

Development Committee – 27 February 2014

Minutes of the meeting of the Development Committee held on **27 February 2014**
when there were present:-

Chairman: Cllr P A Capon
Vice-Chairman: Cllr Mrs C E Roe

Cllr Mrs L A Butcher	Cllr Mrs C M Mason
Cllr T G Cutmore	Cllr J R F Mason
Cllr R R Dray	Cllr D Merrick
Cllr Mrs H L A Glynn	Cllr Mrs J A Mockford
Cllr K J Gordon	Cllr T E Mountain
Cllr J D Griffin	Cllr R A Oatham
Cllr Mrs A V Hale	Cllr C G Seagers
Cllr B T Hazlewood	Cllr S P Smith
Cllr Mrs D Hoy	Cllr D J Sperring
Cllr M Hoy	Cllr M J Steptoe
Cllr Mrs G A Lucas-Gill	Cllr I H Ward
Cllr M Maddocks	Cllr Mrs B J Wilkins

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs Mrs P Aves, C I Black, Mrs T J Capon, M R Carter, J E Grey, K H Hudson, C J Lumley, Mrs J R Lumley, Mrs J E McPherson, Mrs M J Webster and Mrs C A Weston.

OFFICERS PRESENT

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

PUBLIC SPEAKERS

Cllr Mrs I Knight	- for item 9(1)
A Biebuyck	- for item 9(1)
S Smith	- for item 9(1)

37 MINUTES

The Minutes of the meeting held on 30 January 2014 were approved as a correct record and signed by the Chairman.

38 DECLARATIONS OF INTEREST

Cllr C G Seagers declared an other pecuniary interest in items 5 and 6 of the Agenda and left the Chamber during debate of those items.

Cllrs Mrs C M and J R F Mason each declared a non pecuniary interest in item 5 of the Agenda by virtue of the fact that the proposal would not have a direct impact on their property, but an indirect impact with respect to the arrangements for managing potential flood risk in the area affecting the wider local community.

Cllr M J Steptoe declared a non pecuniary interest in item 9(1) of the Agenda by virtue of membership of Barling Magna Parish Council, and of living in the village and being acquainted with some of the objectors to this application.

Cllr Mrs H L A Glynn declared a non pecuniary interest in items 7 and 8 of the Agenda by virtue of membership of Rochford Parish Council.

39 13/00727/FUL – LAND NORTH OF A129 EAST OF A130 OLD LONDON ROAD, RAWRETH

It was noted that this application had been withdrawn.

40 13/00709/FUL – LAND BETWEEN MAIN ROAD AND RECTORY ROAD AND CLEMENTS HALL WAY, HAWKWELL

The Committee considered an application to vary condition 20 to an application for the residential development of 176 dwellings approved on 17 December 2012 under application 12/00381/FUL to allow the development to be implemented in accordance with a revised flood risk assessment.

Resolved

That planning permission be approved, subject to the application being incorporated into a legal agreement to the same effect as the existing legal agreements relating to application 12/00381/FUL, subject to consultation with the Ward Councillors, subject to Anglian Water being asked to consider the potential problems with pressure on the manhole cover in Clements Hall Way before giving their unconditional approval, subject to an assessment being made of the design and rate of flow and attenuation into the new ditch on the eastern boundary, and subject to the following conditions:-

- (1) The development hereby permitted shall commence on or before 16 December 2015.
- (2) The development shall be implemented in accordance with the schedule for external materials H4606 Revision S for the dwellings as approved. Any further variation shall be submitted to and agreed in writing by the Local Planning Authority and the development implemented in accordance with such variation as agreed.

- (3) Prior to the commencement of any phase of the development hereby approved, plans and particulars showing precise details of any gates, fences, walls or other means of screening or enclosure, to be erected within the development phase and serving the paddocks and open space areas when part of that phase, shall be 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 that part of the site to which they relate first being occupied and thereafter maintained in the approved form, notwithstanding the provisions of Article 3, Schedule 2, Part 2, 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).
- (4R) 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) all first floor side windows 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 and no alteration is to be made to that arrangements thereafter. The exception shall be windows to the outward facing elevations of dwellings not facing the elevations of neighbouring housing to plots 1, 10, 12, 13, 14, 16, 17, 23, 29, 30, 36, 43, 44, 46, 47, 52, 54, 60, 61, 62, 73, 75, 77, 78, 81, 86, 89, 91, 94, 98, 99, 102, 103, 104, 106, 107, 111, 112, 117, 121, 128, 129, 132, 136, 150, 153, 155, 159, 160, 161, 165, 168, 169, 172, 173, 175 and 176, which can be clear glazed.
- (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, no enlargement of or provision of additional windows, doors or other means of opening shall be inserted in the side or rear elevations of the dwellings hereby permitted.
- (6) No development shall commence until details of the lighting height and luminance for the play areas and pathways through the public open space within the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as may be agreed.
- (7) 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 submitted to and agreed in writing by the Local Planning Authority. The scheme 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;
- existing and finished levels shown as contours with cross-sections if appropriate;
- means of enclosure and other boundary treatments;
- car parking layouts and other vehicular access and circulation areas;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);
- existing and proposed functional services above and below ground level (e.g. drainage, power and communication cables, pipelines, together with positions of lines, supports, manholes etc);
- a programme for the implementation of both hard and soft landscaping features.

