



**MINUTES of
DISTRICT PLANNING COMMITTEE
27 NOVEMBER 2024**

PRESENT

Chairperson	Councillor M E Thompson
Vice-Chairperson	Councillor N D Spenceley
Councillors	M G Bassenger, V J Bell, D O Bown, S J Burwood, J Driver, A Fittock, A S Fluker, L J Haywood, K Jennings, K M H Lagan, W J Laybourn, S J N Morgan, C P Morley, M G Neall, R G Pratt, R H Siddall, U C G Siddall-Norman, P L Spenceley, W Stamp, CC, E L Stephens, J C Stilts and L L Wiffen

416. CHAIRPERSON'S NOTICES

The Chairperson welcomed everyone to the meeting and went through some general housekeeping arrangements for the meeting. She apologised for the late start of the meeting due to technical issues.

417. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M FL Durham CC, J C Hughes, A M Lay, N R Miller, N G F Shaughnessy, N J Swindle and S White.

418. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the District Planning Committee held on 4 September 2024 be approved and confirmed.

419. DISCLOSURE OF INTEREST

There were none.

Councillor W Stamp advised that in relation to Agenda Item 8 – 24/00672/FUL Land South of Brent Way and off of Endeavour Way, Burnham-on-Crouch, Essex, she would not be declaring an interest, would contribute to the discussion but would not vote on this item of business.

420. 24/00393/FUL - HEYBRIDGE SWIFTS FOOTBALL CLUB, SCRALEY ROAD, HEYBRIDGE, MALDON, ESSEX, CM9 8FJ

Application Number	24/00393/FUL Heybridge Swifts Football Club, Scraley Road, Heybridge, Maldon, Essex CM9 8FJ
Location	Heybridge Swifts Football Club, Scraley Road, Heybridge, Maldon, Essex CM9 8FJ
Proposal	Erection of building for a mixed use as a contractor's depot, pigeon club and groundskeeper store; change of use of land to contractors yard with external storage of plant, equipment and vehicles and other associated parking provision (retrospective). Addition of wooden cladding to existing boundary treatment.
Applicant	Heybridge Swifts football club
Agent	Mr Ian Coward - Collins & Coward
Target Decision Date	03.12.24 (EoT)
Case Officer	Lisa Page
Parish	HEYBRIDGE EAST
Reason for Referral to the Committee / Council	Strategic site within the strategic submitted Local Development Plan

Following the Officers' presentation a supporter, Mr Coward addressed the Committee.

In response to a question the Principal Planning Officer confirmed that in terms of the application, the use of the building was retrospective but the proposed cladding was not.

Councillor S J N Morgan proposed that the application be approved, as per Officers recommendation. This proposal was duly seconded. The Chairperson put this to the Committee and upon a vote being taken this was duly agreed.

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 3741.02 REV B
 - 3741.04 B
 - 3741.05
- 2 The contractors yard element of the scheme hereby permitted, shall be restricted to the following hours of use: -
Monday to Friday - 7am till 7pm
Saturday - 7am till 1pm
Sundays and Bank Holiday – closed.
- 3 The height of the external storage shall not exceed 1.8 metres in height, including the height of any racking unit.
- 4 Within 2 months of the date of this decision, a site plan showing the layout of the external storage areas and detailed parking and turning areas, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved plan.

421. 24/00569/FUL - LAND AT BROAD STREET GREEN ROAD AND LANGFORD ROAD AND MAYPOLE ROAD, GREAT TOTHAM

Application Number	24/00569/FUL
Location	Land At Broad Street Green Road And Langford Road And Maypole Road, Great Totham
Proposal	Erection of 3 storey, 66 bed care home for older people with associated landscaping, car parking and access.
Applicant	LNT Care Developments Limited
Agent	N/A
Target Decision Date	13.12.24 (EoT)
Case Officer	Lisa Page
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Strategic site within the strategic submitted Local Development Plan Major Application

During the Officers' presentation Members were advised that should they be minded to approve this application an amendment to condition 2 was required to detail an additional plan. This was noted. The Applicant, Ms Kemp then addressed the Committee.

