

## **Development Control Committee – 24 September 2009**

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Minutes of the meeting of the **Development Control Committee** held on **24 September 2009** when there were present:-

Chairman: Cllr S P Smith  
Vice-Chairman: Cllr P A Capon

Cllr Mrs P Aves	Cllr J R F Mason
Cllr C I Black	Cllr D Merrick
Cllr Mrs L A Butcher	Cllr Mrs J A Mockford
Cllr Mrs T J Capon	Cllr R A Oatham
Cllr T G Cutmore	Cllr J M Pullen
Cllr Mrs J Dillnutt	Cllr P R Robinson
Cllr K J Gordon	Cllr C G Seagers
Cllr J E Grey	Cllr D G Stansby
Cllr K H Hudson	Cllr M G B Starke
Cllr A J Humphries	Cllr M J Steptoe
Cllr Mrs G A Lucas-Gill	Cllr J Thomass
Cllr C J Lumley	Cllr Mrs M J Webster
Cllr Mrs J R Lumley	Cllr P F A Webster
Cllr M Maddocks	Cllr Mrs B J Wilkins

### **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs Mrs L M Cox, K A Gibbs, Mrs H L A Glynn, T E Goodwin and T Livings.

### **OFFICERS PRESENT**

S Scrutton	- Head of Planning and Transportation
J Whitlock	- Planning Manager
J Adams	- Team Leader (South)
M Stranks	- Team Leader (North)
A Law	- Solicitor
S Worthington	- Committee Administrator

### **PUBLIC SPEAKERS**

M Brebner	- Schedule item R1
S Tellis	- Schedule item 2
M Venneear	- Schedule item R4
A Thompson	- Schedule item R5
K Jennings	- Schedule item R6

### **225 MINUTES**

The Minutes of the meeting held on 20 August 2009 were approved as a correct record and signed by the Chairman.

### 226 DECLARATIONS OF INTEREST

Cllr K H Hudson declared a personal interest in item R4 of the Schedule by virtue of living in close proximity to the application site.

Cllr P A Capon declared a personal interest in item R3 of the Schedule by virtue of membership of Stambridge Parish Council and Cllr Mrs T J Capon declared a personal interest in the same item on the basis of being Chairman of Stambridge Parish Council.

The Chairman called a brief adjournment of the meeting to allow Members sufficient time to read the addendum to the Schedule of Development Applications; the meeting then re-adjourned.

### 227 SCHEDULE OF DEVELOPMENT APPLICATIONS AND ITEMS REFERRED FROM THE WEEKLY LIST

The Committee considered the schedule of development applications, together with items 09/00407/FUL, 09/00458/FUL, 09/00477/FUL and 09/00282/FUL, that had been referred from the Weekly List.

#### **Item R1 – 09/00334/FUL – Land Between 48 and 52 Waxwell Road, Hullbridge**

**(Note:** Cllr A J Humphries declared a personal interest in this item by virtue of being acquainted with the agent.)

**Proposal** – Construct detached building comprising 4 no. one-bedroomed flats with new vehicular crossovers and parking to front.

#### **Resolved**

That the application be refused for the following reasons:-

1. The level of on-site parking is considered insufficient for the number of residential units proposed and contrary to Policy TP8 of the Local Plan, which requires generally the maximum standard of 2 spaces per dwelling to be met. The lack of adequate on-site car parking spaces and siting of the on-site parking to the front of the site would lead to on-street parking away from the site, which would cause obstruction to other road users to the detriment of general highway safety.
2. The information submitted in support of the application and as contained in the Extended Phase 1 Survey carried out by Ecological Sustainability Limited and dated September 2009 identifies a suitable habitat for slow worms on the site. No survey information has been provided to establish the presence of the species and the assessment of the development upon any resident populations that might be found. As such the Local Planning Authority cannot be satisfied that the

proposed development would not have any adverse impact on protected species. (HPT)

### **Item 2 – 09/00382/FUL – 36 High Road, Rayleigh**

**Proposal** - Demolish existing dwelling and construct part two-storey, part three-storey building containing 14 no. two-bedroomed flats with parking and amenity areas. Access from Ridgeway, close existing vehicular access from High Road.

During debate Members considered that the development of 2 bed units in this location should provide 2 car parking spaces per unit, given Policy TP8; they also concurred that there would be merit in adding Rayleigh House to the Council's Local List and in exploring future possibilities for protecting historic buildings.

