



**MINUTES of
COUNCIL EXTRAORDINARY
29 JUNE 2017**

PRESENT

Chairman	Councillor H M Bass
Vice-Chairman	Councillor N R Pudney
Councillors	Mrs B F Acevedo, J P F Archer, E L Bamford, Miss A M Beale, B S Beale MBE, R G Boyce MBE, Mrs P A Channer, CC, 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, R Pratt, CC, S J Savage, Mrs N G F Shaughnessy, A K M St. Joseph, Mrs M E Thompson and Miss S White

208. CHAIRMAN'S NOTICES

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

He advised that if required he would adjourn the meeting between each item of business.

The Chairman informed Members that he had agreed for the Leader of the Council to address the Council and this would be after Agenda Item No. 2 - Apologies for Absence.

209. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R P F Dewick, I E Dobson, Mrs H E Elliott, P G L Elliott, M W Helm, M R Pearlman and Rev. A E J Shrimpton.

210. STATEMENT FROM THE LEADER OF THE COUNCIL

The Leader of the Council advised that he had just received an email in relation to the Council's Local Development Plan. The communication was from Planning Inspector Simon Berkley and contained some 336 points. The Leader then read out the final paragraph of the email which read as follows:

‘The Council has requested that I recommend main modifications to make the plan sound and or legally compliant and capable of adoption. I conclude that with recommended main modifications set out in the appendix the Maldon District

Development Plan 2014 – 2029 satisfies the requirements of Section 20 of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.’

The Leader explained that this meant that the Inspector had found the Council’s Plan sound, it was already with the Secretary of State and a response expected very quickly.

The Leader of the Council thanked all Officers and Members for all their work in relation the Local Development Plan. He explained this was a really significant moment for the Council and set it ahead of many other authorities in the Country.

211. DISCLOSURE OF INTERESTS

Councillor S J Savage declared a non-pecuniary interest in Agenda Item 6 - FUL/MAL/17/00396 Land South of Wycke Hill and Limebrook Way Maldon as he was a single person.

Councillor Mrs P A Channer declared a non-pecuniary interest as a Member of Essex County Council advising that there were references to the Essex Design Guide in the report on which the County Council were consulted along with other matters.

Councillors M F L Durham and R Pratt declared non-pecuniary interest in any matter involving Essex County Council as they were Members of the County Council.

The Committee received the reports of the Chief Executive and determined the following planning applications, having taken into account all representations and consultation replies received, including those listed on the Members’ Update circulated at the meeting.

212. FUL/MAL/16/00150 - LAND EAST OF DRAPERS FARM, GOLDHANGER ROAD, HEYBRIDGE

Application Number	FUL/MAL/16/00150
Location	Land East of Drapers Farm, Goldhanger Road, Heybridge, Essex
Proposal	Relocation and provision of new Heybridge Swifts Football Club facilities including an all-weather pitch, practice pitch and youth team pitch. New access road, car parking, sound attenuation bund, landscaping & ancillary and associated development
Applicant	Bloor Homes Eastern
Agent	Mr Andrew Martin - Andrew Martin Planning
Target Decision Date	Time extended until - 01/07/17 by agreement
Case Officer	Mark Woodger, Principal Planner – Major Applications (Strategic Sites) TEL: 01621 875351
Parish	HEYBRIDGE EAST
Reason for Referral to the Committee / Council	Departure from the Local Plan 2005 Major Application Parish Trigger

It was noted from the Members' Update that additional letters of representation had been received. In addition, the Update advised that since publication a number of supporters / objectors had contacted the Council to advise that they wanted their letters redacted.

At the end of his presentation the Principal Planner – Major Applications (Strategic Sites) advised of an amendment to reason for refusal 5 to add in reference to Policy T2 of the proposed Local Development Plan. This was to be added on the second to last line after Policy S1 and referred to transport modes and the choice of transport.

Following the Officers' presentation an objector, Mr Patrick Forsyth (on behalf of Goldhanger Road Residents Group) and Councillor S Burwood on behalf of Heybridge Parish Council, addressed the Committee.

