



**MINUTES of
DISTRICT PLANNING COMMITTEE
3 JUNE 2020**

PRESENT

Chairman	Councillor R G Boyce MBE
Vice-Chairman	Councillor Mrs P A Channer, CC
Councillors	E L Bamford, M G Bassenger, Miss A M Beale, V J Bell, M F L Durham, CC, M R Edwards, Mrs J L Fleming, A S Fluker, B E Harker, M S Heard, A L Hull, K W Jarvis, K M H Lagan, C Mayes, C P Morley, C Morris, S P Nunn, N G F Shaughnessy, R H Siddall, N J Skeens, W Stamp, Mrs J C Stilts, C Swain, Mrs M E Thompson and Miss S White

971. CHAIRMAN'S NOTICES

The Chairman welcome everyone to the remote meeting, held under new regulations which came into effect on 4 April 2020 in response to the COVID-19 situation. The Chairman then went through some general housekeeping arrangements for the meeting.

A roll call of all Members present was taken at this point.

972. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R P F Dewick, M W Helm and C P Morley.

973. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the District Planning Committee held on 12 March 2020 be approved and confirmed.

974. DISCLOSURE OF INTEREST

In relation to Agenda Item 5 - 20/00387/RES Land West of 2 Maldon Road, Burnham-on-Crouch the following declarations were made:

- Councillor Mrs P A Channer disclosed a non-pecuniary interest as a Member of Essex County Council who had been consulted in relation to highways and other matters on the planning application for consideration and previous outline planning application on the same site.

- Councillor M F L Durham disclosed a non-pecuniary interest as a Member of Essex County Council for the same reasons as outlined by Councillor Mrs Channer.
- Councillor N Skeens declared a non-pecuniary interest as a Member of Burnham-on-Crouch Town Council and he knew one of the land owners.
- Councillor M G Bassenger declared a non-pecuniary interest as he knew one of the land owners.
- Councillor Miss A M Beale declared a non-pecuniary interest as she knew Mr Wilsden.
- Councillor M S Heard declared a non-pecuniary interest as he knew Mr Wilsden, an ex-Town Councillor.

Councillor A L Hull sought confirmation on whether an interest she had was pecuniary or non-pecuniary and then declared a pecuniary interest as her husband worked for John Wilsden. The Chairman advised although it was her decision that she could remain in the meeting during the debate but would have to leave during the decision.

975. 20/00387/RES LAND WEST OF 2 MALDON ROAD, BURNHAM-ON-CROUCH

Application Number	20/00387/RES
Location	Land North West of 2 Maldon Road, Burnham-on-Crouch
Proposal	Reserved matters application for the approval of appearance, landscaping and scale on approved planning application OUT/MAL/18/00443 (Create retirement community consisting of 103No. one, two and three-bedroom bungalows (class C.3), 70 bedroom two-storey care home building (class C.2) and 55 bedroom two-storey assisted living apartment building (class C.3) including affordable housing. Erect ancillary community centre, 8No. shops (class A.1) with 8No. key workers apartments over in two-storey building, two-storey medical centre (GP, dental, optician, and dispensing chemist), and construct single-storey office and Maintenance Buildings. Lay Out Amenity and Sports Facilities Including Outdoor Swimming Pool, tennis courts, allotments and open spaces. Lay out estate roads, footpaths and surface water drainage infrastructure including swales and detention Basin. Form vehicular and pedestrian accesses onto B1010 Maldon Road and Tinkers Hole, and create associated hard and soft landscaping)
Applicant	Mr Jamie Moccock – Think Green Land Limited
Agent	Mr Stewart Rowe – The Planning & Design Bureau Limited
Target Decision Date	16.07.2020
Case Officer	Devan Hearnah
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Major Application This application is presented before Members of District Planning Committee as it is of strategic and corporate merit and because there is a Planning Performance Agreement in place.

It was noted from the Members' Update that there was an amendment to paragraph 3.1.15 of the report, a further letter of objection had been received and a revision to condition 2 was detailed.

Following her presentation of the application, the Officer advised that two further letters of representation had been received and she highlighted a suggested amendment to condition 10 and additional condition 19 in relation to the antenna / satellite dishes on the independent living units.

The Chairman advised Members that under the Council's public participation scheme two submissions had been received, one from an objector, Mr Gilmour and another from the agent, Mr Rowe. In line with the public participation scheme he had reviewed the submissions and in accordance with the scheme proceeded to read out the two submissions received. The Chairman then moved the Officers' recommendation of approval subject to the conditions detailed within the report, Members' Update and Officers' presentation. This was duly seconded.

At this point Councillor C Morris raised a point of order relating to a slide being shown during the reading of the public submissions. The Chairman advised that he had made the decision to show the slide and that this was in accordance with Procedure Rule 23.

Councillor W Stamp, a Ward Member, expressed concern at the design of the proposed development. She referred to attending a pre-application meeting with other Members and asked that it be Minuted how the applicant had approached her after this meeting and told her "I am not your enemy". In response to a question, the Lead Specialist Place also advised that the marketing strategy was something required under the Section 106 Agreement and therefore not for consideration with this application.

Councillor Stamp raised a number of questions which the Officer responded to at a later point in the meeting. She highlighted concerns regarding the proposed development including the flat roofs, building heights and design. Councillor Stamp advised she was unable to support the design as in her view it did not accord with the Local Development Plan, nor with paragraph 127 of the National Planning Policy Framework and how if it was approved it would erode the unique charm of Burnham-on-Crouch and open a door to badly designed buildings for Burnham-on-Crouch.

