



**MINUTES of
DISTRICT PLANNING COMMITTEE
9 JUNE 2021**

PRESENT

Chairman Councillor M S Heard

Vice-Chairman Councillor C Mayes

Councillors M G Bassenger, Miss A M Beale, B S Beale MBE, V J Bell, R G Boyce MBE, Mrs P A Channer, M F L Durham, CC, M R Edwards, Mrs J L Fleming, CC, B B Heubner, A L Hull, J V Keyes, K M H Lagan, C P Morley, C Morris, S P Nunn, N G F Shaughnessy, R H Siddall, W Stamp, CC, E L Stephens, Mrs J C Stilts, C Swain and Mrs M E Thompson

76. CHAIRMAN'S NOTICES

The Chairman welcomed everyone to the meeting of the District Planning Committee and went through some general housekeeping arrangements for the meeting.

At this point he welcomed newly elected Members, Councillors BB Heubner and E L Stephens to the Council and congratulated Councillors M F L Durham, Mrs J L Fleming and W Stamp on their election as Essex County Councillors.

77. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R P F Dewick, M W Helm, K W Jarvis, N J Skeens and Miss S White.

78. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the District Planning Committee held on 8 October 2020 be approved and confirmed.

79. DISCLOSURE OF INTEREST

Councillors M F L Durham, Mrs J L Fleming and W Stamp declared non-pecuniary interests as a Member of Essex County Council who were statutory consultees on planning matters.

Councillor K M H Lagan declared a non-pecuniary interest in agenda items 6 2100075OUTM - Land 250m North of 16A Maldon Road Burnham-on-Crouch and 7 2001166FUL - Land South Of Charwood and East of Orchard House, Stoney Hills, Burnham-On-Crouch as he had received correspondence from both parties.

Councillor R G Boyce declared a non-pecuniary interest in agenda item 6 2100075OUTM - Land 250m North of 16A Maldon Road Burnham-on-Crouch advising that he was a Trustee and Chairman of an Alms House Trust and in relation to phase one of this development he had voted against the application, but since the Council had shown its wishes he had supported the Officers' recommendation.

Councillor A L Hull declared pecuniary interests in agenda items 6 2100075OUTM - Land 250m North of 16A Maldon Road Burnham-on-Crouch and 7 2001166FUL - Land South Of Charwood and East of Orchard House, Stoney Hills, Burnham-On-Crouch and advised that she would be leaving the room for these items.

Councillor Mrs P A Channer declared a non-pecuniary interest in agenda item 6 2100075OUTM - Land 250m North of 16A Maldon Road Burnham-on-Crouch advising that she was a member of an Alms House Trust.

Councillor V J Bell advised that she would be leaving the room for agenda item 7 2001166FUL - Land South Of Charwood and East of Orchard House, Stoney Hills, Burnham-On-Crouch.

80. 21/00198/VAR - LAND NORTH OF MARSH ROAD, BURNHAM-ON-CROUCH, ESSEX

Application Number	21/00198/VAR
Location	Land North Of Marsh Road, Burnham-On-Crouch, Essex
Proposal	Removal of condition 36 (affordable housing to NDSS) on approved planning permission 19/01208/FUL (Residential development comprising the construction of 90 residential dwellings (Use Class C3), public open space, landscaping and associated infrastructure.)
Applicant	Taylor Wimpey (East London)
Agent	Mr Oli Milne – Savills
Target Decision Date	07.06.2021
Case Officer	Kathryn Mathews
Parish	Burnham Town Council
Reason for Referral to the Committee / Council	Major application

It was noted from the Members' Update that a further letter of objection had been received.

Following the Officers' presentation, Mr Caslin on behalf of Taylor Wimpey the Applicant addressed the Committee.

Councillor R G Boyce moved the Officers' recommendation of refusal. This was duly seconded.

In accordance with Procedure Rule No. 13 (3) Councillor C Morris requested a recorded vote. This was duly seconded.

In response to a question regarding the affordable housing mix proposed Members were advised that if approved this application would not reduce the percentage or change the mix of affordable housing proposed. It was explained that the change related to the minimum internal floorspace required for the affordable units.

The Chairman then put the proposal in the name of Councillor Boyce to the Committee and in accordance with the request for a recorded vote the result was as follows:

For the recommendation:

Councillors M G Bassenger, Miss A M Beale, B S Beale, V J Bell, R G Boyce, Mrs P A Channer, M F L Durham, M R Edwards, Mrs J L Fleming, B B Heubner, A L Hull, J V Keyes, K M H Lagan, C Mayes, C P Morley, C Morris, S P Nunn, N G F Shaughnessy, R H Siddall, W Stamp, E L Stephens, Miss J C Stilts, C Swain and Mrs M E Thompson.

Against the recommendation:

There were none.

Abstention:

Councillor M S Heard.

The motion was therefore carried.

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

- 1 Condition 36 of planning permission reference 19/01208/FUL is necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. In the absence of a requirement for the affordable housing units to comply with the Nationally Described Internal Space Standards, the local planning authority could not ensure that the affordable housing proposed meet the greatest housing needs of the District, contrary to Policies H1 and H2 of the approved Maldon District Local Development Plan, the Affordable Housing and Viability SPD and the NPPF.