The Leader of the Council proposed that the Council accept the Officers' recommendation of refusal as set out in the report and amended by the Officer. This proposal was duly seconded.

A number of other Members commented on the application, raising concerns which included the proposed lighting, noise, location and removal of hedgerows and supported the recommendation of refusal. Members thanked the Principal Planner – Major Applications (Strategic Sites) for his excellent report.

The Chairman then put the proposition from the Leader of the Council which upon a vote being taken was agreed.

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

- 1 The proposed site is within a sensitive rural location outside of the defined settlement boundary of Heybridge, within the open countryside, and the site is located within a Coastal Zone as defined in the Adopted Maldon Replacement Local Plan where restraint policies apply. In terms of the 2006 Maldon Landscape Character Assessment the site falls within 'D2 – Maldon Drained Estuarine Marsh' and this provides the baseline landscape character for this area, this being a drained coastal marsh landscape now isolated from tidal influences, hedgerows, isolated farmsteads and the urban / suburban influence of Maldon on eastern edges of the character area. The character area has no villages within it but is characterised by dispersed historic farmsteads and scattered agricultural buildings within an irregular field pattern. Historic footpaths and tracks link the farmlands to the main highway and the estuary. Overall this character area has a strong sense of tranquillity, particularly in areas away from Maldon / Heybridge (eastern fringe) and the main road (B1026). The provision of a football pitch and associated facilities is not connected with a coastal location and its location; siting and design would adversely affect the open, flat rural landscape of the area, its wildlife and its features. The development by reason of the associated noise, light, traffic movements would be injurious to the existing rural character and the views to the site, which are extensive in this wide flat rural landscape, affecting its intrinsic character and value. This would further be compromised by the removal of existing vegetation increasing the visibility of the development and the reliance on replacement planting would take between 10 and 15 years to establish. It would result in an urbanising form in this otherwise quiet rural area and would not represent sustainable development. The impact of this development on the adjacent Saltcote Hall, users of adjacent footpaths and

public areas, and the sea wall and estuary would be significant and to the detriment of the area. As such the adverse impacts of the development would not outweigh the benefits and the scheme is considered to be contrary to policies CC11 of the adopted Maldon District Replacement Local Plan, Policy N2 within the Proposed Local development Framework and Paragraphs 17, 109, 110, 112 and 114 of the National Planning Policy Framework.

- 2 The proposal is considered, on balance, to have an adverse impact on protected species and wildlife habitats. It would result in a loss of biodiversity, and impact the current tranquillity of this quiet rural area to its detriment. It is not considered that the impact of the development on harm to ecology without adequate mitigation has been successfully proven and the impact is considered the impact of the development would, therefore, be contrary to Policies CC5 in the Maldon District Replacement Local Plan, Policy N2 within the Proposed Local development Framework and Paragraphs 117, 118 and 119 of the National Planning Policy Framework.
- 3 The development stands adjacent to a property at the southern edge of the site which currently enjoys a dark, quiet rural aspect. Not only does this property enjoy residential amenity from this setting, its business also benefits from this. In addition the adjacent Chigborough Lakes and Saltcote Hall carry out their own business enterprise which is dependent on peace and quiet. The establishment of a football club with associated noise, traffic and lights late into the evening would have a detrimental impact on not only enjoyed residential amenity but also on the future success of the landowners established business's. The proposals will not only change the character of the exiting land use but have a significant lasting impact on neighbouring land providing an alien landscape feature in an otherwise flat landscape including the introduction of floodlights in an intrinsically dark landscape. As such the development is considered contrary to Policy BE1 in the Maldon District Replacement Local Plan Paragraph 123 of the National Planning Policy Framework in that the impact of the use would adversely affect the tranquillity of adjacent sites, existing business uses and enjoyed amenity.
- 4 The detailed scale and appearance of the development does not response to the local surroundings nor integrate successfully with the existing character and appearance of the sensitive flat open rural landscape to its considerable and lasting detriment. As such the development is considered contrary to Policies BE1 and BE6 in the Maldon District Replacement Local Plan, Policy D1 within the Proposed Local Development Plan and Paragraphs 58 and 60 of the National Planning Policy Framework.
- 5 The location of the proposed development and the available access arrangements show that the development is predominantly reliant on the motor vehicle and given the proximity to the edge of Heybridge and the use of the development by children and youths in training facilities it is devoid of safe and attractive connections for pedestrians and cyclists other than by the vehicle highway on Goldhanger Road. There is also no available route for pedestrian and cyclists to access this site from the Scraley Road site and restricted opportunities along Goldhanger Road. As such the development is considered as contrary to Policies BE1 in the Maldon District Replacement Local Plan, Policy S1 and T2 within the Proposed Local Development Plan and Paragraph 61 of the National Planning Policy Framework.

