

COUNCIL - 24 April 2001

Minutes of the meeting of the **Planning Services Committee** held on **8 March 2001** when there were present:

Cllr R E Vingoe – Chairman

Cllr R Adams	Cllr C C Langlands
Cllr R S Allen	Cllr V H Leach
Cllr R A Amner	Cllr T Livings
Cllr Mrs R Brown	Cllr J R F Mason
Cllr P A Capon	Cllr G A Mockford
Cllr T G Cutmore	Cllr C R Morgan
Cllr D F Flack	Cllr Mrs L I V Phillips
Cllr K A Gibbs	Cllr S P Smith
Cllr Mrs J M Giles	Cllr M G B Starke
Cllr Mrs H L A Glynn	Cllr Mrs W M Stevenson
Cllr J E Grey	Cllr Mrs M J Webster
Cllr D R Helson	Cllr P F A Webster
Cllr Mrs J Helson	Cllr D A Weir
Cllr Mrs L Hungate	Cllr Mrs M A Weir

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs D M Ford, Mrs J E Ford, G Fox, Mrs J Hall, A Hosking, Mrs S J Lemon and P D Stebbing.

OFFICERS PRESENT

S Scrutton	-	Head of Planning Services
A Bugeja	-	Head of Legal Services
J Whitlock	-	Planning Manager
K Steptoe	-	Team Leader (Development Control)
M Mann	-	Team Leader (Development Control)
J Bostock	-	Principal Committee Administrator

93 MINUTES

The Minutes of the meeting held on 8 February 2001 were approved as a correct record and signed by the Chairman, subject to including that Councillors Mrs R Brown, V H Leach and Mrs L I V Phillips wished to be recorded as voting against Schedule Item D5.

94 DECLARATIONS OF INTERESTS

Members interests relating to the schedule of development applications and recommendations were received as follows :-

Item 1 – Councillors Mrs J M Giles, Mrs H L A Glynn and V H Leach each declared non-pecuniary interests by virtue of knowing the applicant. Councillor R E Vingoe declared a non-pecuniary interest by virtue of having served on the same Council as the applicant.

Item 3 – Councillor J E Grey declared a non-pecuniary interest in this item and left the meeting during its consideration.

Items 5 & 6 – Councillor Mrs H L A Glynn declared a non-pecuniary interest in these items by virtue of membership of the Couch Harbour Authority.

95 PLANNING USERS CONCORDAT

The Committee considered the report of the Head of Planning Services on a request from the Local Government Association that the Council formally adopt their “planning users” concordat.

During debate some Members expressed concern at the suggested principle of introducing arrangements to allow public speaking at Planning Committee Meetings. It was observed that frequently there were different groups of people both for and against proposals and that such an arrangement could lengthen meetings. Logically, the Authority may have to consider whether such an arrangement should be in place for all its Committees.

Other Members drew attention to the possibilities identified in the concordat as being seen in the spirit of the modernising Agenda and that, by their semi-judicial nature, planning committees were different to other committees.

Responding to Member questions, the Head of Planning Services advised that the Authority could agree to the principle of the concordat without having to agree to specific elements.

The Chairman observed that any proposals involving current Council policy would need to be considered by the Council's Planning Policy Sub-Committee in the first instance.

On a Motion moved by Councillor P F A Webster and seconded by Councillor Mrs H L A Glynn it was:-

Resolved

That the Local Government Association be advised that this Local Planning Authority's current procedures are in line with the principles of the concordat. (HPS)

**96 BREACH OF PLANNING CONTROL AT SUTTON BRIDGE FARM,
SUTTON BRIDGE ROAD, ROCHFORD**

The Committee considered the report of the Head of Planning Services on the non-compliance with conditions attached to Planning Permission CU/0208/98/ROC.

Resolved

That the Corporate Director (Law, Planning & Administration) be authorised to take all necessary action including the issue of Notices and action in the courts to secure the remedying of the breach of planning control reported. (HPS)

**97 SCHEDULE OF DEVELOPMENT APPLICATIONS AND
RECOMMENDATIONS**

The Committee gave consideration to the current Schedule of Planning Applications.

Item 1 – 00/00892/OUT – Westview, Church Road, Hockley

Proposal – Residential Development (15 units of which 10 units to constitute affordable housing)

Resolved

That the application be refused planning permission for the reasons stated in the Schedule.

Note

Councillor Mrs H L A Glynn wishes it to be recorded that she had voted against the above decision.

Item 2 – 00/00870/SUL – Websters Court, Websters Way, Rayleigh

Proposal – Erect 4 Storey Block of 17 Flats (7 Two Bed and 10 One Bed) at First, Second and Third Floor with 3 Units for Commercial/Office (Class A1, A2 or B1) use at Ground Floor. Layout car parking.

