

Development Committee – 28 February 2013

Minutes of the meeting of the Development Committee held on **28 February 2013**
when there were present:-

Chairman: Cllr S P Smith

Cllr Mrs P Aves	Cllr Mrs J R Lumley
Cllr C I Black	Cllr M Maddocks
Cllr M R Carter	Cllr Mrs C M Mason
Cllr J P Cottis	Cllr J R F Mason
Cllr T G Cutmore	Cllr Mrs J A Mockford
Cllr K J Gordon	Cllr R A Oatham
Cllr J E Grey	Cllr Mrs C E Roe
Cllr Mrs A V Hale	Cllr C G Seagers
Cllr B T Hazlewood	Cllr D J Sperring
Cllr Mrs D Hoy	Cllr M J Steptoe
Cllr M Hoy	Cllr I H Ward
Cllr K H Hudson	Cllr Mrs M J Webster
Cllr Mrs G A Lucas-Gill	Cllr Mrs C A Weston
Cllr C J Lumley	Cllr Mrs B J Wilkins

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs P A Capon, Mrs T J Capon, Mrs H L A Glynn, J D Griffin, Mrs J E McPherson, D Merrick, T E Mountain and P F A Webster.

OFFICERS PRESENT

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

PUBLIC SPEAKERS

H Doran	- for item 4
J Dagg	- for item 6(1)
R Bowley	- for item 6(2)

37 MINUTES

The Minutes of the meeting held on 31 January 2013 were approved as a correct record and signed by the Chairman.

38 DECLARATIONS OF INTEREST

Cllrs M Maddocks and K J Gordon each declared a non pecuniary interest in

item 6(1) of the agenda by virtue of being acquainted with the applicant.

39 12/00748/FUL – PEAR TREE, 750 NEW PARK ROAD, HOCKLEY

The Committee considered an application to vary conditions 2, 3 and 6 of appeal decision 09/00173/FUL as follows:-

Condition 2: The occupation of the site hereby permitted shall be carried on only by Felxi, Hanna, Miley and Margaret Doran and Kizzy Connors and their resident dependants.

Condition 3: Notwithstanding the description of development, no more than four caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than one shall be a static caravan or mobile home) shall be stationed on the site at any time.

Condition 6: That condition 6 be removed and permanent permission granted or that the permission be renewed for a further temporary period.

Resolved

That planning permission be refused for the following reason:-

The proposal constitutes inappropriate development in the Metropolitan Green Belt, as identified in the saved Rochford District Council Replacement Local Plan (2006). The proposed increase in the number of persons residing on the site necessitating further caravans would present an over developed, unrelieved concentration of bulky and bright coloured caravans within a small plot. This is in contrast to the relatively undeveloped wide and deep front garden areas of the adjoining properties and detracting from the sporadic appearance of this rural plot land character and openness to the Green Belt in which the site is situated. (HPT)

40 12/00755/FUL – 41-43 WEST STREET, ROCHFORD

The Committee considered an application for change of use from shop (at No. 43 West Street) to use as part of the existing dwelling at No. 41 West Street.

Mindful of officers' recommendation for refusal, Members nevertheless considered that the application should be approved on the basis that special circumstances were demonstrated that there was no demand for the unit and that it was preferable for the sake of the overall health of the town centre for an alternative use to be granted to the unit and for it to be occupied, rather than left empty for the indeterminable future.

Resolved

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

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- (2) The front of the building to be not altered at any time and to be retained and maintained in its current, original condition. (HPT)

41 12/00741/FUL – LAND AT END OF AND BETWEEN PARK GARDENS AND HAWKWELL PARK DRIVE, HAWKWELL

The Committee considered an application for two detached 3/4-bedroomed houses and three detached 2-bedroomed bungalows with garages, construction of private drives with access from Park Gardens (re-submission following refusal of 11/00369/FUL).

