

ITEM 6 – APPLICATION NO. 23/00407/FUL – LAND EAST OF ALL SAINTS CHURCH & NORTH OF ARUNDEL ROAD, FAMBRIDGE ROAD

1. Additional neighbour letter

A letter in support of the application has been received from the occupants of No. 28 Stanley Road (SS4 3JB) which makes the following points: -

Grasslands Solar Farm will help Rochford District Council and the UK meet renewable energy and carbon saving targets, including the council's aspiration in reducing carbon emissions to help achieve a net zero carbon footprint for Council Services by 2030. It will also go toward ensuring the UK has a secure energy supply for the future.

It will significantly improve biodiversity on the site, with an increase in wildlife habitats and biodiversity, by planting additional hedgerows and trees as well as increasing the foraging habitat for mammals, reptiles, and birds in the form of diverse species grassland under and around the solar array. The layout has been designed to allow movement of wildlife within and through the site.

The site will produce enough clean, green electricity to power over 16,500 homes per year (based on Ofgem's typical consumption value for a medium sized house).

The site can be used for grazing as part of traditional meadow management, which is designed to benefit both food production and biodiversity.

The solar farm is completely reversible at the end of its life, with all equipment removed.

2. Amendment to Condition no. 1.

It is recommended that condition 1 be amended to allow five years for commencement of the development rather than the standard three-year period. Planning practice guidance advises that; "A longer time period may be justified for very complex projects where there is evidence that 3 years is not long enough to allow all the necessary preparations to be completed before development can start". It is considered that the applicant has provided justification for allowing the longer timeframe for commencement. The applicant has explained that renewable projects such as is proposed face challenges in connecting to the grid and that these are widespread and can

cause delay. The applicant has advised that it can be long after the development process starts that grid delays can become apparent, extending the gap between a project being awarded planning permission and the final connection to the grid. Specifically, the applicant has advised that this project is dependent on an upgrade to the Rayleigh Grid Supply Point (large substation) to allow full connection and that whilst a delay is not expected, this upgrade works is outside of the applicant's control.

It is therefore recommended that condition 1 read: -

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

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

ITEM 7 – APPLICATION NO. 22/00006/FUL – GROVE WOOD PRIMARY SCHOOL

1. Communications received from Cllr Jill Waight and case officer response.

- 1.1 Communication was received 13.11.2023 from Cllr Waight (Rayleigh Town Council) making reference to the communication which she had received from Mr Henry Muss (Climate and Sustainability Manger, Rochford District Council & Brentwood District Council on 16.08.2023. This communication highlighted that part of his remit as Climate & Sustainability Manager for Rochford encompasses the ecological capital of the district Mr Muss had sought a view on this development from his colleagues at county level. The responses received from the Environment Officer (Green Infrastructure) indicated that the Green infrastructure Principles and Standards guidance does not promote the use of artificial grass. It aims to drive for stronger policy within Local Plans and other strategic documents and early integration in development planning for securing the delivery of natural green infrastructure and encouraging the use of nature based solutions to deliver multifunctional benefits in terms for the environment, social and economy.
- 1.2 It indicates that unfortunately these are guidance and cannot be enforced, and it is ultimately down to the LPAs to sign off if artificial grass is used for sport pitches. However, If LPAs choose to embed these principles with their local plans with strongly worded policies, so they cannot be trumped by other strongly worded policies this will give them more weight to be adhered.

- 1.3 This position it is indicated is also endorsed by the county council's Senior Development and Flood Risk Officer *Environment, Climate Adaptation, Mitigation and Customer Services Essex County Council* who stated as follows : *I can only endorse what Jayne has already said, we currently don't have any specific guidance regarding artificial grass.*
- 1.4 On 13.11.2023 Cllr Waight communicated with the case officer seeking confirmation that this communication from Mr Muss would be taken into account as would also what was stated previously stated with regards to the 10% gain in Biodiversity. It also requested confirmation that the report includes the fact this planning application is on greenbelt land and is specifically mentioned as strong and moderate promotion of the greenbelt in the Council current local plan.
- 1.5 The case officer responded to Cllr Waight on 15.11.2023 confirming that reference to the e mail circulated by Mr Muss would be covered within the Addendum.
- 1.6 It also clarified the previous position indicated on the legal and current requirement relating to Biodiversity Net Gain based on the 10% target which is not yet activated, and this is unlikely to come into force until at least January 2024. The Officer advised in response that this requirement would not be a planning policy or a lawful planning requirement until the guidance is clear and established and adopted by the Local Planning Authority. It was advised that the imposition of planning conditions with regards to the 10% metric would not be reasonable and would not meet the 6 key tests relating to the imposition of planning conditions. It was advised that the relevant and determinant matters relating to the sites Metropolitan Green Belt status were set out within relevant sections of the report.

