
16/00162/FUL**LAND AT THE JUNCTION OF RAWRETH LANE AND
HULLBRIDGE ROAD, RAYLEIGH****CONSTRUCT NEW ROUNDABOUT****APPLICANT: PHASE 2 PLANNING AND DEVELOPMENT LTD****ZONING: METROPOLITAN GREEN BELT****PARISH: RAYLEIGH TOWN COUNCIL****WARD: DOWNHALL AND RAWRETH****1 BACKGROUND**

- 1.1 The above application is to a site at the north western side of the junction between Hullbridge Road and Rawreth Lane. The site is predominantly grazing land associated with Lubbards Farm and bounded to the highway by a 2 m – 3m high hedge.
- 1.2 An application for the provision of a new roundabout junction improvement taking in some 0.897ha of land from the adjoining field corner was reported to this Committee on 22 March 2016 and was approved, subject to the applicants and owners entering into an agreement under section 106 of the Act to the following heads of terms:-
 - a) Details for the provision of an area clear of the highway for the parking of operatives' vehicles and the storage materials of plant and construction vehicles to be used for the duration of the construction period.
- 1.3 No further issues were raised by outstanding consultees that required additional clauses to the agreement. Permission was granted, subject to 12 No. conditions covering various matters.
- 1.4 The applicants and officers have reconsidered the need for the agreement in favour of an alternative planning condition that would avoid the delay and complications to prepare a legal agreement . Instead, officers consider that a more simple alternative condition would be preferable and that would also be easier to enforce. This report has brought back the matter primarily to update Members, but to clarify that the requirements of the agreement can instead be met by a further condition being added to the decision notice yet to be issued.

2 RECONSIDERATION

- 2.1 The purpose of the clause was to achieve the provision of an area of land to ensure contractors' vehicles, other equipment and materials would not obstruct the highway during construction periods, particularly as the junction would need to continue to function during the construction period.
- 2.2 The Community Infrastructure Regulations set out three main tests such obligations must satisfy and are namely:-
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 2.3 Class A to Part 4 to Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 grants permission to land forming a site and adjoining land for the provision of buildings, structures, works, plant or machinery required temporarily in connection with and for the duration of operations subject to the requirements that such development is removed and land reinstated when those operations have been carried out. In this respect the requirement for an agreement would not be necessary and would not fairly and reasonably relate in scale and kind to the development.
- 2.4 The County Council's highway officers have also commented informally that, in their opinion, there is sufficient land contained within the site to accommodate the construction activity. District officers therefore consider, on reflection, that instead of an agreement an additional condition can be included to the decision to require the applicants to submit a construction management plan to demonstrate the provision of areas within the site to be available for the storage of plant, materials and operatives' parking. Such a condition would also be easier to enforce through a breach of condition notice for which there is no right of appeal that would in the event of non-compliance lead to action being taken directly in the courts. The applicants are in agreement with the use of a condition that would provide a management plan, which is standard construction practice and can be more easily understood.

3 CONCLUSION

- 3.1 The requirement of the legal agreement to secure the provision of accommodation works to provide storage and parking would be better served by an additional condition to the grant of permission.

4 REVISED RECOMMENDATION

- 4.1 It is proposed that the Committee **RESOLVES**

That planning permission be approved, subject to the previous conditions and the following additional head of condition:-

- (13) Prior to the commencement of the development the applicant shall submit to the Local Planning Authority a construction management plan to demonstrate the provision of areas within the applicant's control for the provision of the storage of materials, plant, equipment and operatives' parking. The development shall be implemented in accordance with such details as may be agreed.

REASON: To ensure that on street parking of materials, vehicles, plant and equipment does not occur in the interests of highway safety and the free flow of traffic.

PRE-COMMENCEMENT REASON: The construction management plan is required to be agreed prior to the commencement of the development in order that the development be implemented in a manner likely to minimise disruption to the free flow of traffic from the outset.



