

## Development Committee – 22 April 2021

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Minutes of the meeting of the Development Committee held on **22 April 2021** when there were present:-

Chairman: Cllr S P Smith  
Vice-Chairman:

Cllr Mrs L A Butcher  
Cllr D S Efte  
Cllr A H Eves  
Cllr N J Hookway

Cllr D Merrick  
Cllr C M Stanley  
Cllr A L Williams  
Cllr S A Wilson

### **APOLOGIES FOR ABSENCE**

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

### **SUBSTITUTE MEMBERS**

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

### **NON-MEMBERS ATTENDING**

Cllr D J Sperring

### **OFFICERS PRESENT**

M Hotten - Assistant Director, Place and Environment  
Y Dunn - Planning Manager  
K Rodgers - Team Leader (Area Team South)  
M Stranks - Team Leader (Area Team North)  
S Worthington - Principal Democratic & Corporate Services Officer  
C Irwin - Solicitor  
K Smith - Democratic Services Officer

### **65 MINUTES**

The Minutes of the meeting held on 25 March 2021 were approved as a correct record and would be signed by the Chairman in due course.

### **66 DECLARATIONS OF INTEREST**

It was noted that, with reference to item 7 of the agenda - Land West of the Car Park, Cherry Orchard Jubilee Country Park, reference 20/01128/OUT – this application is made on the Council's land by a third party. This is legally acceptable in planning terms. However, if granted, the Council would benefit from the application. There would be another pecuniary interest for Members of the Committee to declare. However, the business still had to be considered by the Committee as the Council was the local planning authority.

Accordingly, pursuant to s.33 of the Localism Act 2011, and the authority delegated to the Monitoring Officer by the Council under minute 86-12, dispensation has been granted to all Members of the Development Committee and their substitutes for application 20/01128/OUT on the basis that without the dispensation the number of persons prohibited by s.31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business. This dispensation was for a period of one year.

Cllr S P Smith declared a non-pecuniary interest in item 7 of the agenda by virtue of being acquainted with the planning agent for the Cherry Orchard application. Cllr M J Steptoe declared a non-pecuniary interest in the same item as Ward Councillor and County Councillor covering the application site, and by virtue of being acquainted with the planning agent and the applicant. Cllr A L Williams also declared a non-pecuniary interest in the item as the site is within his Ward and Parish, and by virtue of being acquainted with the planning agent and the applicant. Cllr Mrs J R Gooding declared a non-pecuniary interest by virtue of being acquainted with the planning agent. Cllr D S Efde declared a non-pecuniary interest by virtue of knowing the planning agent, and Cllr Mrs D L Belton also declared a non-pecuniary interest by virtue of knowing the planning agent. Cllr D Merrick declared a non-pecuniary interest in the item by virtue of being acquainted with the planning agent, and a non-pecuniary interest in item 9 relating to the Site of Bullwood Hall, Hockley by virtue of the application site being located within his Ward.

**67 20/00913/OUT – CHERRY ORCHARD BRICKWORKS, CHERRY ORCHARD LANE, ROCHFORD**

**Note:** This item has been deferred to a future meeting of the Committee.

**68 20/01128/OUT – LAND WEST OF CAR PARK, CHERRY ORCHARD JUBILEE COUNTRY PARK, CHERRY ORCHARD WAY, ROCHFORD**

The Committee considered an application for construction of a visitor centre containing reception area, toilets, café, display/education space.

On a requisition pursuant to Committee Procedure Rule 12.4 a recorded vote was taken on a motion to approve the application, subject to the conditions set out in the officer's report and the informative from the Chairman, as follows;

For (8) Cllrs Mrs D L Belton; Mrs L A Butcher; D S Efde; Mrs J R Gooding; D Merrick; S P Smith; M J Steptoe; A L Williams

Against (3) Cllrs A H Eves; N J Hookway; C M Stanley

**Resolved**

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

- (1) No development shall commence before plans and particulars showing precise details of access, appearance, landscaping, layout and scale of the site (herein after called the "Reserved Matters") have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.
- (2) Application for approval of all "Reserved Matters" referred to in Condition 1 above shall be made to the Local Planning Authority before the expiration of three years from the date of this planning permission. The development hereby permitted shall be begun before the expiration of three years from the date of this permission or two years from the date of the final approval of "Reserved Matters", whichever is the later.
- (3) No works above ground shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved materials.
- (4) Prior to occupation of the building hereby approved plans and particulars showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted have been agreed in writing by the Local Planning Authority. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority, which shall show the retention of existing trees, shrubs and hedgerows on the site and include details of:
  - a schedule of species, size, density and spacing of all trees, shrubs and hedgerows to be planted (to compensate for the loss of trees arising from the development);
  - 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;
  - 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)

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.