213. FUL/MAL/16/00154 - LAND ADJACENT HEYBRIDGE SWIFTS FOOTBALL CLUB, SCRALEY ROAD, HEYBRIDGE

Application Number	FUL/MAL/16/00154
Location	Land Adjacent Heybridge Swifts Football Club Scraley Road Heybridge Essex
Proposal	Development of the existing Heybridge Swifts Football ground for 104 dwellings, public open space, landscaping, highways & ancillary and associated development. Raising of the ground level across the site by up to a maximum of 0.8m.
Applicant	Bloor Homes Eastern & Heybridge Swifts FC
Agent	Mr Andrew Martin - Andrew Martin - Planning
Target Decision Date	01/07/17 as by agreement
Case Officer	Mark Woodger, Principal Planner – Major Applications (Strategic Sites) TEL: 01621 875351
Parish	HEYBRIDGE EAST
Reason for Referral to the Committee / Council	Departure from the Local Plan Major Application Level of Public Participation Local Development Plan site allocation site S2(h)

It was noted from the Members' Update that additional letters of objection had been received.

Following the Officers' presentation Councillor Richard Perry on behalf of Heybridge Parish Council addressed the Council.

The Leader of the Council proposed that the Council accept the Officers' recommendation of refusal as set out in the report. This proposal was duly seconded.

A number of Members commented on the application, highlighting concerns raised in the report and supporting the recommendation of refusal. Members commended the Principal Planner – Major Applications (Strategic Sites) on his report.

In response to a question regarding maintaining the sporting facilities in the District, the Principal Planner – Major Applications (Strategic Sites) provided Members with further information. He explained that if the Football Club were, for example, to buy a site and build a new pitch it was unlikely that Sports England would object.

Councillor Mrs P A Channer questioned whether design could be included within or added as a reason for refusal. In response the Officer suggested that reason for refusal 1 be amended to read "The development, by virtue of its scale, mass, *design* and layout...". This amendment was supported by Members.

The Chairman then put the Leader of the Council's proposition of refusal for the reasons as set out in the report (with the suggested amendment to reason 1). Upon a vote being taken this was agreed.

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

1. The development, by virtue of its scale, mass, design and layout is considered to provide for a cramped and contrived development out of character with the

surrounding area and to the detriment of this edge of open rural land setting. This is brought about by the number of dwellings as proposed, their height, scale mass and their form. The development is considered contrary to paragraphs 61 and 64 of the National Planning Policy Framework; policies BE1 and BE6 in the Adopted Maldon District Local Plan, and Policy D1, D2, and N3 within the proposed Local Development Plan.

