



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
13 SEPTEMBER 2023**

PRESENT

Chairperson	Councillor M F L Durham, CC
Vice-Chairperson	Councillor M E Thompson
Councillors	J C Hughes, S J N Morgan, R H Siddall, E L Stephens, S White and L L Wiffen

227. CHAIRPERSON'S NOTICES

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

228. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor C P Morley.

229. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 16 August 2023 be approved and confirmed.

230. DISCLOSURE OF INTEREST

There were none.

231. 23/00123/OUTM - LAND REAR OF 9 CHURCH ROAD, WICKHAM BISHOPS

Application Number	23/00123/OUTM
Location	Land Rear of 9 Church Road Wickham Bishops
Proposal	Outline planning permission with the matters of access for consideration for the demolition of 9 Church Road, creation of new access and the development of up to 50 dwellings including associated car parking, open space and landscaping
Applicant	Mr M Tentori – Mazdev Ltd
Agent	Mr Mark Schmull – Arrow Planning Ltd
Target Decision Date	23.08.2023 (EOT 27 September 2023)
Case Officer	Devan Hearnah
Parish	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	Major Application Departure from the Local Plan Member Call In – Councillors M F L Durham CC and S J N Morgan (policies S1, S8, D1 and H4)

It was noted from the Members' Update that since the agenda had been published amendments had been made to the Committee Report regarding Housing Mix and Affordable Housing, further representations from Parish Town Councils and Interested parties had also been received.

Prior to her presentation the Officer provided a verbal update, informing the Committee of a correction to paragraph 5.3.17 of the Members' Update, stating that where it reads 25% of the entire site will be first homes, it should read 10% of the entire site and 25% of the affordable which equates to five dwellings. She then gave further elaboration on the ownership issues addressed in the MP letter received that had already been addressed in the Members' Update.

Following the Officers presentation, the Agent, Mr Schmull, an Objector, Mr Kewish and Parish Council representative, Councillor Wardrop addressed the Committee. The Chairperson then opened the floor for debate.

Councillor S J N Morgan proposed to refuse the application contrary to the Officers recommendation as the development would be contrary to policies S1, S8 and D1 Maldon District Local Development Plan, this was duly seconded by Councillor S White.

A lengthy debate ensued, during which Members commented and raised questions in relation to the application and aired concerns specifically around the affordable housing proposed. In response to the debate, Officers provided the Committee with the following answers:

- If the applicant were to reduce the current level of affordable housing stated on the application back to a policy compliant level rather than an over provision, then the application would need to be brought back to Council to be looked at afresh.
- The previous Inspector stated that this is one of the most sustainable sites within the District for the provision of housing.
- Regarding Health Care infrastructure, contributions would be provided by the applicant through the planning process and put towards the existing infrastructure.
- Garden sizes would be addressed at the reserved matters stage and the applicant would be expected to ensure that the garden sizes are acceptable and ensure that 25m back-to-back distances are provided.
- In relation to the removal of 78 category B trees on the site there have been no concerns raised by the arboricultural consultant. Additional tree planting would be provided to mitigate against the loss.
- Native hedgerow would be planted around the site to replace that removed in the construction process to ensure there is no loss to net biodiversity.

There being no further debate the Chairperson put Councillor Morgan's proposal to refuse the application contrary to the Officers' recommendation to the Committee and upon a vote being taken, this was agreed.

Officers requested the Policies that Members sought to refuse the application against, and Members confirmed that Policies S1, S8 and D1 of the Maldon District Local Development Plan as well as Policies WBen 02, WBen 03, WBen 04, WBF 02, WBF 03, WBH 01 of the Wickham Bishops Neighbourhood Development Plan. The reason

for refusal was that the site lies outside of the settlement boundary, and the benefits of the development, given the limited over provision of affordable housing, would not outweigh the harm.

It was also confirmed that the necessary reasons for refusal relating to a lack of signed S106 agreement should be included with specific reference to Neighbourhood Plan Policy WBen 01 in respect of the Essex Coast Recreational Avoidance Mitigation Strategy.

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

1. The site lies outside the settlement boundary and the benefits of the development, most notably the over provision of affordable housing, would not outweigh the adverse impacts of the development. Therefore, the development is contrary to Policies S1, S8, and D1 of the Maldon District Local Development Plan as well as Policies WBen 02, WBen 03, WBen 04, WBF 02, WBF 03, WBH 01 of the Wickham Bishops Neighbourhood Development Plan.
2. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 the proposal includes inadequate provision to secure the delivery of affordable housing to meet the identified need in the locality, address the Council's strategic objectives on affordable housing and supporting a mixed and balanced community, contrary to Policies S1, H1 and I1 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.
3. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure the completion, management and maintenance of the public open space, the provision of any necessary contribution towards health care provision, securing any necessary contribution towards Early Years and Childcare, primary and secondary school placements, provision for school transport contribution and the provision of a contribution to library improvements, the impact of the development cannot be mitigated contrary to Policies S1, D1, N1, N3, I1 and T2 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.
4. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the impacts of the development on the European designated nature conservation sites, the development would have an adverse impact on those European designated nature conservation sites, contrary to Policies S1 and I1 of the Maldon District Local Development Plan, the NPPF and Policy WBen 01 of the Wickham Bishops Neighbourhood Development Plan.

