

MINUTES

Minutes of Extra Ordinary Planning Meeting of Woodham Walter Parish Council.
Held at 7pm using Virtual technology hosted by Zoom.

Wednesday 5th August 2020

Present:

Cllr. John Tompkins (Chairman)
Cllr. John Brown
Cllr. James Bunn
Cllr. Jenny Hughes
Cllr. James Rushton
Cllr. Joanna Symons
Cllr. Peter Warren

Others: Jacky Bannerman (Parish Clerk)
District Councillor Karl Jarvis

Public: None
Press: 1

2342. Welcome Cllr. John Tompkins welcomed those present to the meeting and thanked them for their attendance. The Chairman notified that the meeting would be recorded for the purposes of minute taking.

2343. Apologies For Absence Received and accepted from District Cllr. Mark Durham

2344. Disclosure of Interests/Consideration of Dispensations To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6-10 inclusive of the Code of Conduct for Members. (Members are reminded they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

Cllr. John Brown declared a non-pecuniary interest in planning application at White Barn as the applicant is a friend.

Cllr. Joanna Symons has declared a non-pecuniary interest as she is a member of the Warren Active Gym and Swimming Pool. Cllr. James Rushton has declared a non-pecuniary interest as his spouse is a member of the Warren Active Gym and Swimming Pool.

2345. Planning Applications

2345.1 20/00679/FUL Grove Manor, Herbage Park Road

Proposed conversion and extension of existing detached outbuilding to form an annexe ancillary to the main dwelling house.

Councillors object to the application. It does not appear to be ancillary and intensifies the site potentially adding another dwelling very near to the adjoining owner. It does not relate to the host building, is outside of the defined settlement area and for the purposes of the application it is in the countryside. Therefore, contrary to S8 of the LDP it is not sustainable development within the terms of the NPPF therefore contrary to policy S1.

Cllr Jarvis provided guidance on the role of District Councillors and how they may call applications to committee if requested by the Parish Council so that members may determine an application.

2345.2 20/00707/HOUSE White Barn, Blue Mill Lane Cart Lodge

Councillors had no objections but wished to make comments regarding the highways access and the use of materials.

Additional tourism and interrelated leisure development, comprising 70 holiday lodges with associated change of use of the land within two areas of the site, alterations to existing Bunsay clubhouse, extension of Bunsay car park and new golf academy.

1. Background

- 1.1. The following is a Parish Council consolidation of elements from legislation, research, numerous letters and emails received and a well-attended public virtual meeting.
- 1.2. The Warren Estate has three golf courses and an existing lodge (caravan) park. The main golf course is the Warren and the remaining two are Bunsay Downs and Badgers both of which provide a well used 'pay as you play' facility.
- 1.3. Planning permission was granted for 102 short let, holiday lodges on a disused gravel quarry sited to the east of the Warren building complex.
- 1.4. The letting arrangements for the lodges were unsuccessful such that all but six of the built lodges are in private ownership and some have become permanent residences contrary to the 2015 occupancy condition. Public marketing and selling information in addition to local knowledge evidence this. Enforcement action against non-conforming use has proved ineffectual despite on-going requests from the Parish Council but in the light of recent evidence this will be reviewed and pursued.
- 1.5. The genuine community concern is that the proposed new development will develop in the same way if the short term letting market proves to be ineffectual. Should this occur it would significantly alter the village demographic by more than doubling the population.
- 1.6. There is also local concern that such a large influx of visitors will have a significant impact on the rural aspects of the community especially with respect to farm husbandry. This is in addition to other already visitor saturated areas such as Hoe Mill.
- 1.7. Although not true material considerations in planning terms, there may be a case in law for enforcement. This above demonstrates the significant adverse impact that there will be on the village of Woodham Walter should the proposal proceed and highlights the level of genuine public concern.

2. Material Consideration: NPPF and Sustainability

- 2.1. The National Planning Policy Framework (NPPF) is predicated on sustainability and is applicable across all aspects of planning applications.
- 2.2. Paragraphs 124 and 125 of the NPPF explain the importance of high quality buildings and good design to create better spaces. It goes on to stress the importance of engaging with the local community during the design development process.
- 2.3. The design proposal necessitates the loss of a high value, landscaped recreational land to be replaced with an extensive built environment. Despite this there has been no engagement with the local community other than an initial outline concept presentation to the Parish Council some two years ago. This demonstrates lack of adherence to the NPPF and an apparent contempt for the village in which the Estate is located. NPPF and the Maldon District Local Development Plan (LDP) policy S1.