Following her earlier declaration, Councillor A L Hull left the meeting at this point and did not return.

81. 21/00075/OUTM LAND 250M NORTH OF 16A MALDON ROAD, BURNHAM-ON-CROUCH, ESSEX

Application Number	21/00075/OUTM
Location	Land 250M North Of 16A, Maldon Road, Burnham-On-Crouch, Essex
Proposal	Outline application with all matters of detail reserved for future determination (except for layout and means of access to the site) to extend approved retirement community to north and east including affordable housing: erect 132No. one, two and three-bedroom bungalows, 100No. one, two, and three-bedroom apartments in two-storey buildings, and erect single-storey ancillary multi-use community building. Lay out estate roads, footpaths, vehicle parking and surface water drainage infrastructure including swales and detention basins. Form open spaces and allotments and lay out hard and soft landscaping.
Applicant	Mr Ian Holloway - Think Green Land Limited
Agent	Mr Stewart Rowe - The Planning And Design Bureau Ltd
Target Decision Date	14.06.2021
Case Officer	Kathryn Mathews
Parish	Burnham North
Reason for Referral to the Committee / Council	Major application

It was noted from the Members' Update that additional consultation responses and a letter of objection had been received. The Members' Update also detailed amendments to the Section 106 Heads of Terms and conditions and proposed two additional conditions and four additional informatives.

During her presentation of the application the Specialist: Development Management advised that:

- an amendment was required to the housing mix numbers detailed in condition 6 to specify 42no. one-bedroom, 60no. two-bedroom and 30no. three-bedroom bungalows;
- a petition of 205 signatures had been submitted by the agent in support of the application on the basis that the development was much needed to serve the local and broader community;
- a consultation response from the National Health Services (NHS) had been received which requested a financial contribution of £87,400 to mitigate the impact of the development on local General Practice (GP) provision. Members were informed that the applicant had agreed this.

This was noted.

Following the Officers' presentation the Agent, Mr Rowe addressed the Committee.

Prior to any debate taking place the Leader of the Council referred to reports of persons knocking on the doors of Burnham-on-Crouch residents' collecting data and claiming to represent the Council. She advised that no such visits had been carried out by Officers of Maldon District Council.

In response to a question regarding the impact this development would have on the Five-Year Housing Land Supply (5YHLS), the Lead Specialist Place outlined how the Council had to show that the 5YHLS was deliverable and provided an estimate of the notable figure which this development would add to the 5YHLS.

Councillor C Morris proposed that the Officers' recommendation not be accepted, and the application be refused for reasons relating to bulk and scale. This proposal was duly seconded.

A lengthy debate ensued, during which the Lead Specialist Place and other Officers provided Members with information in response to questions raised which included:

- the 5YHLS and the application of policies in relation to this;
- the Local Development Plan and the review currently being undertaken;
- access to the Public Rights of Way;
- density of the proposed development, including the need for three bedroomed retirement properties;
- impact of the development on the surrounding landscape;
- the housing requirements for elderly persons within the District, as set out in the Council's Strategic Housing Market Assessment;
- comparisons between this and other planning applications for similar development;
- the proposed Heads of Terms for the Section 106 Agreement;
- consideration of the 'titled balance'.

Councillor R G Boyce raised a Point of Order referring to a comment he had made during the debate and the rule that allowed a personal statement and clarified that although he had referred to the possibility of phases 3, 4, 5 he made it clear that the Council would not take that into consideration and only consider what was before it. The Chairman agreed and advised Councillor Boyce that this was noted.

The Chairman sought clarification from Councillor Morris on his proposed reasons for refusing the application. Further debate ensued, and Members discussed the distance of the development from the town of Burnham-on-Crouch, the benefits not outweighing the harm, integration of the development with the existing community, the economic benefit, and the significant impact it would have to the properties fronting Maldon Road and Green Lane to the south.

In accordance with Procedure Rule No. 13 (3) Councillor C Morris requested a recorded vote. This was duly seconded.

In response to the debate and reasons for refusal discussed, the Lead Specialist Place suggested that Members may wish to consider the reasons being that the benefits of the development did not outweigh the harm, particularly in relation to the impact on the character of the area and the outlook from neighbouring residential properties which front Maldon Road / Green Lane. Councillor Morris amended his proposal to refuse the application for the reasons as outlined by the Officer. This amendment was duly seconded.

The Chairman then put the proposal to the Committee and the vote was as follows:

For the recommendation:

Councillors M G Bassenger, Miss A M Beale, B S Beale, V J Bell, R G Boyce, Mrs P A Channer, M F L Durham, M R Edwards, Mrs J L Fleming, B B Heubner, J V Keyes, K M H Lagan, C Mayes, C P Morley, C Morris, S P Nunn, N G F Shaughnessy, R H Siddall, W Stamp, E L Stephens, Mrs J C Stilts, C Swain and Mrs M E Thompson.