A lengthy debate ensued and in response to a number of comments raised, the Principal Planning Officer provided Members with additional information, including:

- A number of concerns were raised regarding the car parking provision for both residents and staff and compliance with the Council's Supplementary Planning Document. The Officer advised that given the level of dementia care proposed it was felt that the level of car parking spaces proposed would be acceptable. During the discussion, Councillor A T Fittock provided the Committee with details of the number of spaces required to be policy compliant.
- Full biodiversity net gain had been submitted to show how this was to be achieved.
- The materials would be of a palate to match those approved across the rest of the garden suburb site.
- A lift was proposed for the development in order to access all three storeys.
- No space, internal or external, was provided for storage of mobility scooters. It was confirmed that a condition regarding this would not be considered unreasonable. In response to a query regarding Parking Standard 4.10.5 and provision for mobility scooter storage the Officer advised she would have to check this outside of the meeting.
- The Officer advised that the delivery point would be at the back of the development where the kitchen was, although there was no specific delivery point detailed.

Councillor R H Siddall requested that an amendment be made to the report as the application site was not within the Parish of Great Totham, but in fact Heybridge. The Officer advised that having checked the site was within the boundary of Great Totham.

Councillor P L Spenceley proposed that the application be deferred on the grounds that there was not enough information on mobility scooters, Officers were to request if further car parking spaces could be provided, and that consideration be given to the Council's Design Guide. This proposal was duly seconded.

In light of the proposal, the Chairperson put this to the Committee. Upon a vote being taken she declared this was not agreed.

The Chairperson reminded Members of the Constitutional Brake Clause as provided for in the Committee's Operating Protocol and advised that the constitution brake was therefore invoked.

At this point the Head of Service: Development Management and Building Control clarified the two options available in respect of the constitutional brake. He explained that discussions on this application in relation to parking and design could be considered as reasons for refusal and as there were no further implications that Officers could take away and bring back in a supplementary report that would inform Members any different his opinion was that deferral would not be appropriate in this case. He advised the Committee that therefore refusal could be considered in the usual manner as long as there were clear reasons for refusal, the wording of which Officers would confirm with the Chairperson outside of the meeting.

Councillor A S Fluker proposed that the application be refused, contrary to Officers' recommendation, for reasons relating to Policy D1 and the Car Parking Supplementary Planning Document. This proposal was duly seconded. Following further discussion Councillor Fluker amended his proposal to include reasons regarding not meeting the mobility scooter requirement and there being no provision for delivery vehicles / loading bay. This was duly seconded.

The Head of Service suggested that matters relating parking issues including mobility scooters and no loading bays can be incorporated into one reason for refusal. This was noted.

The Chairperson moved the proposal in the name of Councillor Fluker and upon a vote being taken was duly agreed.

RESOLVED that this application be **REFUSED** for reasons as detailed above and the wording of them delegated to officers in consultation with the Chairperson.

422. 24/00587/RESM - LAND AT BROAD STREET GREEN ROAD AND LANGFORD ROAD AND MAYPOLE ROAD, GREAT TOTHAM

Application Number	24/00587/RESM
Location	Land At Broad Street Green Road And Langford Road And Maypole Road, Great Totham
Proposal	Reserved matters application for the approval of access, appearance, landscaping, layout and scale for parcel 5 for creation of 104 no. one, two, three and four bedroom houses, bungalows and apartments plus associated roads, parking and landscaping, relating to planning application 15/00419/OUT allowed on appeal APP/X1545/W/19/3230267 (Part outline/part detailed (hybrid) application for mixed use development including: (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline) (ii) Residential Care for up to 120 beds (Use Class C2) (Outline) (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline)

	(iv) Primary school and early years childcare facility (Use Class D1c) (Outline) (v) A relief road between Broad Street Green Road and Langford Road (Detailed element) (vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline); (vii) Construction of initial gas and electricity sub-stations (Detailed); and (viii) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, on-site drainage, and infrastructure works (Outline).
Applicant	Countryside Partnerships Home Counties East
Agent	JCN Design & Planning
Target Decision Date	05.12.24 (EoT)
Case Officer	Lisa Page
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Strategic site within the strategic submitted Local Development Plan Major Application

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

During the debate that ensued and in response to comments made, the Principal Planning Officer advised that the related outline planning permission included a condition regarding the breakdown of the types of dwelling. If Members were mindful to approve the application the accompanying Section 106 agreement required submission of a housing delivery plan.