2. The development as proposed forms a hard built edge immediately next to the eastern and southern boundaries of the site, which represent the boundaries to open countryside beyond the site. This is considered to materially affect the character of this area to its considerable detriment contrary to paragraphs 61, 109 and 118 of the National Planning Policy Framework; policies BE1, BE6 and CC6 of the Adopted Maldon District Local Plan policy N2 of the proposed Local Development Plan.
3. The development as permitted makes no provision on site for a designated Local Equipped Area for Play (LEAP) relying on land outside the ownership for provision of the same. As such the layout as proposed would have no areas for play and recreation to the detriment of the health and well-being of residents. This is considered contrary to Policy N3 in the proposed Local development Plan, as well as Paragraph 69 in the National Planning Policy Framework.
4. The development as proposed has failed to show in detailed terms how a housing development on this site can enable the associated relocation of the new football ground and be viable in terms of affordable housing provision and to show how the applied for 30% affordable housing contribution can be achieved. As such the development is considered contrary to paragraph 173 of the National Planning Policy Framework; contrary to Policy H9 in the Adopted Maldon District Local Plan, and Policy H1 of the proposed Local Development Plan.
5. The development as proposed shows no formal connection by way of a legal agreement to link the re-development of this existing sports site to the phasing and delivery of the development it enables, that is to say a replacement football facility and associated facilities. Without it the retention of a sporting facility to house Heybridge Swifts cannot be demonstrated and secured by any legal means. As such the development if approved would result in the avoidable loss of an existing sports facility with its alternative location not being safeguarded. Therefore the development would be contrary to paragraph 74 of the National Planning Policy Framework; Policy REC in the Adopted Maldon District Local Plan, and Policy N3 of the proposed Local Development Plan.

214. FUL/MAL/17/00396 - LAND SOUTH OF WYCKE HILL AND LIMEBROOK WAY, MALDON

Application Number	FUL/MAL/17/00396
Location	Land South Of Wycke Hill And Limebrook Way Maldon Essex
Proposal	Variation of condition 27 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)
Applicant	CEG and landowners
Agent	Michael Carpenter - Code Development Planners Ltd
Target Decision Date	3 August 2017
Case Officer	Mark Woodger, Principal Planner – Major Applications (Strategic Sites) TEL: 01621 875351
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Strategic site within the strategic submitted Local Development Plan Member Call In – Councillor M S Heard

It was noted from the Members' Update that an amendment to paragraph 3.1.5 was detailed along with a revision to the proposed condition for approval.

The Principal Planner – Major Applications (Strategic Sites) presented the report and advised that if Members' were mindful to approve the application that in addition to the condition detailed the other previous conditions would be reissued but a change to the Section 106 agreement was not required.

The Leader of the Council proposed that the Officers' recommendation of approval subject to conditions be agreed. This proposal was duly seconded.

Councillor M S Heard advised the Council that he had called in this application as he felt it should be debated by the Council given that it was previously a decision taken by the Council to approve the previous mix of housing. He highlighted his concerns regarding the proposed reduction in one bedroom accommodation.

In response to a number of questions, the Officer outlined that the change to a higher number of two bedroomed houses removed a large amount of dead space required with one bedroom flats e.g. stairwells etc. Members were advised that the proposal was twice the number of one bedroom dwellings that the Strategic Housing Market Assessment identified there was a demand for.

Following further discussion the Chairman put the proposal for approval to the vote. Upon a vote being taken the Officers' recommendation was agreed.

RESOLVED that planning permission be **GRANTED** for this Section 73 application and that condition 27, as attached to approved application FUL/MAL/14/01103, be amended to read:

That planning permission be granted for this Section 73 Application and that condition 27, as attached to approved application FUL/MAL/14/01103, be amended to read:

27. CONDITION

The development shall be carried out in accordance with the private market housing mix as stated below:

Beds	Type	Percentage	Number
1	Flats	Minimum (min.) 3.4	24
2	Houses, Bungalows, Flats	Maximum (max.) 26.6	186
3	Houses	No less than 35	245 min.
4+	Houses	No more than 35	245 max.

REASON To ensure that the housing mix deliveries a mix in accordance with Garden Suburb principles as detailed in the endorsed South Maldon Garden Suburb Strategic Masterplan Framework, policy H2 of the Maldon District Submission Local Development Plan and the NPPF and PPG.

In all other respects the conditions as attached to the original approval of planning permission shall remain as agreed and be added to the decision notice.

There being no further items of business the Chairman closed the meeting at 8.45 pm.

H M BASS
CHAIRMAN