Further third party representations

- 1.7 E mail received 14,.11.2023 from Mr Trevor Johnson drawing attention to the new regulations from the E.U. Commission which will prohibit the sale of microplastics and other similar products. Effective from 17th October and querying 'Surely, we should be waiting for this decision to be forthcoming before deciding on this application 2023'.

Further Communication received from Cllr Jill Waight

- 1.8 Email received from Cllr Waight on 13.11.2023 seeking confirmation whether Sports England had been consulted further since the release of information regarding the ban on the supply of rubber granule infill in the EU.
- 1.9 The case officer responded via e mail on 15.11.2023 confirming that contact had been made with Sports England in order that its formal position on this matter is known.

Clarification by Case Officer

- 1.10 The matter raised with regards to the perceived health impacts associated with rubber crumb infill is not a relevant matter since the proposed surface as confirmed by the applicant and as reflected in the originally submitted Planning Statement **is to be dressed in sand. It has further been clarified that the surface is to be a 2G surface.**

Sports England Position

- 1.11 The case officer has spoken directly with Mr Roy Warren at Sports England who confirmed that Sports England does not object to this proposal. Mr Warren indicated that as Sports England has issued a public position statement as such it cannot provide any further bespoke advice as he stated that its particularly key that this position is maintained and not deviated from therefore no further written response was deemed necessary as Sports England have never had an issue with Grove School and do not now. It also added that as the proposed dressing in the case of Grove School was that of sand the issue of any ban in the EU and what may follow in the UK was of no relevance to this proposal.
- 1.12 **Further communication from Cllr Jill Waight** to members (copied to case officer) 20.11.2023 referring to the contribution of the site to the 5 key purposes of including land within the Metropolitan Green Belt and questioning why this was not mentioned in the report.

Case Officer Response.

- 1.13 The report is complete in its consideration of all relevant matters and those which are not relevant. Members are advised that the contribution of the site to the 5 key purposes of the MGB is not determinant to a decision. This was not an issue raised by members on consideration at the January 2023 committee and was not a matter informing the deferral of the application. The site is recognised within the report as being within the MGB as are the exceptions which exist in relation to outdoor Sports and Recreation whilst impacts in this context have been fully considered.

- 1.14 Officers advise that 'The exceptions at paragraph 149 includes : at (b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation. Exception b is not intended to be specific, and its intention is not to list every development or aspects of it that would be permitted under exception b (It is not that prescriptive) and the fact that they are not specifically listed (fences) does not make them or this development inappropriate in the MGB terms. The appropriate facilities mentioned at exception b could relate to a use itself as a stand alone use or coinciding with any buildings forming part of a Change of Use application or an application for buildings only in connection with existing recreational uses and which could include fences.
- 1.15 Paragraph 149 mentions the overriding caveat as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including the land within it. This has been dealt with in the report.
- 1.16 Given the above whether fences and gates fall within the statutory definition of a building is not determinant in itself in terms of the consideration of inappropriate development as paragraph 149 at exception b makes provision providing that the facilities preserve the openness of the Metropolitan Green Belt and certainly does not preclude fences and gates therefore by definition the development would not be inappropriate. (no definitional harm).
- 1.17 The surface area of the fence is not significant whilst its visual impact within an enclosed area in close physical affiliation with school buildings does not give rise to the other harm. On either side of the perimeter fence openness still prevails thereby the objectives of Green Belt policy are not undermined.
- 1.18 No change to the officer recommendation is necessary and all matters are as set out clearly within the report.

