

Development Committee – 28 September 2023

Minutes of the meeting of the Development Committee held on **28 September 2023**
when there were present:-

Chairman: Cllr A H Eves
Vice-Chairman: Cllr Mrs V A Wilson

Cllr Mrs E L Brewer
Cllr R P Constable
Cllr D S Efde
Cllr I A Foster
Cllr J L Lawmon
Cllr R C D Linden

Cllr G W Myers
Cllr C M Stanley
Cllr I H Ward
Cllr S A Wilson

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Mrs L Shaw.

SUBSTITUTE MEMBERS

Cllr L J Newport - for Cllr T D Knight
Cllr I A Foster - for Cllr Mrs L Shaw

NON-MEMBERS ATTENDING

Cllr Mrs J R Gooding
Cllr J N Gooding
Cllr Mrs C M Mason
Cllr J E Newport
Cllr A G Cross
Cllr M Hoy
Cllr N J Booth

OFFICERS PRESENT

P Drane - Director of Place
S Worthington - Acting Service Manager, Democratic Services RDC and BBC
K Rodgers - Team Leader, Development Management
K Fowler - Senior Planner
V Meanwell - Democratic Services Officer

ALSO PRESENT

G Atkinson - Barrister (Six Pump Court chambers)

PUBLIC SPEAKERS

M Rennie	- for item 6
Cllr A Matthews	- for Item 7
N Green	- for items 7, 8
T Costen	- for item 7
Cllr S May	- for item 8
K Spellane	- for item 8

188 MINUTES

The Minutes of the meeting held on 24 August 2023 were approved as a correct record and signed by the chairman.

189 DECLARATIONS OF INTEREST

Cllr I A Foster, Cllr Mrs E L Brewer and Cllr C M Stanley all declared a non-registrable interest in item 7 of the agenda relating to 23/0358/FUL – Land opposite Searles Yard, Trenders Avenue, Rayleigh by virtue of membership of Rayleigh Town Council.

190 23/00274/FUL – LAND OPPOSITE 92 – 102 WINDERMERE AVENUE, HULLBRIDGE

The Committee considered a Section 73 application to vary conditions 2 (approved plans), 5 (implementation of landscaping details), 9 (tree protection), 10 (development in accordance with the arboricultural report and tree protection plan) of planning application reference 20/00332/FUL approved on 15 March 2022.

Cllr A H Eves moved a motion, seconded by Cllr Mrs V A Wilson, that planning permission be approved, subject to the conditions set out in the report and in the addendum to the report and this was agreed unanimously.

Resolved

That planning permission be approved, subject to the permission being bound by the terms of the original and existing legal agreement entered into under Section 106 of the Town and Country Planning Act as signed and dated 10 March 2022 and subject to the following conditions:

Heads of Terms

- (a) Financial contributions towards education provision: Early Years and Childcare Contributions of £18,887.00 (plus indexation) and Secondary Education contributions of £74,851.00 (plus indexation).
- (b) Provision and implementation of a Residential Travel Information Pack for every household.

- (c) Provision of 12-month season tickets for bus travel to all eligible occupiers of the development (maximum 2 per household).
- (d) Provision of 35 percent affordable housing, as cited by the details of the planning application.
- (e) Payment of a financial contribution of £3,400 (at a cost of £200 per dwelling) towards the cost of providing the proposed National Cycle Network Route 135 (Stock to Southend).

Conditions

Commencement

- (1) The development hereby permitted shall be begun before the expiration of 14 March 2025.

Approved Plans

- (2) The development shall be undertaken in strict accordance with the details of the approved plans referenced:

PA_01 Rev D - Site Layout Plan, DAP-1299-201-07 – Apartment Floor Plans, DAP-1299-202-07 – Apartment Elevations, DAP-1299-203-07 – House Type 01, DAP-1299-204-07 – House Type 02, DAP-1299-205-07 – House Type 03, DAP-1299-208-06 – Street Scene, DAP-1299-209 –01 Parking Plan, 203.08 (showing revised treatment of east elevation: Plot 4), LSDP 2010.01 Rev A Structural Landscaping Plan, PA_06 Rev D Boundary Plan.

Submission of External Lighting Details

- (3) Prior to first installation, details of an external lighting scheme shall be submitted to the Local Planning Authority for its written approval. Such details shall include details of all external lighting and illumination within the development site, including details of the height and position of all lighting columns, together with details of luminosity. The lighting shall be installed in accordance with the details as may be approved.

Implementation of Landscaping Details

- (4) The soft and hard landscaping provision as shown by plan reference LSDP 2010.01 Rev A Structural Landscaping Plan and PA_06 Rev D Boundary Plan shall be implemented in its entirety in accordance with the submitted and approved details within the first planting season (soft landscaping) and within one year respectively (boundary treatments and all hardstanding) from the date of occupation of any development. 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 an agreed location, in the first available planting season following removal.

