

Development Control Committee – 21 April 2009

Minutes of the meeting of the **Development Control Committee** held on **21 April 2009** when there were present:-

Chairman: Cllr S P Smith
Vice-Chairman: Cllr D Merrick

Cllr Mrs P Aves	Cllr M Maddocks
Cllr C I Black	Cllr J R F Mason
Cllr Mrs L A Butcher	Cllr Mrs J A Mockford
Cllr P A Capon	Cllr R A Oatham
Cllr Mrs T J Capon	Cllr J M Pullen
Cllr J P Cottis	Cllr C G Seagers
Cllr Mrs L M Cox	Cllr D G Stansby
Cllr T G Cutmore	Cllr M G B Starke
Cllr K A Gibbs	Cllr M J Steptoe
Cllr Mrs H L A Glynn	Cllr Mrs M J Webster
Cllr K J Gordon	Cllr P F A Webster
Cllr K H Hudson	Cllr Mrs C A Weston
Cllr Mrs G A Lucas-Gill	Cllr Mrs B J Wilkins
Cllr C J Lumley	

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs Mrs R Brown, M R Carter, T E Goodwin, J E Grey, A J Humphries, T Livings, Mrs J R Lumley, P R Robinson and J Thomass.

OFFICERS PRESENT

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

PUBLIC SPEAKING

Mr S Bird – Referred Item R2

95 MINUTES

The Minutes of the meeting held on 26 March 2009 were approved as a correct record and signed by the Chairman.

96 DECLARATIONS OF INTEREST

Cllr S P Smith declared a personal interest in item R2 of the schedule by virtue of being acquainted with the objector.

Cllr K A Gibbs declared a personal interest in item 5 of the schedule by virtue

of one his relatives living in close vicinity to the application site.

Cllrs C I Black, J P Cottis and Mrs H L A Glynn each declared a personal interest in item 4 of the schedule by virtue of ownership of plots at the cemetery.

97 SCHEDULE OF DEVELOPMENT APPLICATIONS AND RECOMMENDATIONS / ITEMS REFERRED FROM THE WEEKLY LIST

The Committee considered the schedule of development applications, together with items 09/00054/FUL, 09/00077/OUT, 09/00085/FUL and 09/00024/COU, which had been referred from the Weekly List.

Item D1 – 00048/FUL – Asda, Priory Chase, Rayleigh

Proposal – Construct wall to enclose service area beneath service area canopy.

Resolved

That the application be approved, subject to the conditions outlined in the schedule. (HPT)

Item R2 – 09/00054/FUL – 18 Eastern Road, Rayleigh

Proposal – Construct detached four bedroomed house with attached single storey garage and construct new vehicular crossing and access.

Mindful of officers' recommendation for approval, Members nevertheless considered that the application should be refused on the grounds that the proposed building constituted an over-development of the site, was bulky and would result in a loss of visual amenity for nearby residents and would result in overlooking.

Resolved

That the application be refused for the following reasons:-

- 1 The proposed dwelling, positioned forward in advance of the others in the street, given its bulk, siting and height on this restricted plot, would be visually intrusive in the street scene and constitute an over-development of the site. This is compounded by the awkward residual arrangement indicated for 18 Eastern Road, whereby the amenity space relies on the existing open front garden immediately in front of the principal street aspect of the dwelling being screened off as a private garden space and resulting in a diminution of this principal street aspect of the dwelling.

- 2 The proposed two storey house would result in overlooking and a loss of privacy for adjoining residents, reducing the level of amenity they currently enjoy, particularly the occupiers of 2 Kingswood Chase.
(HPT)

Item R3 – 09/00077/OUT – Land at South End of Rochford Business Park, Cherry Orchard Way, Rochford

Proposal – Construct single storey drive through to provide A3/A5 use for the sale of food or drink for consumption on or off the premises.

Mindful of officers' recommendation to refuse the application, Members nevertheless considered that the application should be approved on the grounds that very special circumstances had been demonstrated that outweighed the site's designated allocation for employment uses B1, B2 and B8, as set out in Policy EB1.

Resolved

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

- 1) No development shall commence, before plans and particulars showing precise details of the layout, appearance and landscaping of the development hereby permitted (hereinafter called the "Reserved Matters"), have been submitted to and agreed in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

REASON: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable the Local Planning Authority to secure an orderly and well designed development in accordance with the character of the locality.