The landscaping scheme shall be implemented in its entirety in accordance with the agreed programme for implementation, or other such programme subsequently agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree, shrub or hedge plant that item or any item planted in replacement for it is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another of the same species and size as that originally planted shall be planted at the same place in the first available planting season following removal, unless the Local Planning Authority gives its written approval to any variation.

- (8) The development hereby approved shall be implemented in accordance with the measures for the retention and protection of trees retained as set out in the Arboricultural Impact Assessment accompanying the application and Drawing No. 280502-P-13 dated June 2012 BY Messrs. Tim Moya Associates.
- (9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or amending that Order with or without modification) the garages hereby permitted shall be retained for the parking of vehicles and shall not be converted to habitable accommodation.

- (10) Prior to the commencement of the development, the road junction at its centre line on Clements Hall Way shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres to the junction to the south and 2.4 metres by 43 metres to the north, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and shall be retained free of any obstruction at all times. The junction on Rectory Road shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres x 90m in both directions, as measured from and along the nearside edge of the carriageway.
- (11) The designated access for construction site traffic shall be implemented In accordance with that specified at parts b) and c) to Appendix B to the Construction Management Project Plan Project No. H4606 and dated January 2013.
- (12) The proposed private drive accesses from Clements Hall Way shall be constructed and provided with an appropriate dropped kerb crossing of the footway prior to the occupation of the dwellings proposed to take access therefrom.
- (13) Prior to the commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The details as may be approved shall be carried out in their entirety prior to the access so drained becoming operational and shall be retained thereafter.
- (14) No unbound material shall be used in the surface treatment of any vehicular access within 6 metres of the highway boundary.
- (15) The development shall be implemented in accordance with the details for the mechanical wheel cleaning of construction vehicles before their exiting the site comprising of not less than one ramped wheel spinning facility together with jet wash hoses and as specified at Appendix C to the Construction Management Project Plan Project No. H4606 and dated January 2013.
- (16) Prior to the commencement of the development details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as may be agreed.

- (17) The carriageways of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any up stands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.
- (18) The proposed bell mouth junction with Clements Hall Way, inclusive of cleared land necessary to provide the visibility splays, shall be constructed up to and including at least road base level and be available for use prior to the commencement of any other development, including the delivery of materials.
- (19) Prior to the commencement of the development details of all independent paths, including their lighting and drainage, shall be submitted to and agreed in writing by the Local Planning Authority. Paths shall be a minimum of 2 metres wide. The development shall be implemented in accordance with such details as may be agreed.
- (20) The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by Richard Jackson Ltd Job No. 43929 and dated September 2013 and the following mitigation measures detailed in the FRA:-
 - 1. Surface water run-off generated on site shall be restricted to a maximum of 59.9 l/s.
 - 2. Storage shall be provided on site to accommodate the 1 in 100 year storm, inclusive of climate change, and shall be designed to incorporate sustainable drainage techniques and to consider flow routes/pathways across the site. Full calculations must be submitted to demonstrate that there is capacity within the system (both on site and within any receiving systems/water courses) for all events up to and including the 1 in 100 year storm, inclusive of climate change, without increasing flood risk elsewhere.

3. Prior to first habitation, details of who shall be responsible for the maintenance of the surface water scheme in perpetuity shall be agreed in writing with the Local Planning Authority. This agreement shall include details of all aspects of the scheme, including, but not limited to, swales, detention basins, over sized storage facilities (above and below ground), pipe networks, outfalls and water courses where surface water will be discharging to.
4. No dwellings shall be placed within flood zones two and three as confirmed within the submitted FRA.
5. General ground levels within the flood plain shall not be raised as a result of this development.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may be subsequently agreed in writing by the Local Planning Authority.

