



**REPORT of  
ASSISTANT DIRECTOR: PLANNING AND IMPLEMENTATION**

to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
11 DECEMBER 2024**

<b>Application Number</b>	<b>24/00017/FULM</b>
<b>Location</b>	Glebe Meadow Adjacent King Georges Field, Station Road, Southminster, Essex
<b>Proposal</b>	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.
<b>Applicant</b>	Benferri Developments Limited
<b>Agent</b>	JCN Design & Planning
<b>Target Decision Date</b>	29.11.24 (EoT)
<b>Case Officer</b>	Lisa Page
<b>Parish</b>	<b>SOUTHMINSTER</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application Call in Councillor A S Fluker – Policy D1

**1. BACKGROUND**

- 1.1 The application was reported to the South Eastern Area Planning Committee on 13 November 2024 with a recommendation to approve planning permission subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure planning obligations and subject to conditions. The previous Committee report is attached at **APPENDIX 1**.
- 1.2 Following lengthy Member discussion at the Committee meeting, it was clear that Members were minded to overturn the Officer recommendation. Given this potential overturn, and in accordance with the Council's Constitution, the 'constitutional brake' was invoked.
- 1.3 The purpose of this report is to provide further advice to Members on whether the reasons of harm verbally set out in 13 November Committee are robust, and to highlight the policies that the reasons for refusal could quote to be connected and justified at any future planning appeal.

**2. DISCUSSION OF THE SUGGESTED REASONS FOR REFUSAL / RELEVANT POLICIES**

- 2.1 Within the Member discussion, one of the matters of concern related to the proposed footway within Vicarage Court and implications on the visual amenity of the road with the removal of established hedgerows and other landscaping, together with the impact of the footway to existing residents in Vicarage Court.

- 2.2 A further area of concern related to the housing mix for the market dwellings, which was not in accordance with the Local Housing Needs Assessment (LHNA). The development would overdeliver on larger dwellings.
- 2.3 The relevant policies within the Local Development Plan 2017 relating to these issues include the following: -
- S1 Sustainable Development
  - D1 Design Quality and Built Environment
  - H1 Affordable Housing
  - H2 Housing Mix
  - H4 Effective Use of Land
  - N1 Green Infrastructure Network
  - N3 Natural Environment and Biodiversity
  - I1 Infrastructure and Services
- 2.4 Suggested reasons for refusal could include the following:
1. The proposed development by reason of the footway required to be installed within Vicarage Court, would result in the removal of established hedgerow and planting that positively contributes to the character and appearance of the locality. The footway would result in harm to visual amenity and to the general amenities of residents within Vicarage Court, and would be contrary to Policies S1, D1 and H4 of the Local Development Plan 2017 and the National Planning Policy Framework.
  2. The proposed development, by reason of the housing mix for the market dwellings, would fail to provide a suitable mix and range of housing in terms of size of dwellings, and would be contrary to the Local Housing Needs Assessment and Policy H2 of the Local Development Plan 2017 and the National Planning Policy Framework.
- 2.5 If Members are minded to refuse permission, there would also need to be a reason for refusal relating to the lack of a Section 106 Legal Agreement to secure affordable housing, and contributions towards healthcare, education, libraries and the Recreational disturbance Avoidance and Mitigation Strategy (RAMS). Suggested drafting for a reason for refusal could include the following:
3. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 the proposal fails to:-
    - include adequate provision to secure the delivery of affordable housing to meet the identified need in the locality, address the Council's strategic objectives on affordable housing and supporting a mixed and balanced community, contrary to Policies S1, H1 and I1 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework;
    - include adequate provision to secure the completion, management and maintenance of the public open space, or the provision of the necessary contribution towards education, libraries, and healthcare, such that the impact of the development cannot be mitigated, contrary to Policies S1, D1, N1, N3, I1 and T2 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework;

- secure a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the impacts of the development on the European designated nature conservation sites, and the development would thereby have an adverse impact on those European designated nature conservation sites, contrary to Policies S1 and I1 of the Maldon District Local Development Plan and the National Planning Policy Framework.

### **3. SUMMARY**

- 3.1 Members are invited to determine the application having regard to the Officers' recommendation or otherwise, and having regard to the decision they were minded to make and the advice and information contained in this follow-up report.
- 3.2 If Members are minded to refuse the application, in accordance with the appeal protocol, the Committee should nominate a Member to represent the Council at any appeal.