Resolved

That planning permission be granted, subject to the following conditions:-

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- (2) The external materials to be used in the construction of the development hereby approved shall be as detailed in the submitted schedule of materials date stamped as received 03.12.2012, unless alternative materials are proposed and agreed in writing by the Local Planning Authority, in which case the alternative materials as agreed shall be used in the construction.
- (3) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification), the window(s) marked OBS on the approved drawing(s) no. 104.02 revision A date stamped 03.12.2012, shall be glazed in obscure glass and shall be of a design not capable of being opened below a height of 1.7m above first floor finished floor level. Thereafter, the said windows shall be retained and maintained in the approved form.
- (4) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) no window, door or other means of opening shall be inserted above first floor finished floor level on the western side elevation of the dwellings at Plot 1 and Plot 5 hereby permitted, in addition to those shown on the approved drawing no. 104.02 Revision A date stamped 03.12.2012.
- (5) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development)

Order 1995 (including any Order revoking or re-enacting that Order), with or without modification) the dwellings to plots 3 and 4 of the layout hereby approved on drawing nos. 104.01 Revision C and 104.03 Revision B date stamped 03.12.2012 shall not be extended without the prior written approval of the Local Planning Authority.

- (6) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class B and Class C, of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) no dormers or roof light windows shall be inserted, or otherwise erected, within the roof area (including roof void) on the west elevation of the bungalows and detached garages to plots 2, 3 and 4 hereby permitted on approved drawing nos. 104.03 Revision B and 104.01 Revision C date stamped 03.12.2012.
- (7) No development shall commence before plans and particulars showing precise details of any gates, fences, walls or other means of screening or enclosure, to be erected at the site have been submitted to and agreed in writing by the Local Planning Authority. Such details of screening or other means of enclosure, as may be agreed in writing by the Local Planning Authority, shall be erected prior to the dwellings to which they relate first being occupied and thereafter maintained in the approved form.
- (8) No development shall commence (including soil stripping, pre-construction delivery of equipment or materials, the creation of site accesses, positioning of site huts) until a Tree Protection Schedule has been approved in writing by the Local Planning Authority, such schedule to include details of the following matters:-
 - (i) The appointment by the developer of a competent arboriculturalist as per British Standard 5837, for the development who shall monitor, record and confirm the implementation and maintenance of the tree protection and ground protection measures throughout construction;
 - (ii) A pre-construction site meeting between the site agent, the developer's chosen arboriculturalist and the Local Planning Authority's Arboricultural Officer.

Thereafter the development shall take place in accordance with the approved schedule.

- (9) No development shall commence (including soil stripping, pre-construction delivery of equipment or materials, the creation of site accesses, positioning of site huts) until the tree protection measures detailed in sections 5.2, 5.3, 5.4 and 5.5 of the arboricultural survey development constraints report dated 26 November 2012 have been

implemented.

The position of such protective fencing to be as detailed in Drawing 3 of the arboricultural survey development constraints report dated 26 November 2012 except where the bungalow to plot 2 adjoins the RPA of the TPO trees (T1 and T2) where the fencing shall be aligned to provide a 1.5m construction corridor, which shall be protected with secured scaffold boards on top of a 150mm bed of hard wood chip load on a geotextile membrane.

Such tree protection barriers and ground protection measures that are implemented must be confirmed in writing by the Local Planning Authority.

- (10) The development hereby approved shall take place in accordance with the methodologies detailed in sections 6.2, 6.3, 6.4, 6.5, 6.6 and 6.7 of the arboricultural survey development constraints report dated 26 November 2012 except with respect to the RPA to T2 where the three dimensional root protection system, as detailed in appendix 4 to the arboricultural survey development constraints report dated 26 November 2012 shall be implemented.
- (11) Prior to occupation of the dwellings the driveways serving plot 1 and plots 2-5 shall be provided with appropriate dropped kerb vehicular crossings of the footway.
- (12) Prior to the occupation of the dwellings the vehicular accesses and access drive to the site shall be laid out and constructed in all respects, in accordance with the approved drawing no. 104.01 Revision C date stamped 03.12.2012. At this time, all other means of access to the site shall be permanently and effectively “stopped-up” in accordance with details which shall previously have been submitted to and agreed in writing by the Local Planning Authority. Once provided, the said vehicular access shall be made available for use and thereafter retained and maintained in the approved form.
- (13) The dwellings shall not be occupied before the garage(s) and hardstanding(s) shown on the approved drawing no. 104.01 Revision C date stamped 03.12.2012 have been laid out and constructed in their entirety and made available for use and the parking space at plot 5 is extended to 5.5m in length. Thereafter, the said garage(s) and hardstanding(s) shall be retained and maintained in the approved form and used solely for the parking of vehicles and for no other purpose that would impede vehicle parking. Such hardstandings shall also be constructed either of a porous material or provision be made to direct surface run-off water from the hard surface to a permeable or porous area or surface within the site or to a drain within the site.

