

**MINUTES OF A MEETING OF THE DEVELOPMENT AND REGULATION  
COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON  
22 FEBRUARY 2013**

**Present**

Cllr N Edey (Chairman)  
Cllr W Dick  
Cllr R Boyce  
Cllr M Garnett  
Cllr S Hillier

Cllr M Mackrory  
Cllr M Miller  
Cllr D Morris  
Cllr I Pummell  
Cllr C Riley

**1. Apologies and Substitution Notices**

Apologies were received from Cllr T Higgins (substituted by Cllr Mackrory), Cllr J Reeves (substituted by Cllr Riley), Cllr I Grundy and Cllr G McEwen.

**2. Minutes**

The Minutes and Addendum of the Committee held on 25 January 2013 were agreed and signed by the Chairman.

**3. Matters Arising**

There were no matters arising

**4. Declarations of Interest**

There were no declarations of interest

**5. Identification of Items Involving Public Speaking**

The persons identified to speak in accordance with the procedure were identified for the following item:

The erection and use of a hammer cage  
Castle View School, Foksville Road, Canvey Island, Essex, SS8 7AZ

Public speakers: Mrs Sally Collins speaking for.

**Minerals and Waste**

**6. Castle View School**

The Committee considered report DR/06/13 by the Assistant Director Sustainability, Environment and Enterprise.

The Committee was advised that the proposal was to seek approval for the erection and use of a hammer cage.

One error was noted in the papers: that the distance between the proposed development and the nearest residential properties to the site, Venables Court, should be 110 metres (not 25 metres, as indicated in paragraph 3 under The Impact on Residential Amenity).

Policies relevant to the application were detailed in the report.

Details of Consultation and Representations received were set out in the report.

The Committee noted the key issues that were:

- Need
- Impact on Residential Amenity
- Landscape and Visual Impact
- Flood Risk.

In accordance with the protocol on public speaking the Committee was addressed by Mrs Sally Collins.

Mrs Collins said:

- The school acknowledged the Committee's concerns about the impact on residential properties and had worked hard to maximise the distances involved
- Now the nearest property under commercial use was 60 metres away and she confirmed the 110 metres to Venables Close
- The cage was an essential sports facility for the school.

Members noted that the school's response to the Committee's rejection of their former application had been very positive.

Following brief discussion the resolution was moved, seconded and unanimously agreed and

**Resolved:**

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission be **granted** subject to conditions covering the following matters:

1. COM1 – Commencement within 3 years.
2. COM3 - Compliance with submitted details.

## **Village Green**

### **7. Coombe Wood, Thundersley**

The Committee considered report DR/07/13 by the County Solicitor.

Members considered an application made by Mrs Eileen Elizabeth Peck to register land at Coombe Wood, Thundersley, Essex as a town or village green

pursuant to the provisions of Section 15 of the Commons Act 2006 (“the 2006 Act”).

The Committee noted:

- This application refers to an area that had been included as part of a previous application, the other part to the south having been successfully registered as VG245
- A non-statutory public local inquiry has been held and the Inspector's report was attached as Appendix 1 in the agenda for information
- Following the Inspector's Report, the objector had entered into discussions with the applicant concerning a possible reduction of the area to be registered. However, this had produced no outcome, and no further representations had been received from either party.

Following the presentation, which included photographs and detailed maps of the application land and surrounding neighbourhood, the recommendation to accept the application was moved, seconded and unanimously agreed and

**Resolved:**

1. The inspector's recommendation of the relevant locality, neighbourhood and his analysis of the evidence in support of the application is accepted.
2. The inspector's recommendation that the application made by Mrs Peck dated 25 July 2008 is accepted for the reasons set out in the inspector's report and in summary in report DR/07/13.
3. The land shown on the front of report DR/07/13 as applied for is added to the Register of Town and Village Greens.

**8. “Mill Lane Green”, Walton on the Naze**

The Committee considered report DR/08/13 by the County Solicitor.

The Committee noted:

- A non-statutory public local inquiry has been held and the Inspector's report was attached as Appendix 1 in the agenda for information
- For the reasons set out in the inspector's report and in summary in report DR/08/13 the inspector recommended refusal as the evidence did not justify registration of a town or village green because the criteria in section 15(2) of the Commons Act 2006 are not met.
- Further representations were made by the applicant and a Mr Naylor following the Inspector's Report. These are shown at Appendix 4 and as part of the tabled Addendum and its attachment Appendix 6. The inspector had commented on the points raised and his comments were at Appendix 5 and Appendix 7 which was also attached to the Addendum.
- The land is not currently being maintained by Tendring District Council, following a request by the owner; there is a likelihood that it may be developed.

Following the presentation, which included photographs and detailed maps of the application land, the locality area and the neighbourhood, the recommendation to reject the application was moved, seconded and following a vote with 8 in favour, 1 against, and 1 abstention, it was:

**Resolved:**

1. The neighbourhood shown on Appendix 2 is accepted as the neighbourhood within the locality for the application;
2. The boundary of the identified locality of the ecclesiastical parish of Walton on the Naze shown by the solid line on Appendix 3 is accepted|;
3. The inspector's analysis of the evidence in support of the application is accepted and his recommendation that the application made by Diana Humphreys dated 11<sup>th</sup> April 2011 is rejected because firstly, the use of the land was interrupted so it was not continuous during the claimed 20 year period and secondly, maintenance by Tendring District Council had to be assumed to be under a relevant statutory power which was section 9 Open Spaces Act 1906 and/or section 164 Public Health Act 1875 which meant that use of the land for recreational purposes was 'by right' and not 'as of right'.

**Information Items**

**9. ROMPs**

The Committee considered report DR/09/13, detailing the current status of the MPA's programme of Periodic Reviews of old mineral planning permissions.

The Committee **NOTED** the report, and the amendment set out in the Addendum to the meeting, as circulated.

**10. Statistics February 2013**

The Committee considered report DR/10/13, Applications, Enforcement and Appeals Statistics, as at end of the previous month, by the Assistant Director Sustainability, Environment and Enterprise.

The Committee **NOTED** the report

**11. Date and Time of Next Meeting**

The Committee noted that the next meeting will be held on Friday 22 March 2013 at 10.30am in Committee Room 1.

There being no further business the meeting closed at 11.20am.

Chairman