Submission of Landscape Management Plan

- (5) Notwithstanding the details as shown on the approved plan reference LSDP 2010.01 Rev A Structural Landscaping Plan, within 6 months of the date of this grant of planning permission a management plan detailing the future maintenance of the planted boundaries along the sections of the western and eastern application site boundaries and the full extent of the northern site boundary (save for the approved vehicular access) as shown on the aforementioned plan shall be submitted and agreed in writing by the Local Planning Authority. The management plan shall include maintenance details relating to the sections of existing hedge to be retained and the new hedgerows to be planted and include the height at which the growth of the hedgerows along the boundaries will be maintained over the lifetime of the development (allowing for growing margin). The management of the hedgerows along the site boundaries shall be undertaken in accordance with the details as set out in the agreed 'Management Plan', in perpetuity.

Removal of Permitted Development Rights

- (6) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A, B, C, D and E, of the Town and Country Planning (General Permitted Development) Order 2015 (including any Order revoking or re-enacting that Order, with or without modification) following first implementation no extensions, porches or alterations of any kind including the insertion of any window openings or the creation of balconies may be implemented within the development hereby permitted, nor ancillary buildings erected anywhere within the respective curtilage(s) of the properties without the prior permission in writing of the Local Planning Authority.

Provision of Off-Street Loading and Storage Areas

- (7) From the first day of the commencement of the development and for the duration of all construction works thereafter until the completion of the development the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including demolition and construction traffic shall be provided clear of Windermere Avenue.

Provision of Parking Spaces

- (8) All parking areas to serve plots 1-11 inclusive shall be provided with parking space (combined undercroft and drive parking space) of no less than 11 metres in length and 3 metres in width.

Tree Protection

Development in accordance with Arboricultural Report, Tree Protection Plan and Arboricultural Method Statement.

- (9) Trees annotated as T2 and T3 on Phase 1 - Tree Protection Plan dated July 2023 (contained within the Arboricultural Method Statement (AMS) reference LS1843-01 dated 25.09.23) shall be protected by tree protection barriers which shall remain in place as per the details provided in the aforementioned plan and AMS until ground works commence in the Root Protection Area (RPA) of T2 or T3. The tree protection barriers shall be moved to the positions as shown on Phase 2 – Tree Protection Plan dated July 2023 (contained within the Arboricultural Method Statement (AMS) dated 25.09.23) on commencement of ground works within the RPA of T2 or T3 and shall remain in place as per details of such in the AMS until completion of construction works at the site.
- (10) The visitor parking sited north of plots 01 – 04 and the driveway serving these spaces within the root protection area of trees annotated as T2 and T3 on the Phase 3 - Tree Protection Plan dated July 2023 (contained within the Arboricultural Method Statement (AMS) reference LS1843-01 dated 25.09.23), shall be constructed in accordance with details contained within sections 8 and 9 of the Arboricultural Method Statement (AMS) ref LS1843-01 dated 25.09.23, respectively.
- (11) Tree works are to be carried out in line with the arboricultural method statement (AMS) ref LS1843-01 dated 25.09.23 section 5 and section 8 bullet point 6 (soil air injection and application of the compost tea) and section 9 bullet point 5 (soil air injection and application of the compost tea).
- (12) All ground works within the root protection areas of trees T2 and T3(as annotated as T2 and T3 on Phase 1 - Tree Protection Plan dated July 2023 - contained within the Arboricultural Method Statement (AMS) reference LS1843-01 dated 25.09.23) including but not limited to the use of the reduced dig construction method for the visitor spaces and driveway access to these, the carrying out of soil air injection and the application of compost tea, all tree crown and below ground tree works (root pruning), are to be supervised by a qualified Project Arboriculturist, the named details of which shall be submitted to the Local Planning Authority prior to

any ground works commencing within the root protection areas of either T2 or T3. The Project Arboriculturist shall carry out monitoring site visits and supervise works in relation to the construction of hard surfaces with the root protection areas of T2 and T3 in accordance with the requirements and details set out in sections 2 to 4 of the Arboricultural Method Statement (AMS) ref LS1843-01 dated 25.09.23. Photographs and a brief report of the monitoring site visits shall be submitted to the Local Planning Authority by the Project Arboriculturist on, or the day after, each visit.

Provision of Parking Spaces

- (13) All vehicular parking spaces serving the development whether internally or external parking shall have minimum dimensions of 2.9 metres x 5.5 metres as shown by the submitted revised parking layout plan reference 209.01.