- 2) Application for approval of all "Reserved Matters" referred to in Condition 1 above shall be made to the Local Planning Authority before the expiration of three years from the date of this planning permission. The development hereby permitted shall be begun before the expiration of three years from the date of this permission or two years from the date of the final approval of "Reserved Matters", whichever is the later.

REASON: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3) No development shall commence before details of all external facing (including windows and doors) and roofing materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Such materials as may be agreed in writing by the

Local Planning Authority shall be those used in the development hereby permitted.

REASON: To enable the Local Planning Authority to retain adequate control over the appearance of the building, in the interests of amenity.

- 4) No development shall commence before details of a mechanical fume extraction system to be provided to the kitchen area to the building hereby approved have been submitted to the Local Planning Authority. The development shall be implemented in accordance with such details as may be agreed by the Local Planning Authority. Thereafter, any such plant/equipment shall be retained and shall only operate in accordance with the manufacturer's instructions and as approved in writing by the Local Planning Authority while the premises are used for the purpose authorised by this permission.

REASON: To enable the Local Planning Authority to retain adequate control over the means of fume extraction, in the interests of visual amenity and amenity more generally.

- 5) The development hereby permitted shall not open for trading / business before provision has been made within the site for the parking of customer and staff vehicles and the provision of loading, servicing and circulation and manoeuvring areas forming part of the layout of the site in accordance with details to be submitted as "Reserved Matters" pursuant to condition 1 above.

REASON: In order to ensure the development is served by adequate off street parking and manoeuvring areas to serve the use approved in the interests of highway safety and the free flow of traffic on the adjoining streets.

REASON FOR DECISION

The applicant has demonstrated very special circumstances, by way of proposing to create significant additional employment and providing an on-site facility for businesses within the vicinity, furthering the aims of Policy TP1 – Sustainable Transport to the Council's adopted Local Plan (2006).

The proposal is considered to result in exceptional job creation opportunities and in this case is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area, to the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers in neighbouring streets. (HPT)

Item 4 – 09/00057/COU – The Lawn, Cemetery, Hall Road, Rochford

Proposal – Change of use of land from agricultural to cemetery.

Resolved

That the application be approved, subject to the conditions outlined in the schedule. (HPT)

Item 5 – 09/00032/OUT – Site of 9 and 11 Bull Lane, Rayleigh

Proposal – Demolish existing bungalows and construct part two storey, part three storey building comprising 5 no. one-bedroomed flats and 14 no. two-bedroomed flats with access onto Highfield Crescent and associated parking and amenity areas.

Resolved

That the application be refused for the reasons outlined in the schedule. (HPT)

Item R6 – 09/00085/FUL – Land Rear of 16 to 24 Kingswood Crescent, Rayleigh

Proposal – Construct detached three bedroomed bungalow with attached garage to rear of No. 16 and construct access driveway.

Mindful of officers' recommendation for approval, Members nevertheless considered that the application should be refused on the grounds that the proposed building constituted an over-development of the site, would result in a loss of visual amenity for nearby residents and would set a precedent.

Resolved

That the application be refused for the following reasons:-

In conjunction with the extant planning permission granted under 08/00403/FUL for the adjoining site, the proposal, by way of introducing an additional bungalow, would represent the over-development of an area of backland resulting in a loss of openness which would be out of character with the more spacious pattern of prevailing pattern of development in the area. If allowed, the proposal would be visually intrusive to the outlook of the occupiers of the surrounding dwellings, giving rise to a significant detrimental impact on their residential amenity and would, moreover, set a precedent for further development. (HPT)

Item R7 – 09/00024/COU – 33a Eastwood Road, Rayleigh

Proposal – Change of use involving internal alterations and alteration to first floor rear elevation fenestration pattern to provide 9 no. one-bedroomed flats and 3 no. two-bedroomed flats.

Mindful of officers' recommendation for approval, Members nevertheless considered that the application should be refused on the grounds that it failed to meet the Council's parking requirements and contravened Policies 1.1 and 7, appendix G of the Essex Local Transport Plan 2006/2011.

Resolved

That the application be refused for the following reason:-

There is no parking provision for the residential development proposed contrary to TP8, resulting in increased pressure for parking within the site where space is limited, thereby leading to possible congestion and conflict with existing users and vehicle movements at the access onto Websters Way and displacement of vehicles onto the highway to the detriment of highway safety. In addition, it may well lead to vehicles being parked within the public car parks which would reduce the available space for shoppers and others in the town centre and potentially lead to displaced parking onto the highway network causing obstruction to other road users to the detriment of general highway safety. (HPT)

The meeting closed at 9.15 pm.

Chairman

Date

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