

## Development Committee – 22 October 2020

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Minutes of the meeting of the Development Committee held on **22 October 2020**  
when there were present:-

Chairman: Cllr S P Smith

Cllr D S Efde  
Cllr A H Eves  
Cllr N J Hookway  
Cllr G J Ioannou  
Cllr D Merrick

Cllr Mrs L A Butcher  
Cllr C M Stanley  
Cllr A L Williams  
Cllr S A Wilson  
Cllr Mrs L Shaw

### **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs P J Shaw and Mrs C A Weston..

### **SUBSTITUTE MEMBERS**

Cllr Mrs J R Gooding - for Cllr P J Shaw  
Cllr M J Steptoe - for Cllr Mrs C A Weston

### **NON-MEMBERS ATTENDING**

Cllrs R R Dray, Mrs C E Roe, D J Sperring, M G Wilkinson and S E Wootton.

### **OFFICERS PRESENT**

Y Dunn - Planning Manager  
K Rodgers - Team Leader (Area Team South)  
C Irwin - Solicitor  
S Worthington - Principal Democratic & Corporate Services Officer  
L Morris - Democratic Services Officer

### **PUBLIC STATEMENTS**

R Brown - for item 6  
G Friend - for item 6

### **181 MINUTES**

The Minutes of the meeting held on 24 September 2020 were approved as a correct record and would be signed by the Chairman in due course.

### **182 DECLARATIONS OF INTEREST**

Cllr M J Steptoe declared a non-pecuniary interest in item 6 – 20/00452/FUL – Land rear of 98 to 128 High Street, Rayleigh by virtue of membership of Essex County Council.

Cllrs R R Dray, Mrs C E Roe and D J Sperring each declared a non-pecuniary interest in the same item and in item 7 – 20/00502/FUL – Land fronting car park access, Bellingham Lane, Rayleigh and item 8 – 20/00756/FUL – St

John Fisher Recreation Ground, Little Wheatley Chase, Rayleigh by virtue of membership of Rayleigh Town Council.

### **183 20/00452/FUL – LAND REAR OF 98 TO 128 HIGH STREET, RAYLEIGH**

The Committee considered an application for the proposed demolition of existing buildings, re-development of the site to provide 2 no. commercial units and 24. No. residential apartments with associated landscaping.

On a requisition pursuant to Committee Procedure Rule 12.4 a recorded vote was taken on the Motion as set out in paragraph 1.1 of the officer's report, as follows:-

For (7) Cllrs Mrs L A Butcher; D S Efde; Mrs J R Gooding; D Merrick; S P Smith; M J Steptoe; A L Williams

Against (6) Cllrs A H Eves; N J Hookway; G J Ioannou; Mrs L Shaw; C M Stanley; S A Wilson

Abstain (0)

#### **Resolved**

That planning permission be approved, subject to the applicants entering into an agreement under Section 106 of the Act to the following heads of terms:

- a) the resurfacing of the vehicular and pedestrian access to the site beyond the adopted highway and including all of the vehicular access edged red and blue on the approved location plan to be completed, details of which to be agreed by the local planning authority, prior to first occupation; and
- b) the implementation of a parking management strategy agreed by the local planning authority at the site prior to first occupation;

and subject to the following conditions (including some Heads of Conditions):

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- (2) The development hereby permitted shall not be carried out other than in strict accordance with the approved plans listed below:-  
  
18130 P1150 P3, 18130 P1200 P2, 18130 P1201 P2, 18130 P1202 P2, 18130 P1204 P1, 18130 P1400 P1, 18130 P1401, 18130 P1450 P1, 18130 P1451 P1, 18130 P1500 P1 and 18130 E-100 P3.
- (3) Prior to use of any external facing material including but not limited to that relating to external walls (including details of brick bond pattern

which should be Flemish unless otherwise agreed in writing), roofs and fenestration including samples where required shall have been submitted to and approved in writing by the Local Planning Authority. Those materials as agreed shall be used in the construction of the development hereby approved and permanently maintained as such.