Shaun Scrutton

Managing Director

Relevant Development Plan Policies and Proposals

Rochford District Council Local Development Framework Allocations Plan (Adopted 25 February 2014)

Rochford District Council Local Development Framework Core Strategy (Adopted December 2011)

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Rochford District Council Local Development Framework Development Management Plan (Adopted 16 December 2014)

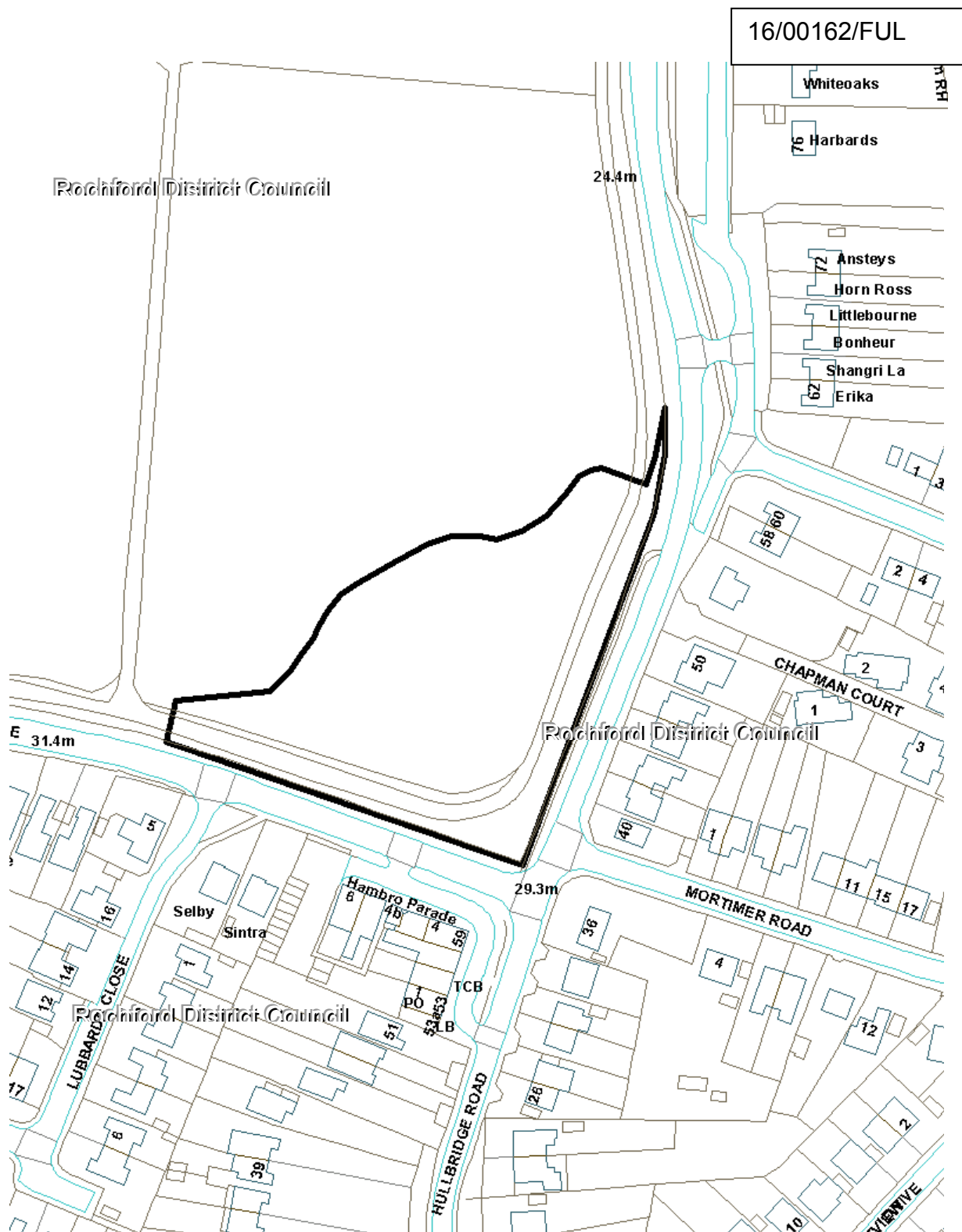
DM26, DM27, DM28, DM31.

For further information please contact Mike Stranks on:-

Phone: 01702 318092

Email: mike.stranks@rochford.gov.uk

If you would like this report in large print, Braille or another language please contact 01702 318111.



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