Surface Water Drainage Maintenance Logs

- (14) Surface water drainage infrastructure within the root protection areas of trees T2 and T3(as annotated as T2 and T3 on Phase 1 - Tree Protection Plan dated July 2023 - contained within the Arboricultural Method Statement (AMS) reference LS1843-01 dated 25.09.23) including but not limited to the use of the reduced dig construction method for the visitor spaces and driveway access to these, the carrying out of soil air injection and the application of compost tea, all tree crown and below ground tree works (root pruning), are to be supervised by a qualified Project Arboriculturist, the named details of which shall be submitted to the Local Planning Authority prior to any ground works commencing within the root protection areas of either T2 or T3. The Project Arboriculturist shall carry out monitoring site visits and supervise works in relation to the construction of hard surfaces with the root protection areas of T2 and T3 in accordance with the requirements and details set out in sections 2 to 4 of the Arboricultural Method Statement (AMS) ref LS1843-01 dated 25.09.23. Photographs and a brief report of the monitoring site visits shall be submitted to the Local Planning Authority by the Project Arboriculturist on, or the day after, each visit.

Submission of Archaeological Investigation

- (15) The applicant shall submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Local Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Contamination Matters

- (16) Prior to the importation of any material brought onto the site for use as subsoil, topsoil or backfill, a compliance certificate for that material proposed to be imported to the site shall be submitted to and agreed in writing by the Local Planning Authority.
- (17) In the event that contaminated material or asbestos is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the following requirements and a report submitted to and approved in writing by the Local Planning Authority to include: -
- (i) a survey of the extent, scale, and nature of contamination
 - (ii) an assessment of the potential risks to: - human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites, and ancient monuments.
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Where remediation is necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works and the developer shall complete the remediation works in accordance with the scheme approved. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

Prior to occupation of any property hereby permitted the developer shall submit to the Local Planning Authority a signed certificate to confirm that

the remediation works have been completed in accordance with the documents and plans detailed in the approved remediation scheme.

Implementation of Hard Landscaping (Private & Shared Access Drives)

- (18) All hard landscaping (excluding that within the root protection area of trees T2 and T3 details of which are controlled by condition 10) including the surfacing of the shared surface drive, accesses, private drives and parking areas shall be fully constructed and completed in accordance with the details of surfacing material which shall have been submitted to and agreed in writing by the Local Planning Authority, prior to the occupation of any dwellings to be served by such surfacing.

Limiting Construction Hours

- (19) No works during any part of the construction phase of the development, including all associated ground works, building operations deliveries and / or collections shall take place between the hours of 6pm and 7 am (Monday to Friday) and between the hours of 1 pm and 7am on Saturdays. No construction works, deliveries or collections shall take place on a Sunday or on any bank holidays.

Travel Information Packs

- (20) Prior to first occupation of the proposed development, the developer shall be responsible for the provision, implementation, and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the developer to each dwelling free of charge.

Access Construction

- (21) Prior to first occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in each direction, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
- (22) Prior to first occupation of the development, as shown in principle on planning drawing 209.01. the shared vehicular access shall be constructed at right angles to the existing carriageway and shall be provided with an appropriate vehicular crossing.
- (23) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

- (24) The vehicle parking spaces including the car ports shall not be used for any purpose other than for the parking of vehicles unless otherwise agreed in writing with the Local Planning Authority. At no time shall the car ports hereby approved be enclosed .

Electric Car Charging Points

- (25) Prior to the first occupation of the development hereby permitted the electric car charging points as shown on plan reference 209.01 (Parking Plan) (shown to be serving Plots 1-11 inclusive) shall be installed and fully operational.
- (26) Notwithstanding the details of the submitted Parking Plan (which does not indicate electric car charging points to serve the Apartment Block), prior to the first occupation of the Apartment Block electric car charging points shall be provided and fully operational in accordance with the details of a further plan which shall have been submitted to and agreed in writing by the Local Planning Authority.
- (27) Prior to first occupation of the site, a report by the developers Project Arboriculturist (who carried out monitoring as required by condition 11) which evidences (including with photographs taken during site monitoring) that the construction of the hard surfaces within the root protection areas of T2 and T3 was carried out in accordance with the requirements of sections 8 and 9 of the Arboricultural Method Statement (AMS) ref LS1843-01 dated 25.09.23 including evidence that the soil air injection and application of the compost tea has been carried out, shall have been submitted to and agreed in writing by the Local Planning Authority.