- (4) Screening and railings to balconies in accordance with the approved details as shown on the approved plans shall be provided prior to the first occupation of the flats to which the balcony relates and in accordance with materials as agreed in respect of condition (3). The balcony screens and railings shall be maintained in the approved form in perpetuity.
- (5) The windows at first and second floor level in the side elevations of the two buildings hereby approved which face the north/north-western boundary of the site (shared in part with No. 7a Crown Hill) shall be fitted with obscure glazing to a high level of privacy with details of the glazing and level of privacy having been submitted to and agreed in writing with the Local Planning Authority prior to installation. These windows shall be fitted with the approved glass prior to first occupation and shall be non-opening below 1.7 metres above finished floor level. The windows shall be retained in perpetuity in this approved form.
- (6) Prior to first occupation at the site plans and particulars showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted shall have been submitted to and agreed in writing by the Local Planning Authority. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority, 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; including a large feature tree within the central courtyard;
  - details of a proposed anchor system such as Platipus or ArborGuy for the large central courtyard tree or other proposed means of effective stabilising of this tree to allow for successful establishment;
  - Car park tree planting shall be planted using a soil cell system;
  - Submitted details of tree planting must include planting and maintenance specifications, construction details and any other protective measures;
  - areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;

- paved or otherwise hard surfaced areas;
- existing and finished levels shown as contours with cross-sections if appropriate;
- means of enclosure and other boundary treatments.

The landscaping as agreed 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.

- (7) The boundary walls as existing shall be maintained in perpetuity unless replacement walls are required in which case details shall have been submitted to and approved in writing by the Local Planning Authority of the replacement walls which shall be of the same height as those existing prior to removal of the existing walls. Boundary walls as approved shall be constructed in accordance with the agreed details prior to first occupation at the site and shall be retained in the approved form in perpetuity.
- (8) Prior to commencement, precise details of the equipment to be installed to achieve a minimum 10% of energy from decentralised and renewable or low carbon sources shall have been submitted to and agreed in writing by the Local Planning Authority. Solar panels shall be positioned in accordance with the positions as shown on the approved roof plan (unless otherwise agreed in writing). The equipment as agreed shall be provided and be operational prior to the first occupation at the site and retained in perpetuity.
- (9) Part G (water efficiency) of the Building Regulations (2010) shall be met for the dwellings on the site and be permanently retained thereafter.
- (10) No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials

- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities.

- (11) There shall be no discharge of surface water onto the highway.
- (12) Prior to first occupation of the proposed development, the developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.
- (13) The vehicle parking and turning areas as shown on the plans hereby approved shall be surfaced and marked out in accordance with details agreed in respect of condition (6) prior to first occupation of the development hereby approved and shall remain for use solely for the parking and turning of vehicles in perpetuity.
- (14) The refuse stores and cycle stores as shown on the plans hereby approved shall be provided prior to first occupation of the development hereby approved and shall remain in the approved form and available for the sole use for refuse storage and cycle storage respectively in perpetuity.
- (15) The two commercial units at ground floor level hereby approved shall be used for a purpose within Class E(g).
- (16) No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.
- (17) Prior to the formation of parking and turning areas within the site details of six fast (22kW/hr) EV points as shown on the approved layout plan and passive connections to the remainder of parking bays on site shall have been submitted to and approved in writing by the Local Planning Authority. The six fast (22kW/hr) charging points as approved shall be installed and shall be operational prior to the first occupation at the site and shall be retained on the site in the approved form in perpetuity.
- (18) Installation of fenestration in the development hereby approved shall not commence until additional drawings that show details of proposed new windows, doors, eaves, verges and sills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. The rooflights shall be of low-profile conservation type. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

- (19) All rainwater goods shall be of black metal and permanently maintained as such.
- (20) Prior to first occupation at the site precise details of proposed lighting at the site shall have been submitted to and agreed in writing by the Local Planning Authority and all lighting as agreed shall have been installed and be operational and shall remain so in perpetuity.