232. 23/00024/FUL - SLATE HALL COTTAGE, LOWER BURNHAM ROAD, STOW MARIES, CM3 6SG

Application Number	23/00024/FUL
Location	Slate Hall Cottage, Lower Burnham Road, Stow Maries, CM3 6SG
Proposal	Demolition of the existing dwelling and the erection of two dwelling houses, landscaping and associated parking and visibility splays
Applicant	Mr Hollington
Agent	N. Bushell of Arcady Architects
Target Decision Date	09.03.2023
Case Officer	Jonathan Doe
Parish	STOW MARIES
Reason for Referral to the Committee / Council	Member Call In by Councillor S White with regard to Policies S1 and D1

Following the Officers presentation, the Chairperson opened the floor for debate.

A brief debate ensued, where Members debated the reasons for refusal and aired safety concerns around the placement of the current structure and debated if the new proposed structures, being set back from the road would be safer. Councillor S White felt that due to there being footpath access from the rear of the application site that leads to the National Coastal Path and the benefits of building two modern efficient dwellings that would be of benefit to the local housing stock, the benefit would outweigh the harm. Councillor White then proposed to approve the application contrary to the Officer's recommendation.

On conclusion of further debate the Chairperson put the proposal to approve the application contrary to the Officers' recommendation to the Committee and upon a vote being taken, this was agreed.

RESOLVED that the application be **APPROVED** subject to a Section 106 agreement and conditions delegated to Officers in consultation with the Chairperson.

At this point Councillor R H Siddall declared a pecuniary interest in Agenda Item 7 - 23/00592/VAR - Land at the Summer House, Back Lane, Wickham Bishops, due to his mother living on Back Lane and he would leave the Chamber as this was the next item of business.

233. 23/00592/VAR - LAND AT THE SUMMER HOUSE, BACK LANE, WICKHAM BISHOPS

Application Number	23/00592/VAR
Location	Land at The Summer House, Back Lane, Wickham Bishops
Proposal	Variation of condition 2 and 3 on approved planning permission 20/00490/FUL (Erection of 1No. dwelling (amendment to planning permission ref. RES/MAL/16/01475))
Applicant	J. Jarvis of Jarvis Developments
Agent	Mr K. Reynolds of Reynolds Developments
Target Decision Date	16.08.2023
Case Officer	Jade Elles
Parish	WICKHAM BISHOPS

Reason for Referral to the Committee / Council	Member Call in by Councillor S J N Morgan in the light of the changes sought being of a magnitude that the proposal differs from that granted planning permission at appeal
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Following the Officers presentation, the Applicant J Jarvis and Parish Council representative, Councillor I Wardrop addressed the Committee. The Chairperson then opened the floor for debate.

Councillor S J N Morgan then proposed to refuse the application contrary to the Officer's recommendation and the applicant be asked to submit a full planning application for the changes in this application, this was seconded by Councillor White.

Further debate ensued around the variations outlined in the report and in response to questions raised the Officers gave the following responses:

- Recent case law this year that states that Section 73 doesn't only have to be used for minor material amendments it can be for material amendments, however, it must ensure that the development doesn't conflict with the operative part of the permission granted. In the case of this application, it can be covered by Section 73 as the amendments don't conflict with the operative part of the permission.
- From the report, the increase in ridge height was 20cm.
- The applicant could use the additional space in the roof area for storage purposes, however, condition 8 of the report would restrict the applicant from creating any openings in the roof, such as windows.

Councillor Morgan raised a concern with Officers' that he had information that Velux windows were being installed in the property. Officers confirmed that there was no evidence or provision in the previous and amended applications for there to be Velux windows as this would be contrary to condition 8 or the report.

There being no further debate the Chairperson put the proposal to the Committee and upon a vote being taken, this was not agreed. In light of this the Chairperson then sought an alternative proposal from the Committee. Councillor M F L Durham then moved the Officers' recommendation of approval as set out in the report which was duly seconded and upon a vote being taken, this was agreed.

RESOLVED that the application be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans submitted with 23/00592/VAR:
 - S01, 20.02.03
 - 11197-P201
 - 11197-P200
 - 11197-P210 Rev A
 - 11197-P211 Rev B

and the approved plans submitted with 20/00490/FUL:

 - DB/SUM/01 Rev A
 - DB/SUM/02
 - DS1190P
 - 20.02.04
 - MFA/SH01
2. The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed in drawing number 11197-P211 Rev B.

3. The soft landscape works shall be carried out in complete accordance with the Soft landscaping & Planting Specification and Landscape plan reference DB/SUM/02 in approved application 20/00490/FUL, 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 that 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.
4. The Surface and Foul Water Drainage schemes shall be carried out in accordance with submitted details in approved application 20/00490/FUL and completed before the building is occupied.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no garages, extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site.
6. The development hereby approved shall be carried out in complete accordance with the Arboricultural Report and Arboricultural Implications Assessment and Tree protection plan reference DB/SUM/01 Rev A in approved application 20/00490/FUL.
7. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no first floor windows or other form of opening shall be constructed on the northern flank wall of the dwellinghouse hereby permitted without planning permission having been obtained from the Local Planning Authority.
8. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no second floor windows or other form of opening shall be constructed on the roof slope of the dwellinghouse or garage hereby permitted without planning permission having been obtained from the Local Planning Authority.

There being no other items of business the Chairperson closed the meeting at 9.22 pm.

M F L DURHAM, CC
CHAIRPERSON