Councillor A S Fluker proposed that the Committee accept the Officers' recommendation and approve the application. This proposal 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 two years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
BV061-OP2-PL-01 rev. B
BV061-OP2-PL-02 rev. B
BV061-OP2-PL-03 rev. B
BV061-OP2-PL-04 rev. B
BV061-OP2-PL-05 rev. B
BV061-OP2-PL-06 rev. B
BV061-OP2-PL-07 rev. B
BV061-OP2-PL-08 rev. B
BV061-OP2-PL-09 rev. C
BV061-OP2-PL-10 rev. B
GL2143 01 rev. D
GL2143 02 rev. D
GL2143 03 rev. B
62333-RJL-DR-C-0010 rev. P4
BV061-OP2-HA-1BBa-01 rev. C
BV061-OP2-HA-1BBb-02 rev. B
BV061-OP2-HA-B1a-01 rev. B
BV061-OP2-HA-B1a-02 rev. A

BV061-OP2-HA-B2a-01 rev. A
BV061-OP2-HA-B2a-02
BV061-OP2-HA-B4a-01 rev. A
BV061-OP2-HA-B4b-02 rev. A
BV061-OP2-HA-B6a-01 rev. A
BV061-OP2-HT-ASa-01 rev. B
BV061-OP2-HT-ASb-02 rev. B
BV061-OP2-HT-ASb-03
BV061-OP2-HT-BRa-01 rev. A
BV061-OP2-HT-BRa-02
BV061-OP2-HT-CEa-01 rev. A
BV061-OP2-HT-CHa-01 rev. A
BV061-OP2-HT-CHb-02 rev. A
BV061-OP2-HT-CHa-03
BV061-OP2-HT-CHb-04
BV061-OP2-HT-CYa-01 rev. A
BV061-OP2-HT-CYb-02 rev. A
BV061-OP2-HT-CYa-03
BV061-OP2-HT-CYb-04
BV061-OP2-HT-HLa-01 rev. A
BV061-OP2-HT-JUa-01 rev. A
BV061-OP2-HT-JUb-02 rev. B
BV061-OP2-HT-JUa-03
BV061-OP2-HT-SPa-01 rev. A
BV061-OP2-HT-SPb-02 rev. A
BV061-OP2-HT-SPa-03
BV061-OP2-HT-SPb-04
BV061-OP2-HA-AptA-01 rev. A
BV061-OP2-HA-AptA-02 rev. A
BV061-OP2-HA-AptB-01 rev. A
BV061-OP2-HA-AptB-02 rev. A
BV061-OP2-HA-AptC-01 rev. A
BV061-OP2-HA-AptC-02 rev. A
BV061-OP2-GR-01 rev. A
BV061-OP2-ST-01 rev. B
BV061-OP2-ST-02 rev. A
BV061-OP2-ST-03 rev. B
BV061-OP2-ST-04 rev. A

- 3 No development shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

A full topographical site survey showing existing levels including: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals;

Full details of the proposed finished floor levels of all buildings, proposed garden levels, proposed levels along all site boundaries, and proposed levels for all hard and soft landscaped surfaces.

The development shall only be carried out in accordance with the approved details.

- 4 No above ground works shall commence until samples or product details of the materials to be used in the construction of the external surfaces of the buildings and the proposed brick walls, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

- 5 Prior to the first occupation of each unit, the associated means of enclosure for that unit, as shown on plan BV061-OP2-PL-03 REV B, shall be fully erected. Prior to the erection of any railing, full details of the railing design shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 6 Prior to the first occupation of each residential unit, the vehicle parking to be provided for that unit, shall be hard surfaced, sealed and marked out in parking bays, and if served by a garage, the approved garage shall be erected in accordance with the plans and details hereby approved. Prior to the occupation of the last dwelling, all other roads, turning provision and vehicle parking areas shall be fully completed in accordance with the approved plans. The vehicle parking and garages shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.
- 7 The dwellings hereby permitted that are not provided with a garage shall not be occupied until the storage for bicycles as shown on the approved plans has been provided for the occupiers of these dwellings.
- 8 The development shall be completed in accordance with the approved details under discharge of condition application 22/05081/DET (discharge condition 13 - Ecological Conservation Management Plan Parcel 3,4,5 of application 15/00419/OUT). The proposed ecological enhancements shall be retained as approved in perpetuity.
- 9 Notwithstanding the provisions of Classes B and E of Part 1 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no extensions or separate outbuildings shall be erected within the site without planning permission having been obtained from the Local Planning Authority.
- 10 Prior to the first occupation of the development hereby approved, a timetable for the implementation and management of the landscape works as shown on the approved plans GL2143 01 C, GL2143 02 C and GL2143 03 A, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details. 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, unless the local planning authority gives its written consent to any variation.
- 11 No development above ground level shall take place until additional details have been submitted to and approved in writing by the Local Planning Authority, to demonstrate that the porch verges will be built as a wet verge.