2.4. Material Consideration: Need

- 2.4.1. The NPPF section six paragraphs 80 and 83 promulgate sustainable growth in rural areas. Business growth is dependent upon justifiable need, both economic and social. LDP policy E4 confirms such support where there is a justifiable need. There is no evidence presented to justify need or demand for such accommodation either economically or socially.
- 2.4.2. Similarly there is no evidence presented relative to the demand and occupancy rate of the existing lodges the majority of which have been sold as a result of diminished demand.
- 2.4.3. This, it is understood, leaves just six units for short-term letting. Reference to the Hseason's web site indicates that of the two units currently being offered there is a low occupancy rate i.e. availability is good as the demand is not there.
- 2.4.4. In support of there being no justifiable need, reference to the 2019 appeal APP/X1545/W/18/3211540 (Bassetts Lane, Woodham Walter) confirms that *'existing, extensive local provision fulfils any tourism need within the area and any further accommodation would be surplus'*. Therefore it is considered that neither LDP policy E4 nor the need condition of the NPPF are satisfied.
- 2.4.5. It has not been demonstrated that tourist facilities are available on site as required by the 'Go Active' brand and such facilities are not included in the planning application. On-site facilities are a gymnasium, golf and swimming where the pool can be considered of a size unsuitable for the total accommodation level. This fails to demonstrate an identified need as LDP policy E4.
- 2.4.6. The tourist venues listed by the applicant are in the main outside of the site and essentially more to cater for day-trippers and locals rather than a holiday destination. Therefore the need for short stay accommodation is unsubstantiated. In addition this will also impact on the extent of vehicle usage within the rural environment of narrow, twisting lanes.
- 2.4.7. There is no social need cited in the application or supporting documents and there are no social benefits promoted in consequence. In fact it could be said that the diminution of the golf facility would be counter productive to the wellbeing of the golfing and local community.
- 2.4.8. This is not the footprint of a sustainable development and contrary to LDP policy S1.

2.4.9. Material Consideration: Place

- 2.4.10. NPPF paragraph 83 in addition requires sustainable rural tourism to respect the character of the countryside and to retain and develop accessible local services and community facilities. It also focuses on the conversion of existing buildings and well-designed new ones.
- 2.4.11. The proposal is for sprawling development of 50 lodges sited closely together with a large, extended car park on one site and 20 similar units on a separate site. Both proposed developments extensively encroach on high value landscape and leisure

use land and fail to respect the character of the rural community described on page 11 of the Woodham Walter Village Design Statement as adopted by the Maldon District Council.

- 2.4.12. The proposal for the Bunsay site replaces the open fairway landscape with an extended car park, access ways and buildings. This will not only encroach on the countryside and change the rural character of the area but also the demography of the site and the village contrary to the NPPF aspiration.
- 2.4.13. The boundary landscaping so described is mainly deciduous and therefore the large, extended car park and sprawling lodges will be clearly visible from Little Baddow Road, Gunhill and Common Lane from September to March.
- 2.4.14. The lodges lack innovation in appearance, are considered to be of poor design quality and are closely spaced. The appearance, as demonstrated by the existing Warren Pit site, is inappropriate and unsympathetic to the rural landscape setting and character contrary to the NPPF, and LDP policy S1.
- 2.4.15. The loss of four golf holes diminishes the leisure use and the suggested mitigation of a golf academy is hardly apposite. The academy, which is located on the Warren site, does not appear to be connected with the Bunsay site on the submitted drawings PD02 and PD03 and therefore it should not be used as mitigation. This cannot therefore be considered as sustainable within the context of the NPPF.
- 2.4.16. The proposal includes alterations to the existing Bunsay Clubhouse and a new golf academy. In considering paragraph 83 of the NPPF the design of the academy building does not appear to accord with the Warren Listed buildings heritage setting particularly with a flat roof over the southern extension. The planting of the three trees illustrated is not mitigation as the building and its heritage setting will be visible from the east, north and south. This does not accord with the aspirations of the NPPF or LDP policy D3 of the Local Development Plan.
- 2.4.17. It is considered that the heritage setting of the Warren Barns and House together with Wayside will be materially affected by the development proposals and therefore in conflict with LDP policy D3.
- 2.4.18. There is an emphasis on the bio-diversity of the site and landscaping. However, there is landscape reference to indigenous species, which are essentially deciduous. After shedding of leaves from September through to Spring the aspect will become very open leaving this development exposed over wide areas adequately demonstrating the destruction of the open landscape to all that pass by failing to protect the intrinsic value of the countryside. LDP policy S8.
- 2.4.19. The access routes and pathways serving the development are noted as being Grasscrete and form a network around both sites. If the number of vehicle movements is substantial, as indicated by the assumed occupancy levels and the need to travel to visit tourist attractions and leisure facilities, then the use of the suggested material may prove to be inadequate in performance and give rise to hard and inappropriate landscape alternatives. The proposals indicate narrow routes that will not be large enough for emergency services nor sufficient turning heads. When this is considered in conjunction with the heavy fire engine loadings it is anticipated that the visual impact on the site will be significantly and adversely increased resulting in the intrinsic character and beauty of the countryside being lost. LDP S8.