### **Resolved**

That the application be refused for the following reasons:-

1. The layout of the development would give rise to unreasonable overlooking conditions over the private garden amenity space of No. 34 High Road immediately to the north of the site to the detriment of the expectations that occupiers of these dwellings ought reasonably expect to enjoy and contrary to saved Policy HP6 of the Council's adopted Local Plan (2006).
2. The survey information provided by the applicants indicates that bats are using habitats that would be affected by the proposal and insufficient information has been provided to demonstrate how the impact of the proposal on this protected species will be adequately mitigated. In the absence of this information it is considered that the proposed demolition of the existing building and the development of the site, as proposed, would be likely to have an adverse impact upon legally protected species and therefore considered to be contrary to the advice contained in Planning Policy Statement 9 Biodiversity and Geological Conservation.
3. The submitted arboricultural assessment that accompanies the proposal contains insufficient information to demonstrate how the proposal impacts on the existing preserved and retained trees. In the absence of such information the Local Planning Authority is not able to assess whether any adverse impact to the protected and retained trees will be suitably mitigated.
4. The level of on-site parking is considered insufficient for the number of 2-bed residential units proposed and contrary to Policy TP8 of the Local Plan, which generally requires the maximum standard of 2 spaces per dwelling to be met. The lack of adequate on-site car

parking spaces would lead to on-street parking causing obstruction to other road users to the detriment of general highway safety. (HPT)

### **Item R3 – 09/00407/FUL – Stambridge United Football Club, Stambridge Road, Stambridge**

**Proposal** – Construct 2 no. shelters adjoining playing pitch.

Mindful of officers' recommendation for approval, Members nevertheless considered that the application should be refused on the grounds that the application would be detrimental to the character, visual amenity and openness of the Green Belt and were not essential for the secondary use of the land.

#### **Resolved**

That the application be refused for the following reasons:-

1. There is insufficient information provided as to the finished design of the proposed shelters.
2. The proposed brick built shelters will be detrimental to the visual amenity, openness and character of the Green Belt.
3. The applicant has failed to demonstrate that brick built shelters are essential for the secondary use of this Green Belt land as a football pitch.
4. The proposed open sided shelters in this remote location on this site will encourage vandalism and other inappropriate activities not in keeping with the primary use of the land. (HPT)

### **Item R4 – 09/00458/FUL – Willow Pond Farm, Lower Road, Hockley**

**Proposal** – Detached four-bedroomed bungalow showing constructed void/cellar as foundation requirements.

Mindful of officers' recommendation for refusal, Members nevertheless considered that the application should be approved on the grounds that the applicant had demonstrated very special circumstances due to the unique ground conditions experienced to outweigh the normal presumption against inappropriate development within the Metropolitan Green Belt.

#### **Resolved**

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

- 1 SC4 Time
- 2 SC44 Agricultural Occupancy
- 3 The three mobile homes located on the site shall be removed from the site within 3 calendar months of the occupation of the dwelling hereby approved.
- 4 SC6 Alternative Development
- 5 SC17 PD Restricted Extensions
- 6 No habitable accommodation shall be provided within the roof area to create further accommodation within the roof space to the dwelling hereby approved. The dwelling shall be limited to the extent of the habitable floor space, as shown on the approved drawing Nos. 3 B, 2 C and 4, as received on 5 August 2009.
- 7 SC91 Foul Drainage
- 8 SC18 PD Restricted Outbuildings

**REASON**

The unusual finding of buried caravans and the consequent, necessary revised foundation design, together with the use of the cellar to provide extensive storage to avoid the visual impact of residential paraphernalia, such as sheds and fuel storage, amount to very special circumstances to outweigh the normal presumption against inappropriate development within the Metropolitan Green Belt. (HPT)

**Item R5 – 09/00477/FUL – 16 Eastern Road, Rayleigh**

**Proposal** – Construct detached four-bedroomed bungalow with detached garage and access drive.

Mindful of officers' recommendation for approval, Members nevertheless considered that the application should be refused on the grounds that the application constituted an over-development of an area of backland.

**Resolved**

That the application be refused for the following reason:-

The development would represent over-development of an area of backland resulting in a loss of openness that would be out of character with the more spacious pattern of prevailing development of the area. (HPT)

**Item R6 – 09/00282/FUL – Land North of Sunnyview, Old London Road, Rawreth**

**Proposal** – Retain storage container and three portacabin changing facilities.

**Resolved**

That the application be approved, subject to the conditions outlined in the Schedule and the following additional condition:-

3. SC48 Permission limited to a period of three years. (HPT)

**(Note:** Cllr R A Oatham wished it to be recorded that he voted against the above decision).

The meeting closed at 9.45 pm.

Chairman .....

Date .....

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