The Lead Specialist Place clarified that this was a Reserved Matters application and the Council was unable to challenge the principle of a development or matters accepted at outline stage. Through the outline application and applied conditions the heights of commercial buildings, layout and number of dwellings etc. had been accepted and conditioned and therefore such matters could not be revisited at this time. He clarified that a number of the matters raised were tied into the outline condition and unable to be revisited.

A lengthy debate ensued. The other Burnham-on-Crouch Ward Members all expressed concern regarding the proposed development, including the height of the proposed buildings, how it did not enhance the character of the area or contribute to the architectural style of the area. A number of other Members agreed with the comments of the Ward Members, raised further questions and referred to the development breaching a number of the Council's policies.

During the debate several questions were raised and in response the Lead Specialist Place provided detailed information including:

- A condition regarding Sustainable Drainage Systems (SuDS) had been imposed on the outline application, would be submitted as part of the previous detail and therefore not for consideration as part of this application. It was similar to structural requirements which were required as part of the Section 106 agreement.
- It was clarified keyworkers was a specific definition and not used by Officers as it was not appropriate in relation to this application.
- The affordable housing requirement was policy compliant and covered through the Section 106 Agreement (S106).
- Ecology and the Recreational Avoidance and Mitigation Strategy (RAMS) were within the original S106 requirement. The Officer provided further explanation regarding the allocation of the figure related to RAMS and how this was consistent across all the large schemes.

Further concerns raised by Members related to car parking and amenity spaces.

At this point Councillor C Morris proposed that the application be refused. In response, the Chairman advised that he was not able to make that proposition at this time as the Committee were debating a motion on the table and should the motion not be carried that would be the time for proposing a new motion.

The debate continued.

Councillor A S Fluker referred to designs contained within the Council's Local Development and Maldon District Design Guide and how outline permission relating to this development had been granted. In accordance with Procedure Rule 13(3) Councillor Fluker requested a recorded vote. This was duly seconded.

In response to further questions and points raised, the Lead Specialist Place advised:

- Car parking was in accordance with development plan policies and could therefore not be objected to in principle.
- The Level of development and built form had been agreed as part of the outline application and was not for consideration as part of this application.
- The Council's Policy D1 did allow for innovative design but the Committee had to assess the scheme before them and whether there was any form of demonstrable harm. The Officers noted Members concerns regarding the proposed design and highlighted how commercial properties in general would appear different to residential properties in terms of design and scale.
- Solar panels were proposed on all flat rooves of the commercial buildings.

The Chairman then put to the Committee that the motion for approval of the Officers recommendation be agreed. At this point the Lead Specialist Place reminded Members of the proposed amendment to conditions 2 and 10 and additional condition 19 as set out in the Members' Update and Officers' presentation.

In accordance with her earlier declaration Councillor A L Hull left the meeting at this point and did not return.

In response to a question regarding including the bridleway as a condition, the Lead Specialist Place advised that this had been included as part of the S106 on the outlined application and therefore no part of this application.

In accordance with the earlier request for a recorded vote, the voting for approval of the application was as follows:

For the recommendation:

Councillors R G Boyce, M F L Durham, A S Fluker and Mrs M E Thompson.

Against the recommendation:

Councillors E L Bamford, M G Bassenger, Miss A M Beale, V J Bell, Mrs P A Channer, M R Edwards, Mrs J L Fleming, B E Harker, M S Heard, K W Jarvis, K M H Lagan, C Mayes, C Morris, S P Nunn, N G F Shaughnessy, R H Siddall, N J Skeens, W Stamp, J C Stilts, C Swain and Miss S White.

The motion was therefore declared lost and the Chairman sought an alternative proposal.

Councillor Stamp proposed that the application be refused, contrary to Officers' recommendation. This was duly seconded.

In accordance with Procedure Rule 13(3) Councillor Fluker requested a recorded vote.

At this point Members discussed reasons for refusal and following further discussion, the Lead Specialist Place provided the Committee with guidance on possible reasons for refusal and information relating to specific Council policies which would be listed in the refusal wording. It was agreed that reasons for refusal should relate to the design of the proposed development not reflecting the character and appearance of the area and being detrimental to the wider area, with the exact wording delegated to Officers in consultation with the Chairman.

The Chairman then put the proposal of refusal in the name of Councillor Stamp to the Committee and upon a recorded vote being taken the voting was as follows:

For the recommendation (refusal):

Councillors E L Bamford, M G Bassenger, Miss A M Beale, V J Bell, R G Boyce, Mrs P A Channer, M R Edwards, Mrs J L Fleming, B E Harker, M S Heard, K W Jarvis, K M H Lagan, C Mayes, C Morris, S P Nunn, N G F Shaughnessy, R H Siddall, N J Skeens, W Stamp, J C Stilts, C Swain, Mrs M E Thompson and Miss S White.

Against the recommendation:

Councillor A S Fluker.

Abstention:

Councillor M F L Durham.

The Chairman announced that the motion was therefore carried, and the application refused.

RESOLVED that the planning application be **REFUSED** for reason that the design of the proposed development did not reflect the character and appearance of the area and was detrimental to the wider area. The exact wording of the refusal is delegated to Officers in consultation with the Chairman.

The meeting closed at 2.55 pm.

R G BOYCE MBE
CHAIRMAN