2.4.20. No link between the Bunsay and Warren sites is indicated on the submitted drawings PD02 and PD03. This indicates that the Bunsay site is separated from the Warren site forming a separate entity and the use of the Warren facilities including the academy could be precluded. The existing link track would pass over a detention basin and therefore could be unusable. If a connection is proposed this would potentially require removal of trees. LDP policies N1 and N2.

2.5. Material Consideration: Infrastructure

- 2.5.1. The application fails to recognise the limitations of the existing infrastructure compared with the need to travel to the stated tourist destinations.
- 2.5.2. The bus route mentioned has a low frequency of two buses a day in and out during the day and none at the weekend (potential changeover day). The nearest bus stop is stated as 675m along a national speed limit, dangerous stretch of road with no pavements and is further away than the recognised maximum walking distance of 500m. This will make public transport to and from the site impractical and dangerous necessitating reliance on personal transport as essential.
- 2.5.3. The network of narrow, twisting country lanes cannot safely support the level of vehicle movements anticipated especially when added to the significant growth in traffic occasioned by the new, large Maldon developments.
- 2.5.4. The width and weight restrictions on the Hoe Mill bridge will continue to affect the road infrastructure and affect the routing of vehicles through the village, especially HGV's.
- 2.5.5. There being few recreational pursuits available on site most others will require vehicular transport to an appropriate venue. This will significantly add to the number of movements and add to the vehicles travelling around the village lanes.
- 2.5.6. The nearest supermarkets are situated at some distance (some 7 mile round trip minimum) so for a self-catering venue additional vehicle trips will be required defying the definition of sustainability.
- 2.5.7. The traffic surveys taken along Herbage Park Road and the junction with the A414 at Runsell Green were carried out whilst the Hoe Mill bridge was closed and therefore the level of traffic passing through the village was negligible. For this reason queuing traffic at the A414 junction is likely to have been under assessed. This indicates a potentially unsound conclusion in that the volumes of traffic along this road and its associated junctions including forecast increases due to the lodges will be acceptable.
- 2.5.8. There has been no attempt made in the transport report to include for the impact of new housing developments in Maldon either in the adverse effect on the egress from Herbage Park Road to the A414 or in terms of any general uplift in traffic on village roads due to these developments creating 'rat runs' in order to by-pass the bottle neck issues arising at the main Danbury junction mini-roundabouts.
- 2.5.9. No provision is made for EV charging.
- 2.5.10. The Planning Application will require the site to be open for 24/7 hours to allow visitor and delivery movements and this will impact of road usage. Residents in

Little Baddow Road particularly and in the village generally will be adversely affected.