- (21) No part of the development shall be occupied until a system of operational street lighting serving that part of the development has been provided and the system shall be maintained operational and in good repair until adopted.
- (22) Prior to the commencement of the development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and agreed in writing by the Local Planning Authority:-
 - i) Preliminary risk assessment which has identified all previous uses. Potential contaminants associated with those uses. A conceptual model of the site indicating sources, pathways and receptors. Potentially unacceptable risks arising from contamination of the site.
 - ii) A site investigation scheme based on i) above to provide information for a detailed assessment of the risk to all receptors that may be affected including those off site.
 - iii) The site investigation results and the detailed risk assessment in ii) and, based on these, an options appraisal and remediation strategy giving details of the remediation measures required for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

- iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in iii) are complete and identifying any requirements for longer monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any change to these components require the express consent of the Local Planning Authority

- (23) A Written Scheme of Investigation for the archaeological watching brief shall be submitted to and approved by the Local Planning Authority for the works required. Such a scheme shall set out the scope of the archaeological works required, the measures to be employed should significant archaeological remains be encountered (and cover all phases of the development in a single document) and shall ensure the appropriate identification, recording, reporting and duration of any archaeological remains encountered. The scheme shall also form the basis for the appointment of an appropriate archaeological organisation to conduct the works that would be procured through an appropriate tender process. Such a scheme shall negate the need to agree subsequent mitigation strategies with the Local Planning Authority during the course of the works, as an appropriate mechanism to signal and agree variations to recording procedures, should significant remains be exposed, will be appropriately set-out and agreed in the Written Scheme of Investigation. Further, appointment of a single approved archaeological contractor to conduct the full works will ensure the integrity of the final site archive. The development shall be implemented in accordance with such Written Scheme of Investigation as may be approved.
- (24) Prior to the occupation of the 22nd dwelling hereby approved the junction improvements works at the Main Road, Hall Road and Rectory Road roundabout have been provided entirely at the developer's expense. Such junction improvement works shall include the widening of the Rectory Road arm to provide two lanes on approach (as shown in principle on Ardent CE drawing No. D540-004) submitted as part of the application particulars.
- (25) None of the dwellings hereby approved shall be occupied until such time as the passenger transport infrastructure along Rectory Road adjacent to the site is relocated and upgraded where appropriate. All works shall be provided entirely at the developer's expense and include new shelter and footway facilities comprising of lighting, seating and timetable information, together with raised kerbs where necessary and the relocation of telegraph poles and lighting along Rectory Road in the vicinity of the site

- (26) Construction traffic shall access the site in accordance with the details of the construction management of the site, as set out in section 14.8 to the Planning Statement by Messrs. Kember Loudon Williams LLP reference: 12/016 submitted in support of the application.
- (27) Notwithstanding the requirements of condition 7 above details of any tree planting proposed within the highway, together with a programme for implementation, shall be submitted to and agreed in writing by the Local Planning Authority prior to planting. Such trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme. If within a period of five years from the date of planting of any tree, that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted in the same place, in the first available planting season following removal, unless the Local Planning Authority, in consultation with the Highway Authority, gives written approval to any variation.
- (28) The development hereby approved shall be implemented in accordance with the advice, recommendations and mitigation measures set out in the Ecology Strategy by Messrs. Liz Lake Associates dated June 2012 File Name 1079A5 Rev. A. accompanying the application.
- (29) Prior to the first occupation of the development comprising Plots 1 – 56 located west of Thorpe Road, the applicant shall submit details to the Local Planning Authority for the insulation of those dwellings against noise generated by the industrial premises to the north west of the site. Such details shall comprise an assessment of the pre-existing background noise levels at the site, taking into account the permitted hours of operation of the adjoining industrial premises fronting Main Road, Hawkwell and the layout, location and height of the residential properties. Such details as may be agreed shall be fully implemented prior to the first occupation of the dwellings on Plots 1 – 56 and shall be maintained in the approved form thereafter. (HPT)

It was further:-

Resolved

That, in the event of a further extension of time being required and not agreed by the applicant, authority be delegated to the Head of Planning and Transportation to refuse the application for the following reason:-

1. The proposal, if allowed without the necessary legal agreement completed, would result in the development proposed providing an alternative development consent without commitment to the need to provide the necessary infrastructure associated without the quantum of development to which the application relates, contrary to policy H2 and appendix H1 to the Rochford District Council Local Development Framework Core Strategy (2011) and would prove contrary to the proper planning for the District. (HPT)

41 13/00719/FUL – LAND BETWEEN MAIN ROAD AND RECTORY ROAD AND CLEMENTS HALL WAY, HAWKWELL

The Committee considered an application to vary condition 24 to a permission granted on 17 December 2012 under application reference 12/00381/FUL to allow up to 22 dwellings to be occupied before junction improvements to Hall Road/Rectory Road roundabout are to be provided.

Mindful of officers' recommendation to approve the application, Members nevertheless considered that the application should be refused on the grounds that removing condition 24 of the planning permission relating to application reference 12/00381/FUL would set a precedent that could impact on other major applications in the District.