- (5) Prior to development a scheme for the protection of the existing trees has been submitted to and approved in writing by the Local Planning Authority. Such a scheme will comply with the provisions of BS5837:2012 (Trees in relation to design, demolition and construction). The approved scheme for the protection of the existing trees shall be implemented before development commences and be maintained in full until the development has been completed.
- (6) All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Greenlight Environmental Consultancy Ltd., January 2021) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities and works shall be carried out in accordance with the approved details.
- (7) Prior to the commencement of the development a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority.

The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

- (8) Prior to slab level, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs to achieve stated objectives;
  - c) locations of proposed enhancement measures by appropriate maps and plans;
  - d) persons responsible for implementing the enhancement measures;
  - e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

- (9) Prior to occupation, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

- (10) Prior to the construction above, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.
- (11) Prior to the commencement of the development, a pre-construction survey for badger activity including the presence of setts shall be undertaken. If signs of activity are found then a badger survey shall be submitted to the Local Planning Authority for consideration. Any works

undertaken shall be in accordance with the details agreed through the survey.

### Informative

The use of the land should meet the Safe by Design standard and any design should be low rise and low key. The capacity of the building should have matched capacity in the car park, with consideration given to coach access. (ADPE)

### **69 20/00312/REM – LAND NORTH OF LONDON ROAD AND WEST OF RAWRETH INDUSTRIAL ESTATE, RAWRETH LANE, RAYLEIGH**

The Committee considered an application for reserved matters namely access, appearance, landscaping, layout and scale relating to the strategic landscaping area to the western part of the site.

### **Resolved**

That Reserved Matters Approval 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 approval.
- (2) The development shall be undertaken in strict accordance with the submitted plan referenced: 180605-L (93) -50 Strategic Landscape (Rev D)
- (3) Notwithstanding the details of the submitted plan 180605-L (93) -50 Strategic Landscape (Rev D), details of the location and number of general waste bins including their material construction and finish shall be submitted to and approved in writing by the Local Planning Authority. The bins shall be installed in accordance with the approved details prior to the first use of the area subject of the development and retained in perpetuity over the lifetime of the use. Any subsequent replacement bins shall be of the same construction and finish unless agreed otherwise in writing by the Local Planning Authority.
- (4) Notwithstanding the details of the submitted plan 180605-L (93) -50 Strategic Landscape (Rev D) details of the material construction and finish of the dog waste bins shall be submitted to and approved in writing by the Local Planning Authority. The bins shall be installed in accordance with the approved details prior to the first use of the area subject of the development and retained in perpetuity over the lifetime of use. Any subsequent replacement bins shall be of the same construction and finish unless agreed otherwise in writing by the Local Planning Authority.

Informative

Notwithstanding the mown path shown proposed extending northwards from London Road through the strategic green space, this shall be a hard surfaced path for at least 100m from the southern boundary of the application site to ensure that this path is maintained as a useable surface throughout the year given the potential for any surface water and heavy use by pedestrians to give rise to muddy/boggy conditions which would prohibit use. The kissing gate proposed towards the southern boundary should be designed to allow for disabled access. An additional dog waste bin shall be provided and sited within the vicinity of the bench to be provided to the northern side of the central attenuation pond. Details in respect of the above will be expected to be submitted in relation to the discharge of specific landscaping details of this part of the site under condition 21 of the outline planning permission relating to the site. (ADPE)

(11 Members voted in favour of the application, 0 against, 0 abstained)

**70 20/01156/FUL – SITE OF BULLWOOD HALL, BULLWOOD HALL LANE, HOCKLEY**

The Committee considered an application to vary condition 5 (Obscure glazing to specified widows) to permission for re-development of former prison site.

**Resolved**

That the application be refused for the following reason:-

The solution being offered by the developers would not meet with the Council's policy and requirements, and the possibility that it could be easily undermined due to the limits of the hinges which could be undone and substituted giving rise to the loss of privacy between adjoining occupiers that condition 5 as originally approved is designed to avoid. (ADPE)

(11 Members voted in favour of the motion, 0 against and 0 abstained)

The meeting closed at 8.47 pm.

Chairman .....

Date .....

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