Councillor R H Siddall left the meeting during this item of business and did not return.

423. 24/00672/FUL LAND SOUTH OF BRENT WAY AND OFF OF ENDEAVOUR WAY, BURNHAM-ON-CROUCH, ESSEX

Application Number	24/00672/FUL
Location	Land South Of Brent Way And Off Of Endeavour Way, Burnham-On-Crouch, Essex
Proposal	Construction of 5 dwellings (Use Class C3), and associated works, including car and cycle parking, soft and hard landscaping; and infrastructure in lieu of 2 dwellings approved under 14/00356/FUL.
Applicant	Barratt Developments PLC
Agent	Lanpro Services Ltd
Target Decision Date	06.12.24 (EoT)
Case Officer	Ike Dimano
Parish	BURNHAM-ON-CROUCH NORTH
Reason for Referral to the Committee / Council	Strategic site within the strategic submitted Local Development Plan

The Head of Service: Development Management and Building Control presented the report and provided the following updates:

- The report incorrectly listed 28 conditions, however five related to the previously approved application and had been discharged. Therefore, if Members were minded to approve this application there would be 23 conditions proposed by Officers.
- In respect of Section 106 contributions Members were advised that conversations between Officers, the NHS and Essex County Council Education had indicated that a consultation response from each organisation in relation to proposed contributions was expected. If Members were minded to approve this application Officers would have further discussions with both organisations and the applicant in respect of this. It was noted that a decision would not be issued until any Section 106 agreement had been signed.

Following the Officers' presentation an objector, Mrs Janet Cook, and the Agent, Guoda Vaitkeviciute, addressed the Committee.

Councillor W Stamp raised concern regarding the increase in number of dwellings to what had been previously agreed. She then read out a letter she had received from an objector.

In response to a question regarding the mock tudor design proposed, Officers explained that the applicants had advised should Members be mindful to approve the application they would accept a condition that the architectural detail on the north elevation of plots one and three (the Morton house types) be reserved for future consideration as an above slab level condition. This was noted.

Councillor A S Fluker raised a number of concerns relating to the proposed design particularly that the dwellings should face Maldon Road to match the existing street scene and the proposed mock Tudor beams which he felt were out of place. He then proposed that the application be refused, contrary to Officers' recommendation, for reasons relating to Policy D1. Councillor Fluker asked that Officers request the developers move the houses to face Maldon Road and remove the proposed mock Tudor beams.

In response to concerns raised regarding overlooking, the Head of Service advised that in terms of the Council's development standards having a sense of feeling of overlooking was not the same as if the orientation and distance of a property resulted in direct overlooking. He further clarified that in planning terms the proposed development had no detrimental overlooking in terms of there being any material loss of privacy and detriment to the residential amenity.

Further debate ensued and in response to additional concerns raised, the Officer confirmed that the Housing team supported the proposed commuted sum which could support the provision of two affordable houses elsewhere in the district. In addition, the Housing Team had spoken to Registered Housing Providers who had confirmed they would not support affordable housing on this site.

In light of the discussion and concerns raised the Chairperson asked for a show of hands to confirm if Members were minded to go against the Officers' recommendation. In light of the indication given by the Committee the Chairperson advised that the constitutional brake would be applied, and this item deferred to the next meeting of the Committee.

In response, the Head of Service referred to the advice he had given at an earlier part of the meeting and the two options available to the Committee in respect of the constitutional brake. For this application he advised that there were enough reasons for refusal relating to design, particularly the building orientation which could be made.

In light of the Officer guidance, the Chairperson then asked Councillor Fluker to repeat his earlier proposition for refusal. Councillor Fluker proposed that the application be refused, contrary to the Officers' recommendation, for reasons relating to Policy D1. This proposal was duly seconded and upon a vote being taken agreed.

RESOLVED that this application be **REFUSED** for reasons relating to Policy D1 and the wording of them delegated to officers in consultation with the Chairperson.

There being no other items of business the Chairperson closed the meeting at 9.55 pm.

M E THOMPSON
CHAIRPERSON