Resolved

That the application be refused for the following reason:-

1. The proposed variation to condition 24 of the permission granted on 17 December 2012 under application reference 12/00381/FUL would, if allowed, result in necessary highway infrastructure being delayed and would not be in place ahead of any further impact upon the highway network, as would be caused by the additional dwellings approved. This would be contrary to the original findings of the County Highway Authority. Furthermore, if allowed, the proposal would set a precedent within the District for the delay in agreed infrastructure associated with the extension of urban areas coming through the plan making process. (HPT)

42 14/00002/FUL – 7 SOUTH STREET, ROCHFORD

The Committee considered an application to remove roof lights and install three windows to the rear elevation.

Resolved

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

- (1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this consent.

- (2) The proposed materials to be used in the development hereby permitted shall be those as detailed within the application form date stamped 22 January 2014. Where alternative materials are proposed these shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.
- (3) Notwithstanding the details shown on the submitted plans, large scale plans (1:20) showing the windows to be constructed shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. (HPT)

43 14/00025/LBC – 7 SOUTH STREET, ROCHFORD

The Committee considered an application to install three windows within the rear elevation and remove/infill six roof windows within the flat roof.

Resolved

That the Secretary of State for Communities and Local Government be advised that the Council is minded to approve the application, subject to the following conditions:-

- (1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this consent.
- (2) The proposed materials to be used in the development hereby permitted shall be those as detailed within the application form date stamped 22 January 2014. Where alternative materials are proposed these shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Notwithstanding the details shown on the submitted plans, large scale plans (1:20) showing the windows to be constructed shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. (HPT)

44 13/00303/FUL – LAND NORTH OF ROPERS FARM, MUCKING HALL ROAD, BARLING MAGNA

The Committee considered an application for the erection of a building for animal housing.

Resolved

That the application be refused for the following reasons:-

1. The proposed building will be clearly seen in this open countryside from the footpaths that run on a north/south axis along the track on the western edge of the site and from the elevated footpath along the sea wall along the northern edge of the site and more widely from vantage points in this landscape setting. It is a large building of considerable

bulk, mass and scale which due to the open nature of the site and its setting will be prominent and detract from the openness of the site and its surrounds causing harm to the openness of the Green Belt and landscape setting contrary to the NPPF, Policy GB1 of the Core Strategy 2011 and Policy R8 of the Local Plan 2006.

2. The site is located within a Special Landscape Area and also is within the Coastal Protection Belt. Policy ENV2 of the Core Strategy 2011 seeks to restrict development within the undeveloped coast, to protect and enhance the landscape and the open and rural character of the area. The bulk, mass and scale of the animal housing has an intrusive industrial form creating an adverse urbanising effect within this previously open, rural and undeveloped landscape contrary to this policy. This is to the detriment of the Special Landscape Area and Coastal Protection Belt. This is also considered to be contrary to paragraph 114 of the NPPF which requires Local Planning Authorities to 'maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes...'
3. No ecological report has been provided with this application, however the habitat on or close to the site would appear to be suitable for protected species. Without the necessary information to assess the ecological impact, the Council is not in a position to be able to fully assess the application in accordance with the National Planning Policy Framework and Circular 06/2005. No information has been submitted to ensure that such adverse impact would not occur and the potential implications of the proposal for ecological species or their habitat that may be present on the site or close to it has not been sufficiently addressed. It is particularly important that the Local Planning Authority is aware of such potential impacts prior to determining the application considering the site's partial inclusion within and in close proximity to a Site of Special Scientific Interest and a Special Area of Conservation. The Local Planning Authority is therefore unable to give the matter proper consideration in the interests of wildlife and potentially protected species prior to the determination of the proposed development. Furthermore, no detailed scheme has been submitted with the application setting out proposals for the disposal of livestock effluent, in particular pig waste, whether water or solid, from either on the open site or from within the building. Without such information the application does not satisfactorily address potential harm to protected species or contamination of their habitat, including the burrow dyke.
4. The proposal fails to provide sufficient information from a competent person regarding land contamination site investigation work at the site. There is no report detailing whether the site has been adequately remediated, thus demonstrating that unacceptable risks from land contamination do not exist or will not occur. The Local Planning Authority is therefore unable to give the matter proper consideration in terms of the impact of any contamination to be satisfied that the risks

have been properly remediated or mitigated to prevent unacceptable risks to animal welfare of livestock and, given this would enter the food chain, on human health. As such, the proposal based on the information currently available to the Local Planning Authority would be contrary to the National Planning Policy Framework paragraphs 120 and 121 and to Policy ENV11 of the Council's Core Strategy. (HPT)

The meeting closed at 9.30 pm..

Chairman

Date

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