Resolved

That the application be approved subject to the conditions set out in the Schedule and the following additional conditions:-

SC90 Surface Water Drainage
SC91 Foul Water Drainage

Item 3 – 00/00775/FUL – The Weir Public House, Arterial Road, Rayleigh

Proposal – Erect Two Storey 49 Bed Hotel, External alterations to Public House, Demolish children’s Play Building, Raise Roof Over New Kitchen Area, alter Car Park Layout (remove decorative features, reduce spaces to 109 and install satellite dish)

Resolved

That this application be deferred for further consideration of parking provision.

Item 4 – 01/00086/GD – Bullwood Hall Prison

Proposal – Installation of “S Wire” security feature to inside top of existing security fence

Resolved

That no objections be raised to this proposal.

Item 5 – 00/00735/FUL – Land Adjacent Temple Lodge, Sutton Road, Rochford

Proposal – Erect glasshouses, layout land with access roadways, vehicle parking and turning areas in connection with the use of land as nursery (resubmission with amended layout following F/0397/96/ROC)

Resolved

That the application be approved subject to the completion of a Legal Agreement and conditions as set out in the Schedule.

Item 6 – 01/00054/FUL – Land at Brandy Hole located east of Hullbridge, Kingsmans Farm Road, Hullbridge, Essex

Proposal – Improvement to the tidal defences at Brandy Hole, habitat creation, amend footpath no. 9, temporary access to the works

Resolved

That the application be approved subject to the conditions set out in the Schedule and:-

Amplification of Condition 4 to read:-

“No development shall commence before a detailed survey has been undertaken to establish the presence and quantity of any wildlife interests within the application site and the surrounding area. Such a survey shall detail the location, species and quantity of the flora and fauna found in the locality with a particular emphasis on the two freshwater ponds (which are within the proposed habitat creation area). Following such a survey a mitigation strategy shall be prepared (including a timetable of works) and this will be submitted to and approved in writing by the Local Planning Authority before development commences. In respect of this condition the developer attention is drawn to the requirements of the Wildlife & Countryside Act 1981.”

Condition 8 to read:-

“The proposed habitat creation works (the compensatory measures), shall be provided fully in accordance with a scheme which shall have been approved in writing by the Local Planning Authority previously, commensurate with the tidal defence works hereby approved.”

Note: This application has been referred to the Secretary of State and he has 21 days to decide whether or not to direct the Authority not to issue a decision notice. Until this period has lapsed, the Authority cannot issue a decision notice.

Item 7 – 01/00048/CM – Land at Bartons Farm, Lower Road, Hockley

Proposal – Excavate clay materials for use by Environment Agency (only) for improvements to tidal flood defences and creation of a lake

Resolved

That the County Council be informed that this Council has no objections to the proposal subject to the comments set out in the Schedule.

Exclusion of the Press and Public

Resolved

That under Section 100A(4) of the Local Government Act 1972, the Press and Public be excluded from the meeting for the remaining business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 12 of Part 1 of Schedule 12A of the Act.

98 **2-4 SOUTHEND ROAD, HOCKLEY**

Note The Chairman admitted this item as urgent in view of the receipt of an appeal and the timescale for submission of a statement of case.

Members received a presentation from the Head of Planning Services which outlined his concerns about the ability of the Local Planning Authority to sustain a credible defence of the reasons for refusal of this application (00/00571/FUL). This was supported by the responses received from independent highway consultants recently approached to advise on the Council's position.

It was understood that an Appeal had been lodged with the Secretary of State and, subject to the receipt of documentation from the Planning Inspectorate, the Authority would have 6 weeks to prepare its case. However, since the decision was taken to refuse the application, an Appeal decision had been received in respect of a proposal for a change of use to a shop premises in Rayleigh. In that case, the appellants had successfully sought a cost award against the Authority and the Inspector concluded that the evidence produced by the Council failed to substantiate its reasons for refusal and failed to show clearly why the development should not be permitted.

The Head of Planning Services indicated that he was extremely concerned that a similar situation would occur if the Southend Road application was to be considered at an Appeal and it would be unwise to proceed with an appeal if this could be avoided.

In discussing this matter, and being mindful of the advice, Members were of the view that the reasons given to refuse the application were not clear and substantial and the Authority would not be in a position to produce relevant evidence to support their decision. In these circumstances a cost award against the Authority would be likely. Taking all these issues into account, the Committee considered that it was appropriate to review their original decision and that the applicants should be given an opportunity to resubmit the application on this basis.

RESOLVED

- (1) That a planning approval based on the previously submitted proposal be agreed in principal.
- (2) That the applicants be invited to re-submit the application.

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- (3) That the decision be delegated to the Head of Planning Services in consultation with the Chairman and Vice-Chairman of Planning Services Committee and Ward Members.

The Meeting closed at 9.30pm

Chairman

Date