to oversee works.
- f. Responsible persons and lines of communication.
- g. The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person.
- h. Use of protective fences, exclusion barriers and warning signs.

28. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. This should include details of management of the existing habitats including the lowland mixed deciduous woodland on site, reptile receptor areas and ditch D1 to the south, and newly created habitats.

The content of the LEMP shall include the following:

- a. Description and evaluation of features to be managed.
- b. Ecological trends and constraints on site that might influence management.
- c. Aims and objectives of management.
- d. Appropriate management options for achieving aims and objectives.
- e. Prescriptions for management actions.
- f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g. Details of the body or organisation responsible for implementation of the plan.
- h. Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer

with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

29. A Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority following the recommendations made within the Preliminary Ecological Appraisal (PEA) Report Ref: 20-4058 (Lockhart Garratt Ltd, June 2021), and the Biodiversity Impact Assessment (Lockhart Garratt Ltd, June 2021).

The content of the Biodiversity Enhancement Strategy shall include the following:

- a. Purpose and conservation objectives for the proposed enhancement measures;
- b. detailed designs to achieve stated objectives;
- c. locations of proposed enhancement measures by appropriate maps and plans;
- d. persons responsible for implementing the enhancement measures;
- e. details of initial aftercare and long-term maintenance.

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

30. A lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

31. Prior to the occupation of the proposed development, a Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and be retained as such in perpetuity.
32. No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has submitted an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site. Such archaeological assessment shall be approved by the Local Planning Authority and will inform the implementation of a programme of archaeological work. The development shall be carried out in a manner that accommodates such approved programme of archaeological work.
33. No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has secured the implementation of a programme of archaeological work from an accredited archaeological contractor 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 approved programme of archaeological work.

34. Details of cycle parking shall be provided prior to the occupation of the development hereby approved in accordance with Maldon District Council's adopted standards. The approved facilities shall be secure, convenient, covered and retained as such in perpetuity.
35. A strategy to facilitate superfast broadband for the future occupants of the dwellings hereby approved, either through below ground infrastructure or other means should be submitted to the Local Planning Authority for approval in writing. The method to facilitate superfast broadband shall be implemented in accordance with the approved strategy prior to the occupation of the appropriate building.
36. No building hereby permitted shall be used until details of the number and location of electric car charging points in accordance with the adopted Vehicle Parking Standards SPD (2018) have been submitted to and approved in writing by the Local Planning Authority. The charging points shall be provided in accordance with the approved details prior to the commencement of the beneficial use of the parking space within which they would be located.

**6. 22/00643/FUL - CLAREMONT GARDEN CENTRE, BRYANTS LANE, WOODHAM MORTIMER, ESSEX, CM9 6TF**

<b>Application Number</b>	<b>22/00643/FUL</b>
<b>Location</b>	Claremont Garden Centre Bryants Lane Woodham Mortimer Essex CM9 6TF
<b>Proposal</b>	Construction of a building to be used as a cafe, office and staff room, greenhouse, new walkway, extended car park, improved internal vehicle access, new substation, relocated polytunnel, and associated landscaping.
<b>Applicant</b>	Claremont Garden Centre
<b>Agent</b>	Mrs Lisa Skinner - Phase 2 Planning
<b>Target Decision Date</b>	16 August 2022
<b>Case Officer</b>	Hannah Dungate
<b>Parish</b>	<b>WOODHAM MORTIMER</b>
<b>Reason for Referral to the Committee / Council</b>	Major application Member Call-in by Councillor M F L Durham for the following reason: <i>"Although this is additional development in a rural setting, this application accords with the policies supporting employment in the district"</i>

Councillor M F L Durham advised that he had called in this application and disagreed with the Officers' recommendation explaining how he felt a restaurant was an essential part of a garden centre. He proposed that the application be approved, contrary to Officers' recommendation. The Chairman advised that reasons for approval were required.

At this point, the Lead Specialist Place provided further clarification to Members on the areas they needed to consider when determining the application and drew particular attention to paragraph 5.1.9 of the report which set out a section of Policy E4 which Officers considered of relevance. He explained how the Council's Policies did not provide for restaurants in out-of-town locations, the proposed development was a restaurant in its own right and separate to the garden centre.

Following further discussions Councillor S White advised that on balance she felt the application complied with employment which was very important for the rural area and proposed that the application be approved. This was duly seconded. The Chairman again advised that a reason for approval was required. The Lead Specialist Place

expressed concern that if Members were supportive of the proposed approval that this could set a precedent in respect of employment in the District.

Councillor White advised that in respect of her proposal the application complied with policy for the following reasons:

- in terms of Policy E4 part 1 the application was justifiable and had a functional need to expand the business;
- The function of the proposal was directly linked to existing businesses;
- The proposed development could not be located in a town centre of allocated employment area because it was a rural business in a rural building with links to tourism.
- The proposed development would not impact on wildlife in the natural environment but in fact added to it.

The Lead Specialist Place highlighted that there was an extant permission on the site, Members needed to base any decision on the evidence before them and should refer to the concerns and reasons why the Officer felt the proposal was against policy, as set out in the report.

In response to a question, it was confirmed that there was an existing access from the site onto Maldon Road, although this was not currently in use. Reference was made to car parking and the Officer explained that the application had a shortfall of 75 spaces in respect of what was required.

The Lead Specialist Place confirmed that there was no Section 106 agreement or submission with the application to indicate the applicant would give up the extant permission if this was granted.

Councillor Durham revised his original proposal, proposing that the application be approved as it was supporting the rural economy, tourism and hospitality businesses in the District. This amendment was duly seconded and upon a vote being taken was agreed. The Chairman advised that the conditions would be delegated to Officers.

**RESOLVED** that this application be **APPROVED** subject to conditions details of which are delegated to Officers in consultation with the Chairman

There being no other items of business the Chairman closed the meeting at 8.58 pm.

MRS M E THOMPSON  
CHAIRMAN