

## Development Committee – 24 July 2014

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Minutes of the meeting of the Development Committee held on **24 July 2014** when there were present:-

Chairman: Cllr P A Capon  
Vice-Chairman: Cllr C G Seagers

Cllr C I Black	Cllr J C Lawmon
Cllr J C Burton	Cllr Mrs C M Mason
Cllr Mrs T J Capon	Cllr J R F Mason
Cllr M R Carter	Cllr Mrs J E McPherson
Cllr T G Cutmore	Cllr D Merrick
Cllr R R Dray	Cllr Mrs J A Mockford
Cllr J H Gibson	Cllr T E Mountain
Cllr Mrs H L A Glynn	Cllr R A Oatham
Cllr J D Griffin	Cllr Mrs C E Roe
Cllr J Hayter	Cllr Mrs M H Spencer
Cllr B T Hazlewood	Cllr D J Sperring
Cllr N J Hookway	Cllr M J Steptoe
Cllr Mrs D Hoy	Cllr I H Ward
Cllr M Hoy	Cllr Mrs B J Wilkins
Cllr K H Hudson	

### **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs Mrs L A Butcher, K J Gordon, Mrs A V Hale, Mrs G A Lucas-Gill, Mrs J R Lumley, M Maddocks and S P Smith.

### **OFFICERS PRESENT**

S Scrutton	- Head of Planning and Transportation
J Whitlock	- Planning Manager
M Stranks	- Team Leader (Area Team North)
K Rodgers	- Team Leader (Area Team South)
N Khan	- Principal Solicitor
S Worthington	- Committee Administrator

### **PUBLIC SPEAKERS**

Cllr A Matthews	- for item 4
S Bird	- for items 4 and 6(1)
D Collins	- for items 4 and 6(1)

### **155 MINUTES**

The Minutes of the meeting held on 5 June 2014 were approved as a correct record and signed by the Chairman.

### 156 DECLARATIONS OF INTEREST

Cllrs R R Dray, J L Lawmon, R A Oatham, Mrs C E Roe, Mrs M H Spencer, D J Sperring and I H Ward all declared a non pecuniary interest in item 4 of the Agenda by virtue of being trustees of King George's playing field. Cllr J C Burton also declared a non pecuniary interest in the same item by virtue of being acquainted with children that attend Academy Soccer.

Cllr R A Oatham declared a non pecuniary interest in item 5 of the Agenda by virtue of being acquainted with the applicant in the past.

### 157 14/00332/FUL – LAND NORTH OF A129 EAST OF A130 OLD LONDON ROAD, RAWRETH

The Committee considered an application for the change of use of land from agricultural to use for 8 no. football pitches, to provide an area for car parking, to provide four storage containers for use as changing rooms and toilets and to construct 6.5m high ball catch fencing to the boundary of the site with A129 and A130.

#### **Resolved**

That the application be approved, subject to the following conditions:-

- (1) SC4B – Time limits standard 3 years.
- (2) The site shall only be used by the applicants, Academy Soccer, and for the purposes of football and for no other purpose, including any use otherwise permitted within Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987(including any order revoking or re-enacting that order, with or without modification) or such uses ordinarily incidental to the use hereby permitted. The permitted use shall be restricted to Academy Soccer, with no sub-letting of the site permitted. No fairs or events shall take place on the site other than such uses ancillary to the use of football and the applicants, Academy Soccer.
- (3) The use hereby permitted shall be undertaken on Saturdays and Sundays all day and no other weekday than specified in this condition and there shall be only two tournament events per annum.
- (4) The parking areas permitted on site shall be used only in conjunction with the associated permitted football use.
- (5) No amplified speech/music or other form of public address system shall be broadcast or permitted on the site.

- (6) No flood lights or other means of artificially illuminating any part of the site shall be installed and/or operated, whether or not in association with the use of the site hereby permitted.
- (7) The development hereby approved shall be implemented in accordance with the pitch layout shown on Drawing No. 14-field-002 or such other layout as shall be submitted to and may be agreed in writing by the local planning authority prior to being provided on the site.
- (8) Prior to the first use of the development hereby approved the 6.5m high ball stop catch fencing net protection system hereby approved and as shown on Drawing No. 13-field-013 shall be provided along the edge of the site immediately adjacent to the line of the A130 and A129.
- (9) Prior to the first use of the development hereby approved, the applicant shall submit details to and obtain agreement in writing by the local planning authority for the design of a vehicular turning facility to be provided to serve the one way traffic management system to be provided at the southern end of the parking area. The development shall be implemented in accordance with such details as may be agreed, including appropriate markings or signage; the vehicular turning facility shall be available on first commencement of the use hereby approved and be kept free of impediment for its intended use.
- (10) Any gates to be provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the nearside edge of the carriageway.
- (11) No development shall commence until the following have been submitted to and approved in writing by the local planning authority after consultation with Sport England:-
  - (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the football pitches, which identifies constraints that could affect football pitch quality; and based on the results of that assessment to be carried out a detailed scheme which ensures that the football pitch will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.
  - (ii) The approved scheme shall be carried out in full and in accordance with a time frame agreed with the local planning authority after consultation with Sport England. The land shall thereafter be maintained in accordance with the scheme and made available for football pitch use in accordance with the scheme.