### Heads of Conditions

- (21) Insulation of commercial units against the egress of internally generated noise.
- (22) Details of means of odour control in relation to any proposed extraction equipment.
- (23) Dust control measures during construction.
- (24) Surface Water Drainage Details including Maintenance.

Condition 25, listed as a Head of Condition was agreed to actually comprise a number of surface water drainage conditions to be detailed in accordance with the detailed conditions as recommended by ECC Lead Local Flood Authority SUDS team as per their consultation response as follows, save for the omission of consideration of infiltration of surface water given Members' concern relating to ground water levels at the adjacent site of No. 7a:

- (25) No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
  - Discharge rates should be limited to 1l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
  - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
  - Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
  - Final modelling and calculations for all areas of the drainage system.
  - The appropriate level of treatment for all run off leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. This is inclusive of surface water deriving from the roof tops. Please note, catchpits, gullies, silt traps are not seen

as acceptable forms of treatment and filter drains will require a form of pre-treatment.

- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

**REASON:** To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm that may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- (26) No works shall take place until a scheme to minimise the risk of off site flooding caused by surface water run off and ground water during construction works and prevent pollution has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented as approved.

**REASON:** The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below ground water level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased run off rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and ground water which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

- (27) Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies should be submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

**REASON:** To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- (28) The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon request by the Local Planning Authority.

**REASON:** To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

NOTES: The original condition 17 of the published officer report was agreed to be removed as this would now be incorporated into the s106 legal agreement, as detailed in the Heads of Terms above.

### INFORMATIVES

1. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developer's cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
2. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 6066087.
3. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
4. A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.



5. No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
6. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements. (ADPE)

**184 20/00502/FUL – LAND FRONTING CAR PARK ACCESS, BELLINGHAM LANE, RAYLEIGH**

The Committee considered an application for the installation of a rapid electric vehicle charging point.

**Resolved**

That planning permission be approved, subject to the applicants and owners entering into an agreement under Section 106 of the Act to the following heads of terms:

- a) To pay for the necessary Traffic Regulation Orders consultation and implementation, including the provision of the associated signing and lining.

And subject to following conditions:

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- (2) The development hereby permitted shall be carried out in complete accordance with the following approved plans: 07201506; 07201507; Block Plan; Location Plan; Existing Block Plan; Proposed Block Plan.
- (3) The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans has been laid out in the associated parking bays. The vehicle parking area shall always be retained in this form. The vehicle parking shall not be used for any purpose other than the parking of vehicles using the charging facility and that are related to the use of the proposal unless otherwise agreed with the Local Planning Authority.

### INFORMATIVE

Members agreed that their concern relating to the possibility of pedestrians, particularly those who are visually impaired, walking across the front of the proposed equipment and encountering a tripping hazard could be appropriately dealt with by way of an informative to advise the applicant to consider additional surface treatment, bollards or the like to be installed to prevent pedestrian access to the front of the equipment in the interests of public safety. It was advised that the applicant should approach the Royal National Institute for the Blind for their comments in relation to this. (ADPE)

(11 Members voted for the Motion, 2 voted against and 0 abstained.)

### **185 20/00756/FUL – ST JOHN FISHER RECREATION GROUND, LITTLE WHEATLEY CHASE, RAYLEIGH**

The Committee considered an application to provide a storage container.

#### **Resolved**

That planning permission 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 development hereby permitted shall be carried out in complete accordance with the following approved plans:
  - Site location plan
  - Site Plan
  - Proposed storage container plan and elevations DrawingReference: RFC/JFRG/08/20/01.
- (3) The container hereby approved shall be finished in dark green colour and thereafter so maintained. (ADPE)

The meeting closed at 8.58 pm.

Chairman .....

Date .....

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