ITEM 8 – APPLICATION NO. 23/00248/REM – CHERRY ORCHARD BRICKWORKS, CHERRY ORCHARD LANE, ROCHFORD

1. Anglian Water response (08/11/23)

Foul Water

- Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted.
- We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development.
- A full assessment cannot be made due to lack of information detailing the connection point to the public network.
- We therefore request a condition requiring an on-site drainage strategy.

Surface Water

- From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water and the submitted drawings indicate that surface water discharge from this site runs to an attenuation pond and ultimately discharges to a ditch.
- On this basis, Anglian Water can confirm this is outside our jurisdiction for comment and the Planning Authority will need to seek the views of the Environment Agency.

Officer comment – with regards to foul drainage, condition 14 of the outline permission requires a foul drainage strategy to be submitted and approved. Therefore there is no need to repeat this condition within the reserved matters application. With regards to surface water drainage, conditions 15, 16, 17 and 18 of the outline permission sufficiently control surface water. ECC Lead Local Flood Authority have confirmed that the information they have currently seen as part of the reserved matters application is likely to be considered acceptable. The Environment Agency have confirmed they have no objections.

2. Essex County Fire & Rescue (10/11/23)

- The access road to the west of the proposed care home would require fire appliances to reverse more than 20m which deems access for this section of the development to be unsatisfactory.
- More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.
- The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development.
- “There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS.

Agent comment - Thanks for raising this point and having reviewed this I can see that they are correct in raising this point as although these points were raised during early discussions with Katie, I don't believe that it has translated into the DAS. We have shown a pathway to continue from the Bungalows access to which will have a gate that will allow fire engines to access the care home from all direction. I have marked over 45m's from 4 points as required and it shows these to overlap. I think the main concern was the rear left-hand side that has been considered but has not been clearly noted in the supporting documentation. I hope that the attached plan will clear this up. This allows the access from fire services to be equal from all sides.

Once inside the building, the development has adequately sized hallways/corridors and communal space to accommodate dry risers and will ensure building regulation compliance. At building regulations stage, we would expect to appoint a suitably qualified fire consultant to support this strategy taken.

I believe the gated access for fire services will be covered under suitably worded boundary treatment condition which will confirm fencing, walls, gates etc.

Officer comment – Essex County Fire & Rescue have been consulted for further comment in relation to access to the care home via the road to the west ahead of committee and have been forwarded the agents further comments and plan.

3. Place Services Heritage Consultant (15/11/23)

- Previous advice was that of no harm (no objection) and upon review of the revised plans I also raise no objection as I do not consider there to be any additional harm.

4. Natural England (15/11/23)

- No comments

5. Amendment to paragraph 2.43 of the officer recommendation

This paragraph refers to the children's nursery being at first floor with offices at ground floor when considering impact on neighbouring properties. However, a site visit has confirmed this is actually the other way round with the offices located at first floor with the nursery at ground floor.

Officer comments – it remains the case that there is not considered to be a detrimental impact on the occupiers of the nursery/office building due to the separation distance between the care home and this building.

6. Amendment to condition 2

Condition 2 lists the plans to be approved. There are just a few plan inaccuracies that need to be addressed. The following plan references will replace those of similar referencing within the officer recommendation:

002 REV P2 - Existing Site Plan
262 REV P2 – Care Home Proposed First Floor Plan
291 REV P2 – Care Home Proposed Bin Store

In addition, the following plan reference will be removed (in light of the additional condition below):

207 REV P1

7. Additional condition

Whilst some information has been provided with regards to existing and proposed land levels this does not appear to extend across the whole site. The plan provided appears acceptable where land level changes are shown and would result in an approximately 500mm increase in land levels in places across the site but there are areas where no such land level has been depicted, for example, in the location of blocks 1-5 and bordering the existing dwellings and children's nursery. As a result it is considered that a condition is required to agree proposed land levels across the site:

36. Prior to works commencing to construct the development hereby approved, existing and proposed land level plans including existing and proposed sections shall be submitted to and agreed in writing with the Local Planning Authority. Once agreed, these plans shall be adhered to.

REASON: To ensure that acceptable land levels are provided at the site in the interests of visual amenity and ensuring acceptable relationships with neighbouring properties in accordance with policy DM1 of the Development Management Plan 2014.