

## Development Committee – 28 March 2023

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Minutes of the meeting of the Development Committee held on **28 March 2023** when there were present:-

Chairman: Cllr Mrs L Shaw  
Vice-Chairman: Cllr D S Efde

Cllr Mrs L A Butcher  
Cllr R P Constable  
Cllr J E Cripps  
Cllr A H Eves  
Cllr I A Foster

Cllr Mrs E P Gadsdon  
Cllr R Milne  
Cllr C M Stanley  
Cllr A L Williams

### **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs T D Knight and S A Wilson.

### **SUBSTITUTE MEMBERS**

Cllr M Hoy - for Cllr T D Knight  
Cllr R Lambourne - for Cllr S A Wilson

### **NON-MEMBERS ATTENDING**

Cllrs A G Cross, Mrs J E McPherson and J E Newport

### **OFFICERS PRESENT**

P Drane - Director of Place  
Y Dunn - Planning Manager  
S Worthington - Principal Democratic & Corporate Services Officer  
C Buckley - Team Leader (Development Team South)  
K Fowler - Senior Planner  
R Singh Johal - Solicitor  
J O'Brien - Corporate Services Officer

### **PUBLIC SPEAKERS**

Cllr J Jacobs - for item 8  
P Williams - for item 8

### **78 MINUTES**

The Minutes of the meeting held on 28 February 2023 were approved as a correct record and signed by the Chairman.

### **79 19/00734/FUL – LAND OPPOSITE 1 TO 10 DISRAELI ROAD, RAYLEIGH**

The Committee considered an application to erect a stable block and lay out hardstanding.

### Resolved

That the 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 complete accordance with the following approved plans: 3540-4 rev B 1 of 2, 3540-4 rev B 2 of 2.
- (3) The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed in the application, unless otherwise agreed in writing by the local planning authority.
- (4) The stable block hereby approved shall be used only as a stable block and for no other purpose. If at any stage in the future this is no longer used as a stable, or if the land edged red on drawing no. 3540-4 Sheet 2 of 2 REV B is no longer available for the grazing of horses occupying the stables hereby approved, the stable building must be removed from the site in its entirety, including footings, within 1 month of the use ceasing (or a timeframe as may be agreed in writing with the local planning authority) and return the land to its former condition including reseeded where necessary. (DP)

(5 Members voted in favour, 5 against and 3 abstained and the application was approved on the Chairman's casting vote).

### 80 22/01114/FUL – 31 BARLING ROAD, GREAT WAKERING

The Committee considered an application to demolish an existing dwelling and construct a replacement dwelling (revised design) that was deferred from this Committee on 28 February 2023 for a Members' site visit.

### Resolved

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

- (1) The development hereby permitted shall be begun before 15 December 2023 and completed within 1 year of the date of this decision notice.
- (2) The development hereby permitted shall be carried out in complete accordance with the following approved plans: 100a; 101; 102; 250a; 251a; 252a; 253a; 254a; 255a; 256a; 257a; 258a; 259.
- (3) The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed in the application, unless otherwise agreed in writing by the local planning authority.

(4) Within 3 months of the date of this decision notice, plans and particulars showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted, have been agreed in writing by the Local Planning Authority. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority, which shall show the retention of existing trees, shrubs and hedgerows on the site and include details of:-

- schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted including a minimum of three substantial trees within the front curtilage;
- areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
- paved or otherwise hard surfaced areas;
- existing and finished levels shown as contours with cross-sections if appropriate;
- means of enclosure and other boundary treatments;
- car parking layouts and other vehicular access and circulation areas

shall be implemented in its entirety during the first planting season (October to March inclusive) following commencement of the development, or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

(5) The first floor windows serving the proposed en-suite depicted in drawing no. 256a, shall be obscure-glazed and shall be of a design not capable of being opened below a height of 1.7 metres above finished floor level. Thereafter, the said windows shall be retained and maintained in the approved form.

(6) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A and B of the Town and Country Planning (General Permitted Development) Order 2015 (including any Order revoking or re-enacting that Order, with or without modification) no extensions shall be erected on any elevations of the dwelling hereby permitted.

(7) The area shown hatched on drawing no. 100a shall be the only area used as residential garden at any time. Notwithstanding the provisions of Article 3 Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) Order 2015 (including any order revoking or re-

enacting that Order, with or without modification) no outbuildings shall be erected, or otherwise provided, on any part of the site either shown hatched or the area beyond that. (DP)

(8 Members voted in favour, 3 against and 2 abstained).

### 81 23/00012/OUT – 270 EASTWOOD ROAD, RAYLEIGH

(Note: Cllr Mrs L Shaw declared a non-pecuniary interest in this item by virtue of membership of Essex County Council.)

The Committee considered an application for the demolition of an existing house and non residential structures, the creation of an improved access and erection of a care home and later living residential dwellings and associated works.

Mindful of officers' recommendation to defer the application, Members nonetheless considered that the application should be refused on the grounds of potential harm to the Green Belt, lack of sufficient information submitted with the flood risk assessment and drainage strategy and the pressure construction of the access would have on the oak tree the subject of a tree preservation order (TPO).

#### **Resolved**

That the application be refused for the following reasons:-

- (1) The application site lies within the Metropolitan Green Belt, as identified in the Rochford District Council Local Development Framework Allocations Plan. The National Planning Policy Framework (NPPF) (July 2021) at paragraph 149 sets out the general presumption against inappropriate development within the Green Belt. Such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

The development does not meet any of the exceptions outlined within paragraph 149 of the NPPF. The proposal is therefore considered to represent inappropriate development which generates harm to the Green Belt by definition. The need for specialist accommodation for older people (in the form of communal accommodation and "later living" accommodation) within the district has been assessed as to whether it represents a very special circumstance. However, in this instance, the harm identified upon the Green Belt would be considered to amount to greater weight than the demand for older persons' housing. Therefore there are not considered to be any very special circumstances that would outweigh the harm identified to the Green Belt which would be attributed substantial weight. The development would therefore be contrary to

Section 13 of the Framework, with specific reference to paragraphs 148 and 149, policy GB1 of the Core Strategy 2011 and policy DM10 of the Development Management Plan 2014.

- (2) There is a lack of sufficient information which has been submitted with the Flood Risk Assessment and Drainage Strategy. As a result, it is not possible to determine whether the development could be safely accommodated on the application site or that the development would not increase flood risk elsewhere, contrary to paragraphs 167 and 169 of the NPPF, policy ENV4 of the Core Strategy 2011 and policy DM28 of the Development Management Plan 2014.
  
- (3) The proposed development, namely the construction of the access, would result in pressure to the oak tree located on Eastwood Road which is subject to a TPO. Due to the tree's health, any additional pressure would likely expedite its decline and ultimately result in its loss. The development would therefore fail to comply with policy DM25 and the aims of the NPPF in respect of the importance of street trees. (DP)

(8 Members voted in favour of the Motion, 5 against and 0 abstained).

The meeting closed at 8.58 pm.

Chairman .....

Date .....

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