- (14) No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary.
- (15) The vehicular accesses to plot 1 and plots 2-5 hereby permitted shall not be used by vehicular traffic before a plan showing the pedestrian sight splays to be provided with unobstructed visibility of pedestrians using the adjoining footway at both sides of the accesses at their junction with the adjoining highway, is submitted to and agreed in writing by the Local Planning Authority. Once agreed, the said visibility splays shall be retained thereafter and maintained in their approved form free of obstruction above a height of 600m above the finished surface of the approved vehicular accesses.
- (16) Prior to commencement of the development details shall be submitted for the provision of a contractors' compound to provide parking and storage areas clear of the highway to service the development. Such details as may be agreed by the Local Planning Authority shall be implemented for the duration of the construction period.
- (17) No development shall commence, before plans and particulars showing precise details of the hard and soft landscaping, which shall form part of the development hereby permitted, have been agreed in writing by the Local Planning Authority. Any scheme of landscaping details, as may be agreed in writing by the Local Planning Authority, which shall show the retention of existing trees, shrubs and hedgerows on the site and include details of:-
- Schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;
 - Existing trees to be retained;
 - Areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
 - Paved or otherwise hard surfaced areas

shall be implemented in its entirety during the first planting season (October to March inclusive) following commencement of the development, or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

All trees, shrubs and hedge plants supplied shall comply with the

requirements of British Standard 3936 'Nursery stock'.

All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4228:1989 'Code of Practice for General Landscape Operations (excluding hard surfaces)'.

All new tree planting shall be positioned in accordance with the advice within annex A, specifically the requirements of Table A.1 of British Standards BS5837:2012 'Trees in Relation to Design, Demolition and Construction – Recommendations'.

- (18) Prior to commencement of the development plans and details showing the means to prevent the discharge of surface water from the development onto the highway and bridleway shall be submitted to and approved in writing by the Local Planning Authority. This should also include a surface water drainage strategy to be assessed by Anglian Water and the Environment Agency. The approved scheme shall be carried out in its entirety prior to the accesses becoming operational and shall be retained at all times.
- (19) Prior to commencement of the development details of a wheel washing facility to be provided within the site shall be submitted to and approved in writing by the Local Planning Authority. The details as may be agreed in writing shall be implemented for the duration of the construction period.
- (20) Prior to commencement of the development hereby approved, plans and details shall be submitted to and agreed in writing by the Local Planning Authority demonstrating assessment of the development against the Lifetime Homes Standard criteria. Once agreed, the development shall be built in accordance with these details.
- (21) Prior to commencement of the development hereby approved details of how the proposal will achieve at least 10 per cent of its energy from decentralised and renewable or low carbon sources shall be submitted to and agreed in writing by the Local Planning Authority (unless agreed by the Local Planning Authority in writing to be not feasible or viable). The measures, as agreed, shall be fully installed and operational prior to the first occupation of the dwellings hereby approved, unless otherwise agreed in writing by the Local Planning Authority.
- (22) Prior to the commencement of the development hereby approved details of a traffic management plan for construction traffic to be submitted to and agreed in writing by the Local Planning Authority.
(HPT)

42 12/00778/FUL – 74 HIGH STREET, RAYLEIGH

The Committee considered an application for change of use from A1 (shops) to A3 (restaurants and cafés) and the construction of a single storey rear extension.

Mindful of officers' recommendation for approval, Members nevertheless considered that the application should be refused on the grounds that the proposal would result in the loss of an existing retail unit, to the detriment of the town centre of Rayleigh.

Resolved

That the application be refused for the following reason:-

The proposal would result in the loss of an existing retail unit and where the Local Planning Authority considers such retail units important for a thriving town centre. The applicant has failed to demonstrate that the loss of the retail unit is justified because the information submitted does not provide a substantial case to justify the loss of a retail unit. If allowed, the proposal would result in the loss of an existing retail unit within the Primary Shopping frontage that would further undermine the retail function and vitality of the town centre in conflict with the requirements of policy RTC1 to the Council's Local Development Framework Core Strategy (adopted December 2011) and Policy SAT 4 to the saved Rochford District Replacement Local Plan (2006). (HPT)

The meeting closed at 9.00 pm.

Chairman

Date

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