



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
13 NOVEMBER 2024**

PRESENT

Chairperson	Councillor V J Bell
Vice-Chairperson	Councillor A Fittock
Councillors	M G Bassenger, A S Fluker, L J Haywood, M G Neall, R G Pratt, U C G Siddall-Norman and W Stamp, CC

383. CHAIRPERSON'S NOTICES

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

384. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D O Bown and W J Laybourn.

385. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 16 October 2024 be approved and confirmed.

386. DISCLOSURE OF INTEREST

There were none.

**387. 24/00017/FULM - GLEBE MEADOW, ADJACENT KING GEORGES FIELD,
STATION ROAD, SOUTHMINSTER, ESSEX**

Application Number	24/00017/FULM
Location	Glebe Meadow Adjacent King Georges Field, Station Road, Southminster, Essex
Proposal	Application for planning permission to create 36 no. one, two, three and four bedroom houses and maisonettes, associated landscaping, roads, parking and drainage infrastructure, plus a new area of public open space and the addition of a footway to the east side of Vicarage Court.
Applicant	Benferri Developments Limited
Agent	JCN Design & Planning
Target Decision Date	29.11.24 (EoT)
Case Officer	Lisa Page
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Major Application Call in Councillor A S Fluker – Policy D1

Following the Officer's presentation, Miss Saunders an objector, Councillor Harold on behalf of Southminster Parish Council and Mr Dunston the Agent addressed the Committee.

Councillor A S Fluker proposed that if the Committee were minded to approve this application that a further condition be included in perpetuity to safeguard the boundary of the George V playing field. He raised some concerns referencing land ownership, highways issues and policies D1 and S8 of the Local Development Plan (LDP). Councillor Fluker then proposed that contrary to the Officers' recommendation and in relation to the above policies that the application should be refused. He advised should the applicant choose not to resolve these issues and proceed to public inquiry he would be happy to address the Planning Inspector as the Ward Member. This proposal was duly seconded.

During the lengthy debate that followed other Members raised a number of concerns regarding the application including effective use of the land, ecology, vehicle movements and removal of hedgerows to accommodate a footpath.

In response to the debate and it appearing that the Committee was mindful to overturn the Officer recommendation of approval, the Chairperson made reference to invoking the Constitutional Brake Clause (the Brake) as provided for in the Committee's Operating Protocol. Guidance and advice was provided to the Committee in respect of this and the Team Manager-Development Management explained that that if it was invoked the Brake would allow Officers to consider and report back to a subsequent meeting of the Committee on all relevant implications of the proposed decision, including robust reasons for refusal.

The Chairperson advised that as Members were minded to overturn the Officer recommendation of approval she was therefore applying the Constitutional brake.

RESOLVED that the Constitutional Brake Clause be applied, and consideration of this application is therefore **DEFERRED** to the next meeting of the South Eastern Area Planning Committee.

388. 24/00586/FUL - LAND AT NIPSELLS FARM HOUSE, NIPSELLS CHASE, MAYLAND, ESSEX, CM3 6EJ

Application Number	24/00586/FUL
Location	Land At Nipsells Farm House, Nipsells Chase, Mayland, Essex CM3 6EJ
Proposal	Construction of single storey dwelling
Applicant	Mr & Mrs D Theckston
Agent	Mr Matthew Stearn - Whitworth Co-Partnership
Target Decision Date	15 November 2024
Case Officer	Matt Bailey
Parish	MAYLAND
Reason for Referral to the Committee / Council	Departure from the local plan; Call-in by Councillor W J Laybourn

Following the Officer's presentation, Mrs Theckson the applicant addressed the Committee.

Councillor A S Fluker supported the application and proposed that it be agreed. This was duly seconded and agreed.

RESOLVED that this application be **APPROVED** subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the approved plans and documents as shown on the decision notice.
- 3 Full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include:
 - i. Finished levels;
 - ii. Means of enclosure, including gates;
 - iii. Car parking layouts;
 - iv. Vehicle and pedestrian access and circulation areas;
 - v. Hard surfacing materials;
 - vi. Indications of all existing trees and hedgerows on the land and identification of those to be retained; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate. Specifically details of extensive planting to the western boundary to provide an appropriate buffer to the land to its west shall be provided

The details set out in (i) to (v) above shall be implemented as approved prior to occupation of the dwelling and retained thereafter. Soft landscape works, as required by (vi) above, shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place.

- 4 No development shall commence until fencing/ground protection to protect the hedges/shrubs to be retained has been erected in accordance with BS5837:2012, details of which shall have been submitted to the local planning authority for written approval. The protective fencing shall be erected before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site.

The protective fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone nothing shall be stored or placed, no fires lit, no vehicle shall gain access, ground levels shall not be altered, no excavation shall be made, and no structure shall be erected. If within five years from the completion of the development a retained shrub or hedge is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement shrub or hedge shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the local planning authority.

- 5 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Plumb Associates, June 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during

construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

- 6 A Biodiversity Enhancement Layout for biodiversity enhancements listed in the Preliminary Ecological Appraisal (Plumb Associates, June 2023) be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Layout shall include the following: a) detailed designs or product descriptions for biodiversity enhancements; and b) locations, orientations and heights for biodiversity enhancements on appropriate drawings. The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.
- 7 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than incidental outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the Local Planning Authority.
- 8 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no dormer window or other form of addition or opening shall be constructed in the roof, gable walls or elevations of the dwelling hereby permitted without planning permission first having been obtained from the local planning authority.

There being no other items of business the Chairperson closed the meeting at 8.51 pm.

V J BELL
CHAIRPERSON