



**MINUTES of
COUNCIL
29 AUGUST 2019**

PRESENT

Chairman	Councillor R G Boyce MBE
Vice-Chairman	Councillor Mrs P A Channer, CC
Councillors	E L Bamford, Miss A M Beale, M G Bassenger, M F L Durham, CC, M R Edwards, A S Fluker, B E Harker, M S Heard, M W Helm, A L Hull, K W Jarvis, J V Keyes, K M H Lagan, C Mayes, C P Morley, C Morris, S P Nunn, N G F Shaughnessy, R H Siddall, W Stamp, Mrs J C Stilts, C Swain, Mrs M E Thompson and Miss S White

340. CHAIRMAN'S NOTICES

The Chairman referred to the list of notices on the agenda.

341. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors V J Bell, R P F Dewick and N Skeens.

342. DISCLOSURE OF INTEREST

Councillor M F L Durham disclosed a non-pecuniary interest as a Member of Essex County Council and a non-pecuniary interest in relation to consultancy work he carried out for Calvert Communications who had also worked for Countryside Properties. Councillor Durham advised that he had never worked for Countryside Properties and the Monitoring Officer had confirmed that he did not have a pecuniary interest in Agenda Item 5 - OUT/MAL/15/00419 – Land at Broad Street Green Road, Maypole Road and Langford Road, Great Totham / Heybridge, Essex – Planning Appeal Progress. However, in the interest of openness and transparency he would remain in the chamber but not vote on this matter.

Councillor C Morris disclosed a non-pecuniary interest as a member of Heybridge Parish Council.

Councillor Mrs P A Channer disclosed a non-pecuniary interest as a Member of Essex County Council.

Councillor R H Siddall disclosed a non-pecuniary interest being a Ward Member for Great Totham.

Councillor M R Edwards disclosed a non-pecuniary interest as a member of Heybridge Parish Council.

Councillor J V Keyes disclosed a non-pecuniary interest as a Parish Councillor and Ward Member.

343. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

Following agreement of the above and in response to a question the Senior Solicitor advised of the reasons why the report relating to Agenda Item 5 - OUT/MAL/15/00419 – Land at Broad Street Green Road, Maypole Road and Langford Road, Great Totham / Heybridge, Essex – Planning Appeal Progress had been brought forward for consideration in private session.

344. OUT/MAL/15/00419 - LAND AT BROAD STREET GREEN ROAD, MAYPOLE ROAD AND LANGFORD ROAD, GREAT TOTHAM/HEYBRIDGE, ESSEX - PLANNING APPEAL PROGRESS

In accordance with Procedure Rule No. 13 (3) Councillor C Morris requested a recorded vote in relation to this item of business. This was duly seconded.

The Council considered the report of the Director of Strategy, Performance and Governance providing advice to Members on the progress of the appeal in relation to a hybrid planning application - OUT/MAL/15/00419 - Land at Broad Street Green Road, Maypole Road and Langford Road, Great Totham / Heybridge, which included up to 1,138 dwellings, a 12- bed care home and a primary school. The report provided Members with advice regarding the reasons for refusal, its sustainability and Appendix 1 to the report provided guidance from Counsel regarding the refusal.

The Leader of the Council proposed that the recommendation as set out in the report be agreed. This was duly seconded.

Following the Officers' presentation of the report the Senior Solicitor took Members through the advice received from Counsel and provided further detailed legal advice.

A lengthy debate ensued during which Members discussed the planning application and decision by the Council in February 2019 to refuse permission, Counsel and legal advice given, and the appeal process.

In response to a question from the Chairman regarding the declaration made earlier by Councillor M F L Durham and voting, the Senior Solicitor advised that by excluding himself from the vote Councillor Durham should be recorded as an abstention.

The Chairman then put the proposal in the name of the Leader of the Council to accept the recommendation as set out in the report that the reason for refusal in relation to this planning application should not be defended at appeal. The voting was as follows:

For the recommendation:

Councillors E L Bamford, M G Bassenger, Miss A M Beale, R G Boyce, Mrs P A Channer, A S Fluker, B E Harker, M S Heard, M W Helm, A L Hull, K W Jarvis, J V Keyes, K M H Lagan, C Mayes, C P Morley, S P Nunn, N G F Shaughnessy, R H Siddall, W Stamp, J Stilts, C Swain, Mrs M E Thompson and Miss S White.

Against the recommendation:

Councillor M R Edwards.

Abstentions:

Councillor M F L Durham and C Morris.

RESOLVED that the reason for refusal in relation to planning application OUT/MAL/15/00419 - Land at Broad Street Green Road, Maypole Road and Langford Road, Great Totham / Heybridge, Essex not be defended at appeal.

There being no further items of business the Chairman closed the meeting at 8.40 pm.

R G BOYCE MBE
CHAIRMAN