- 2.5.11. The employment projection indicates that there will be a substantial number of vehicles involved in travelling to and from work, some of which will be late at night after events or early morning for deliveries and others according to shift patterns. These, when added to vehicle movements associated with visitors will increase the stress on the village infra-structure network and danger to residents and those walking the lanes without footpaths.
- 2.5.12. The effect of vehicle pollution on air quality and noise is not addressed but will be significantly more than exists at present.
- 2.5.13. The impact of construction traffic on the village as a whole and Little Baddow Road in particular will be severe. The presence of articulated low loader lorries and other delivery HGV's within the restriction of the confined country lanes would be a danger to other road users and pedestrians. No time scale is presented for the construction phase.
- 2.5.14. The flood assessment report indicates that there is no recorded flooding within the map area zone 1 illustrated at 3.12 of the flood assessment but flood zone 3 on the same illustration has experienced flooding resulting in evacuation and damage to property.
- 2.5.15. The flood assessment for zone 1 would appear to be correct although the report is incorrect in referring to a ford at Common Lane. However, the meeting point of surface water flows from Little Baddow Road, the Badgers course and the SSSI is at the culvert under the road bridge, which during periods of heavy rain gives rise to significant levels of surface water over the road. There is concern that the proposed development will exacerbate this and create a significant highway hazard.
- 2.5.16. Concern is expressed at the level of surface water run off given the amount of hard surfaces with roofs, and access ways although the latter are described as tanked Grasscrete. Whilst SuDS and attenuation is discussed in the document there is concern with the long-term effect and management of attenuation relative to compliance with LDP policy D5.
- 2.5.17. The Little Baddow Road is not on the County Highways gritting schedule. The Bunsay Downs site is located up-hill from the village centre and that during periods of ice and snow the road can be impassable and highly dangerous. There is no mitigation noted for this.
- 2.5.18. The above does not represent sustainable development and is contrary to policy S1. It will also add an unacceptable impact on highway safety and the residual cumulative impact on the road network would be severe contra to the NPPF.

2.6. Material Consideration: Noise

- 2.6.1. No noise report has been provided that takes in to account retaining the existing outside games area, which is likely to have increased use. Noise is already at an unacceptable level especially during the evenings and this is likely to increase with potentially up to 300 visitors adding to the ambient level. No proposals have been given with regard to compliance with LDP policy D2

- 2.6.2. The report mentions a multi-use games area that does not appear to be on any of the current plans and is stated as being omitted reinforcing the comment above.
- 2.6.3. Hot tub provision to lodges on the 20-unit site is of concern especially with noise pollution in the evenings and night time. The Village is already experiencing considerable noise pollution from the Warren and Herbage Park Road sites arising from outside activities such as BBQ's etc. This also extends to events held at the Warren including motor shows with excessive engine noise (sometimes un-silenced) and public address systems, weddings with fireworks and loud music and other events. No plan is included to ensure compliance with LDP policy D2.
- 2.6.4. Bunsay Downs Clubhouse with its elevated position has little or no screening from the road and the settlement areas. The noise pollution from potentially large number of visitors and event gatherings with amplified music or public address system will severely affect the village including the outlying areas and specifically the adjacent properties, those in Common Lane, Gunhill and Little Baddow Road. This would be contrary to LDP policy D2.
- 2.6.5. The Parish Councils expresses a lack of confidence in the noise assessment report.

2.7. Material Consideration: Lighting

- 2.7.1. The areas of proposed development are currently 'dark sky' and therefore any light intrusion will have a significant impact. The safety requirements associated with the lodge development will inevitably result in light spillage and pollution that will affect a large area but more particularly Common Lane and Gunhill.
- 2.7.2. Light pollution of the extent anticipated will have a significant affect on the biodiversity and wild life of the area, particularly bats.
- 2.7.3. No reference is made to floodlighting of the academy driving range. It was included in the concept document and would be strongly resisted on light pollution and ecological grounds. The high level lighting to the Academy building will cause a significant level of light pollution and be intrusive ecologically for bats, owls and other wild life.
- 2.7.4. Bunsay Downs at present has site opening hours restricted by light in the winter and the entrance gates are locked outside of golfing hours. The Planning Application will require the site to be open for 24/7 hours to allow visitor movements. Not only will this add to vehicle movement issues but will involve lighting throughout the period of darkness resulting in considerable light pollution and the loss of a 'dark sky' area.

2.8. Material Consideration: Tourism

- 2.8.1. The application suggests a need for increased tourism in the area and therefore accommodation and associated facilities are required. The submitted tourism report fails to confirm that there is a need for the proposed development and only suggests a lack of provision for non-coastal based holiday accommodation yet existing lodges are readily available currently. The need is discussed above.

- 2.8.2. It is noted that the list of visitor attractions is inaccurate and the distance to many of them requires vehicle transport. The inadequacy and inaccuracy of this information is a concern.
- 2.8.3. The area is rural with little to provide a family activity holiday either on site or in the wider district. The only connection with other tourist destinations is via the network of narrow and twisting country lanes and therefore contrary to LDP policy E5.
- 2.8.4. Tourism in the wider Maldon district is essentially coastal based and the town of Maldon receives large numbers of day-trippers not rural as this site is. There will be an adverse effect on the natural and historic environment. The proposal does not clearly indicate how the adverse impacts will be effectively mitigated. This is contrary to LDP policy E5.

