



**MINUTES of
DISTRICT PLANNING COMMITTEE
5 AUGUST 2021**

PRESENT

Chairman	Councillor M S Heard
Vice-Chairman	Councillor C Mayes
Councillors	Miss A M Beale, Mrs P A Channer, M R Edwards, Mrs J L Fleming, CC, B B Heubner, A L Hull, K M H Lagan, S P Nunn, N G F Shaughnessy, R H Siddall, N J Skeens, W Stamp, CC, E L Stephens, Mrs J C Stilts, C Swain, Mrs M E Thompson and Miss S White

190. CHAIRMAN'S NOTICES

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

191. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M G Bassenger, V J Bell, R G Boyce MBE, R P F Dewick, M F L Durham CC and K W Jarvis.

192. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the District Planning Committee held on 9 June 2021 be approved and confirmed.

193. DISCLOSURE OF INTEREST

Councillor W Stamp declared a non-pecuniary interest as a Member of Essex County Council who were consultees on planning applications.

Councillor Mrs J L Fleming declared a non-pecuniary interest as a Member of Essex County Council.

194. **21/00479/FUL LAND NORTH OF MARSH ROAD, BURNHAM-ON-CROUCH, ESSEX**

Application Number	21/00479/FUL
Location	Land North Of Marsh Road, Burnham-On-Crouch, Essex
Proposal	Residential development comprising the construction of 58 residential dwellings (Use Class C3) public open space, landscaping and associated infrastructure (Revised proposals to that already approved under FUL/MAL/19/01208 to provide 15 additional dwellings, a revised dwelling mix and alterations to the layout)
Applicant	Taylor Wimpey (East London)
Agent	Mr Oli Milne – Savills
Target Decision Date	26.08.2021
Case Officer	Kathryn Mathews
Parish	BURNHAM TOWN COUNCIL
Reason for Referral to the Committee / Council	Major application Strategic site within the Local Development Plan

An Update to the report had been circulated prior to the meeting and detailed the following:

- an amendment to paragraph 4.1 and 5.13.6 of the report;
- details of Heads of Terms relating to education contributions following receipt of a consultation response from Essex County Council Education;
- conditions 10 – 13 required detail to be submitted prior to the commencement of the development and agreement of these had been gained from the applicant;
- consultation responses had been received from Essex County Council Education, the Specialist - Environmental Health and the Arboricultural consultant;
- clarification to heads of terms 2;
- amendment to condition 2 and additional condition 36.

During her presentation of the application the Specialist – Development Management provided the following verbal updates following receipt of consultation responses:

- Essex County Council (ECC) Sustainable Drainage Systems Team still require some additional information, however Members were advised that this would be covered by a recommended condition.
- ECC Highways has raised no objection but had recommended some conditions to be imposed and advised that the same financial contribution, as required as part of the previous application, was necessary. If Members were mindful to approve the application there would need to be an amendment to the recommendation to ensure the relevant conditions and financial contribution were secured, if necessary.
- The Waste Team had made some recommendations in terms of waste storage and collection. The Officer advised that a refuse strategy had been submitted as part of the application and any additional information requested could be dealt with by condition, if Members were minded to approve the application.

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

A lengthy debate ensued and in response to a number of questions and concerns raised by Members the following information was provided by Officers:

- The whole site had permission for 90 dwellings and this application sought an additional 15 dwellings bringing the total dwellings on the site to 105.
- The application met the 40% affordable housing requirement and met minimum space sizes with regards to Nationally Described Space Standards. However it did not comply with the results of the 2021 Local Housing Needs Assessment which had been published after the application was submitted.
- All proposed properties had car parking spaces and complied with the required standards.
- In order to accommodate the additional units an area of the previously approved orchard had been reduced along with a slight reduction in open space landscaping.
- The figures detailed in the proposed Heads of Terms would be reviewed alongside those agreed with the earlier planning permission to ensure the developer was not charged twice for the same units.
- The Section 106 Agreement would seek additional contributions to Recreational disturbance Avoidance & Mitigation Strategy (RAMS), National Health Service, Essex County Council etc.
- The application was supported by a Flood Risk Assessment and no dwellings were proposed in the areas of site associated with flood risk levels 2 and 3.
- In respect of the percentage of habitat improvement, it was noted that Essex County Council Ecology had been consulted and made recommendations.
- The footpaths and links to surrounding areas had not changed to those previously approved.
- It was noted that in respect of areas such as climate change the Council could only apply conditions that linked with its adopted policies.
- If approved the application would include a financial contribution to Essex County Council Education and its provision of schools and infrastructure in the future.
- Policy S6 referred to the provision of Bridleways. This scheme did not include a bridleway and the Officer advised it was not something that could be made a requirement of the current application.

In response to the debate and concerns raised, Councillor S P Nunn proposed that this application be refused, contrary to Officers' recommendation for reasons of overdevelopment of that previously approved, loss of the orchard green infrastructure and lack of a bridleway. This proposal was duly seconded.

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

The Lead Specialist Place commented on the proposed refusal and the reasons given and provided Members with some further clarification relating to overdevelopment and the loss of the orchard. The Officer advised he did not think a bridleway in respect of this site had previously been granted.

Following further debate amongst Members and guidance from Officers, Councillor Nunn amended his earlier proposal, advising that the reasons for refusal were as follows and this amendment was duly seconded:

- The proposed level of development resulted in the proposal not reflecting the rural character of the area, with reference to green infrastructure.
- No provision of a bridleway;
- The proposed housing mix not reflecting the Local Housing Needs Assessment.

The Chairman then put the proposal in the name of Councillor Nunn to the Committee and the voting was as follows:

For the recommendation:

Councillors Miss A M Beale, Mrs P A Channer, M R Edwards, Mrs J L Fleming, M S Heard, B B Heubner, A L Hull, K M H Lagan, C Mayes, S P Nunn, N G F Shaughnessy, N J Skeens, W Stamp, E L Stephens, Mrs J C Stilts, C Swain, Mrs M E Thompson and Miss S White.

Against the recommendation:

Councillor R H Siddall.

Abstention:

None.

This was therefore agreed.

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

- 1 The proposed development, primarily due to the addition of 15no. residential units and the reduction in the landscaping, green space (including part of the previously approved orchard) and open space, along with the increase in built form and hard standing, would result in an urban form of development that does not reflect the rural character of the area to the detriment of the character and appearance of the area, contrary to Policies S2, S6, S8, D1 and H4 of the approved Maldon District Local Development Plan and the NPPF.
- 2 The housing mix for the affordable housing proposed does not accord with the current affordable housing needs of the District as identified in the Local Housing Needs Assessment 2021. Therefore, the development would not meet the greatest affordable housing needs of the District, contrary to Policies S6, H1 and H2 of the approved Maldon District Local Development Plan and the NPPF.
- 3 One of the requirements of Policy S6: Burnham-on-Crouch Strategic Growth of the approved Maldon District Local Development Plan is that 'Safe pedestrian cycling and bridleway links are provided from the development to the town centre and, where applicable, to other public services, facilities and the existing urban area'. The development proposed does not make any provision for bridleways and therefore does not make adequate provision for links from the development to the surrounding area, contrary to Policy S6 of the approved Maldon District Local Development Plan as well as the aims of Policies T1 and T2.

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

M S HEARD
CHAIRMAN