Informative

It is noted that the trees T2 and T3 remain inaccurately plotted on plan reference DAP-1299-209-01. This plan remains listed as an approved plan under condition 2 and the plotting of the trees has no bearing on the ability of the development to be otherwise constructed in accordance with this plan which contains details of parking provision. (DP)

191 23/00358/FUL – LAND OPPOSITE SEARLES YARD, TRENDERS AVENUE, RAYLEIGH

The Committee considered an application for the material change of use of land and building for the stationing of caravans for residential purposes.

The meeting adjourned for 30 minutes in order for the Committee to be provided with the personal circumstances of the applicant that had not previously been disclosed.

Cllr D S Efde moved a motion, seconded by Cllr S A Wilson that, should the application be approved, a condition restricting the commercial activity to the site be added. This was approved on a show of hands.

(7 Members voted in favour of the Motion, 0 against and 6 abstained.)

Cllr A H Eves moved a motion, seconded by Cllr D S Efde, that the application be approved, subject to the conditions set out in the report and in the addendum, and this was lost on a show of hands.

(2 Members voted in favour of the motion, 11 against and 1 abstained.)

Note: A motion without notice was moved by Cllr A H Eves and seconded by Cllr J L Lawmon to extend the meeting for as long as necessary to complete the remaining business and this was agreed on a show of hands.

Cllr I H Ward moved a motion to refuse the application, seconded by Cllr C M Stanley, on the grounds that the proposed development constituted inappropriate development within the Green Belt, would have a negative impact upon the residential amenity of existing properties, would be provided with inadequate access for caravan traffic and would not be in keeping with the local character. This was carried on a show of hands.

(11 for, 0 against and 2 abstentions)

Resolved

That the application be refused for the following reasons:-

1. The application site is located in the Metropolitan Green Belt where restrictive policies apply. The proposed development would constitute inappropriate development within the Green Belt which is harmful by definition. Very special circumstances are not considered to exist which clearly outweigh the harm identified, contrary to the requirements of paragraph 148 of the NPPF and Rochford Core Strategy Policies GB1 and H7.
2. The proposed development would have a negative impact upon the residential amenity of existing properties given the relationship with the existing nearby grouping of residential dwellings, contrary to part (x) of Policy DM1 and Policy DM3 (iv) of the Development Management Plan.

3. The proposed development would be provided with an unsatisfactory and inadequate access for caravan traffic that would harm highway safety, contrary to paragraphs 110 and 111 of the NPPF.
4. The proposed development would not be in keeping with the local character and its appearance, contrary to part (xi) of Policy DM1 and DM3 (ii) of the Development Management Plan. (DP)

The meeting was adjourned for 5 minutes.

192 23/00497/FUL – LAND WEST SIDE JUNCTION OF MAGNOLIA ROAD AND LINCOLN ROAD, ROCHFORD

The Committee considered an application for mixed use of keeping of horses and stationing of caravans for residential use and laying of hardstanding and erection of day room ancillary to that use.

Cllr I A Foster moved a motion to refuse the application, seconded by Cllr D S Efde on the grounds that the proposed development would constitute inappropriate development within the Green Belt, would have an unacceptable impact on the amenity of existing residential dwellings, the vehicular access would be inadequate for construction and caravan traffic, the site is subject to surface water flood risk and the design and appearance of the proposed development would not provide a positive relationship with existing and nearby dwellings, and this was approved unanimously.

Resolved

That the application be refused for the following reasons:-

1. The application site is located in the Metropolitan Green Belt where restrictive policies apply. The proposed development would constitute inappropriate development within the Green Belt, which is harmful by definition. Very special circumstances are not considered to exist which clearly outweigh the harm identified, contrary to the requirements of paragraph 148 of the NPPF and Rochford Core Strategy policies GB1 and H7.
2. The proposed development would have an unacceptable impact upon the amenity of existing residential dwellings, particularly the occupiers of Doric Lodge, by way of the noise that would result from the proposal and the lack of separation. The proposal would be contrary to parts (ix) and (x) of policy DM1 and DM3 (iv) of the Development Management Plan.
3. Insufficient information has been provided in the highways assessment, which did not consider all aspects of the junction with Rectory Road and of Magnolia Road and Lincoln Road. The vehicular access to the site would be inadequate for construction and caravan traffic and would harm highway

safety. The proposal would be contrary to paragraphs 110 and 111 of the NPPF.

4. The proposed development is for a site subject to surface water flood risk. The development is contrary to policy ENV3 of the Core Strategy and NPPF Paragraph 168.
5. The design and appearance of the proposed development would fail to provide a positive relationship with existing and nearby buildings and would not be of a scale and form appropriate to the locality, contrary to part (x) and part (xi) of policy DM1 of the Development Management Plan. The proposal has not considered the impact on residential amenity contrary to part (iv) of policy DM3. (DP)

The meeting closed at 11.30 pm.

Chairman

Date

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