2.9. Material Consideration: Employment

- 2.9.1. The proposal site does not fall within an area reserved for employment use.
- 2.9.2. Claims are made within the planning submission and in the press that employment potential will be specifically enhanced if the planning permission is granted. It is considered that this claim is largely unsubstantiated, predicated on maximum capacity usage and covers the impact District wide.
- 2.9.3. It is the Parish Council's view that the quoted numbers, as stated at the public meeting may not bear any relation to the actual number employed and that there is unlikely to be any employment benefit for the village
- 2.9.4. The Parish Council has now received confirmation from the applicant that the employment numbers quoted are only statistical modelling based on estimated demand. The applicant has confirmed that the Warren employs 6 people from the Woodham Walter Village. Considering local knowledge, the Parish Council considers that the report is unsubstantiated and has little confidence in the employment levels quoted.
- 2.9.5. The number of village residents employed is minimal compared with the numbers quoted in the report and therefore non-local employees will commute from other areas adding to the transport issues describe before. It is considered that this is not compatible with LDP policy E5.

3. Conclusion

- 3.1.1. For the reasons stated above the Parish Council cannot concede that this is sustainable development and is therefore contrary to the NPPF and LDP policy S1 of the Maldon District Council and should therefore be refused. Other aspects indicate an apparent non-compliance with various LDP policies including S7, S8, D1, D2, D3, E5, N1 and N2.

Councillor James Bunn proposed and Cllr. John Brown seconded that the Parish Council should recommend refusal of the application. All councillors were in agreement that a strong objection as outlined above should be submitted. Cllr. Tompkins thanked all Councillors and the Clerk for the work that had gone into researching and considering all of the elements prior to coming to this conclusion. Councillors agreed that asking for conditions should the application be approved, would diminish the strength of the response.

District Councillor Jarvis advised that he had expected the application to go to the MDC Full Planning Committee due to the size of the proposal but in fact it looks like it will be decided by the NW Area Planning committee. As District Councillor Mark Durham has declared a Pecuniary interest in the application, Cllr. Jarvis (as Ward Councillor) will be asked to comment on the application and is required to take the lead at that meeting. He is therefore keen to be well informed about all areas of the application in order to put across opinion. He needs to keep an open mind in order that he can make the case at the meeting. He was interested to attend the Public meeting on Monday night and he has been receiving emails from local residents so he is in no doubt about the public opinion from people in Woodham Walter. From all of the comments received it is important to pick the planning argument which will determine if the application should be turned down or supported. He confirmed that weight of comments is a good consideration. He also suggested that the Parish Council should write to other Councillors on the committee. With large applications this is particularly useful if all councillors are engaged prior to their vote.

Clerk noted that all comments received had been responded to and informed that submissions will be shared with Parish Councillors. These have been made available in the council's dropbox and reviewed and considered by Councillors. Clerk will continue to populate with any further correspondence.

Clerk noted that a number of comments received had not included full contact details. Maldon District Council will only accept comments with full name and address submitted. Those who have omitted this information will be asked to provide it in order for their comments to be logged. It has also been established that MDC are accepting written submissions to their offices, although this will take a little longer to be uploaded on the system as post is currently opened twice weekly.

Councillors discussed how the information will be reported to the village. Councillors noted that many had been asked for guidance on responses. It was agreed that the clerk will send an initial Village Email with the decision recommendation. It will also be published on the village website and a maildrop will be arranged and delivered as quickly as possible.

A Press Statement will also be sent out as Councillors were concerned to see press coverage which had appeared to be unbalanced.

A Parish Council representative will provide a statement to the planning committee when it meets and the Parish Council will write to all councillors on the committee prior to the meeting.

2346. Points of Information

2346.1 Recognition of Service Awards. It was agreed that the Parish Council will nominate The Bell Public House for a Recognition of Service Award which is being arranged by Maldon District Council in the Team Working category. Ann, Sean, Rachel and Julie have provided an excellent service to the village with their quality groceries service and they are considering continuing the service.

2347. Date of Next Parish Council Meetings:

Next scheduled date of Ordinary Parish Council meeting is Monday 14th September 2020 and this will be held virtually by Zoom. Please note: We do not usually meeting during August We will only meet if there is urgent business or planning applications to consider, the date will be advertised on the website and on the noticeboard. Parish Clerk to monitor developments and guidelines as they are issued.

Signed *John Tompkins*