- (12) Prior to the commencement of the development the applicant shall submit details to the local planning authority for a scheme to provide for the drainage of the permanent car parking areas of the site. Such details shall include the provision of interceptors and filters to capture contaminants and details for a water holding facility such as a pond, swale or tanking and details for the overflow into the main water course. The development shall be implemented in accordance with such details as may be agreed prior to the first use of the pitches hereby approved. (HPT)

**158 14/00331/ADV – LAND NORTH OF A129 EAST OF A130 OLD LONDON ROAD, RAWRETH**

The Committee considered an application for one non-illuminated goal post type sign to the site entrance.

**Resolved**

That the application be approved, subject to the following conditions:-

- (1) This consent shall expire at the end of a period of five years from the date of this decision notice.
- (2)
1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
  2. No advertisement shall be sited or displayed so as to:-
    - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
    - (b) obscure, or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air, or
    - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
  3. Any advertisement displayed, and any site used for the display of advertisements shall be maintained in a condition that does not impair the visual amenity of the site.
  4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
- (3) The sign hereby permitted to be displayed, as shown on the approved drawing 14-field-004, shall not be illuminated.
- (4) The sign provided at the vehicular access shall be set back 4.5m from the carriageway edge. (HPT)

**159 14/00164/FUL – LAND SOUTH OF WINDFIELD, CHURCH ROAD, HOCKLEY**

**(Note:** Cllr J L Lawmon declared a non pecuniary interest in this item by virtue of having worked with the applicant some time ago.)

The Committee considered an application to construct a two storey four-bed detached house and detached garage with a new vehicular access to the side, off Church Road.

**Resolved**

That the officer's report be put to the Planning Inspectorate on appeal, stating that, had the authority been in a position to determine the application, it would have been refused for the following reasons:-

1. Policy SER3 of the Allocations Plan 2014 shows the site to be designated as residential representing the release of Metropolitan Green Belt land to meet the local planning authority's five year housing supply across the Rochford District and, more specifically, the West Hockley general location for residential development within policy H2 of the Core Strategy 2011. Due to the lack of compliance with the public open space, play space, educational contributions and affordable housing requirements within policies H2 (which refers to appendix H1), H4, CLT2, CLT5 and CLT7 of the Core Strategy 2011 and policy SER3 of the Allocations Plan 2014 the proposal would not be considered to represent sustainable development, the presumption in favour of which is at the heart of the National Planning Policy Framework.

There are no material planning considerations that indicate that this proposal should be determined favourably and not in accordance with the adopted development plan, which requires proposals for residential development within the general location of West Hockley to be comprehensively planned and to comply with the necessary infrastructure requirements. Policy H1, which looks at the efficient use of land for housing requires residential development to conform to all policies within the Core Strategy to which this proposal does not.

A small site such as this has the potential to be unsustainable without adherence to such policy requirements, which look to seek infrastructure to support the provision of the additional dwellings within the West Hockley general location, in a comprehensively planned manner.

2. The proposal for one dwelling at a site where a previous outline application (reference 12/00586/OUT) showed that up to seven could easily be accommodated would not make the most efficient use of this site, which was only released from the Metropolitan Green Belt (MGB) as part of policy H2 of the Core Strategy 2011 West Hockley general location and policy SER3 of the Allocations Plan 2014 to meet the demand for land to address the Council's need for housing.

Policy DM2 of the Development Management Submission Document 2013 (unadopted) requires residential development to make efficient use of the site area in a manner that is compatible with the use, intensity, scale and character of the surrounding area, including potential impact on areas of nature conservation importance, and the size of the site. It is considered that the proposal does not make efficient use of this site, bearing in mind the other factors that require consideration on an individual site basis when considering density. The effect of inefficient use of land released from the MGB for residential development is to then push future housing needs to require more MGB land to be released, which would not necessarily need to be the case if the allocation sites are built out to an appropriate density, making the most effective use of land released from the MGB.

3. No tree survey has been submitted with this application. There are several trees located on and bordering the site. Many to the northern boundary are subject to Tree Preservation Order 32/92 and one, an oak tree to the north west corner of the site, was served a Tree Preservation Order (TPO/00004/14) on 10 April 2014 (T1 oak).

The proposed access and driveway is likely to be located within the Root Protection Area (RPA) of T1 oak. Due to around 0.75 – 1m difference in soil level between Church Road and the application site the Council's arborist has confirmed that it would be impossible to construct a driveway in that location without detrimentally damaging the T1 oak. With no knowledge of the precise RPA spread and resulting impacts relocation of the driveway outside of the RPA may have upon access and highway safety considerations, it is not considered that a planning condition could reasonably be imposed. Therefore such a condition would fall foul of the 'reasonable' test set out within the Planning Practice Guidance and referred to within paragraph 206 of the National Planning Policy Framework. (HPT)

**(Note:** Cllr Mrs H L A Glynn wished it to be recorded that she did not vote in favour of the above decision.)

The meeting closed at 9.05 pm.

Chairman .....

Date .....

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