Against the recommendation:

None.

Abstention:

Councillor M S Heard.

The motion was therefore carried.

RESOLVED that the application be **REFUSED** subject to the following reason:

- 1 The benefits of the proposed development do not overcome the harm caused to the character and appearance of the area and to the amenity of the occupiers of existing residential properties which front Maldon Road and Green Lane to the south as a result of the adverse impact the development would have on their outlook, contrary to Policies S8 and D1 of the approved Maldon District Local Development Plan, adopted Burnham-on-Crouch Neighbourhood Plan and the NPPF.

Following her earlier declaration of interest Councillor V J Bell left the meeting at this point and did not return.

82. 20/01166/FUL LAND SOUTH CHARWOOD AND EAST OF ORCHARD HOUSE, STONEY HILLS, BURNHAM-ON-CROUCH

Application Number	20/01166/FUL
Location	Land South Of Charwood and East of Orchard House, Stoney Hills, Burnham-On-Crouch
Proposal	Construct cul-de-sac road with turning head and vehicular and pedestrian access off Stoney Hills, erect one detached bungalow and garage, lay out parking spaces and garden
Applicant	Mr Burrows - Virium Technology Limited
Agent	Mr Stewart Rowe - The Planning And Design Bureau Ltd
Target Decision Date	3 May 2021
Case Officer	Louise Staplehurst
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Departure from the Local Plan 2017

It was noted from the Members' Update that a further consultation response had been received.

A copy of the report and Members' Update considered at the South Eastern Area Planning Committee on 17 February 2021 were attached as Appendices 1 and 2 respectively to the report.

In response to a question the Specialist – Development Management advised that the access road to the site was private and had been approved as part of a previous planning application.

Councillor R G Boyce proposed that the Officers' recommendation of approval be agreed. This was duly seconded.

In accordance with Procedure Rule No. 13 (3) Councillor C Morris requested a recorded vote. This was duly seconded.

Councillor Morris advised that if the proposal for approval failed he wished to propose that the application be refused due to the design being incongruous and contrived.

During the debate that followed some concern was raised regarding the distance between and the impact the proposal would have on the outlook of Orchard House.

Councillor Boyce left the meeting during the debate and did not return.

In response to some questions raised the Lead Specialist Place provided Members with further information regarding the proposed development including how it was not unusual to have an elevation without windows.

In response to a point of order raised by Councillor W Stamp regarding whether the proposal in the name of Councillor Boyce could be put as he had since left the meeting, the Lead Legal Specialist and Monitoring Officer advised that although Councillor Boyce had left the meeting the proposal still stood.

The Chairman the put the proposal to approve the application to the Committee and the voting was as follows:

For the recommendation:

Councillors M F L Durham, J V Keyes, R H Siddall, E L Stephens, C Swain and Mrs M E Thompson.

Against the recommendation:

Councillors M G Bassenger, Miss A M Beale, B S Beale, Mrs P A Channer, M R Edwards, Mrs J L Fleming, B B Heubner, K M H Lagan, C Mayes, C P Morley, C Morris, S P Nunn, N G F Shaughnessy, W Stamp and Mrs J C Stilts.

Abstention:

Councillor M S Heard.

The Chairman declared the motion was therefore lost.

The Lead Legal Specialist and Monitoring Officer clarified that the Committee now needed to consider the proposal by Councillor Morris for refusal and if Members were mindful to refuse the application it was important to agree reasons as a refusal would be contrary to the Officers' recommendation.

A discussion followed, during which a number of reasons for refusal were discussed and in response the Lead Legal Specialist provided some legal guidance advising that the Committee had to specify in what way the proposed development would demonstrate harm. The Lead Specialist Place suggested, having listened to Members discussion, that the reasons for refusal could be that the proposed design was incongruous and contrived and would have impact on the neighbours at Orchard House due to loss of outlook. Councillor Morris amended his proposal of refusal for the reasons outlined by the Officer. This was duly seconded.

The Chairman then put the proposal for refusal, contrary to the Officers' recommendation to the Committee and the voting was as follows:

For the recommendation:

Councillors M G Bassenger, Miss A M Beale, B S Beale, Mrs P A Channer, M R Edwards, Mrs J L Fleming, B B Heubner, J V Keyes, K M H Lagan, C Mayes, C P Morley, C Morris, S P Nunn, N G F Shaughnessy, W Stamp and Mrs J C Stilts.

Against the recommendation:

Councillors R H Siddall, E L Stephens, C Swain and Mrs M E Thompson.

Abstention:

Councillor M S Heard.

The Chairman declared that the motion was therefore agreed.

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

1. The design of the dwelling is considered to be incongruous and contrived which would cause harm to the character and appearance of the surrounding area, contrary to policy D1 of the Local Development Plan (LDP).
2. The proposal would result in demonstrable harm to the residential amenity of the western neighbour of Orchard House by resulting in a harmful loss of outlook from this neighbouring dwelling, contrary to policy D1 of the LDP.

There being no other items of business the Chairman closed the meeting at 9.39 pm.

M S HEARD
CHAIRMAN