

Development Committee – 27 June 2019

Minutes of the meeting of the Development Committee held on **27 June 2019** when there were present:-

Chairman: Cllr S P Smith
Vice-Chairman: Cllr Mrs L Shaw

Cllr C C Cannell
Cllr D S Efd
Cllr D Merrick
Cllr P J Shaw

Cllr M J Steptoe
Cllr Mrs C A Weston
Cllr S E Wootton

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs A H Eves, C M Stanley, A L Williams and S A Wilson.

SUBSTITUTE MEMBERS

Cllr Mrs C M Mason - for Cllr A H Eves
Cllr M J Lucas-Gill - for Cllr A L Williams

NON-MEMBERS ATTENDING

Cllrs R R Dray; Mrs J R Lumley; Mrs C A Pavelin; M G Wilkinson

OFFICERS PRESENT

M Hotten - Assistant Director, Place & Environment
K Rodgers - Team Leader (Development Team South)
M Stranks - Team Leader (Development Team North)
R Hurst - Senior Solicitor
K Ellis - Senior Planner
S Worthington - Democratic Services Officer

PUBLIC SPEAKERS

G Bailey - Item 7
J Dagg - Item 8
J Smith - Item 12(1)

124 MINUTES

The Minutes of the meeting held on 4 June 2019 were approved as a correct record and signed by the Chairman.

125 DECLARATIONS OF INTEREST

Cllrs R R Dray and Mrs C A Pavelin declared a non-pecuniary interest in items 9 and 12(1) of the Agenda by virtue of membership of Rayleigh Town Council. Cllr R R Dray was also acquainted with a resident of Ulfa Court.

Cllr M J Steptoe declared a non-pecuniary interest in item 9 of the Agenda by virtue of Chairmanship of the A127 Task Group.

126 19/00314/OUT – 28 CHESTNUT CLOSE, HOCKLEY

The Committee considered an application for a single storey pitched roofed front extension and porch.

Resolved

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

Commencement

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

Approved Plans

- (2) The development hereby permitted shall be carried out in strict accordance with the approved plans listed below:-

Drawings numbered: DRG 01, DRG 03, DRG G04

External Materials

- (3) The external facing materials shall match the existing parts of the building or site and/or be those materials specified on the plans and application form submitted in relation to the development hereby permitted, unless alternative materials are proposed. Where alternative materials are to be used, no development shall commence before details of those alternative external facing materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Where other materials are agreed in writing by the Local Planning Authority, the materials agreed shall be those used in the development hereby permitted. (ADP&E)

127 18/01064/FUL – LAND REAR OF 37 AND 39 DOWN HALL ROAD, RAYLEIGH

The Committee considered an application for two detached three-bedroomed dwellings with private access driveway from Cheapside East.

Mindful of officers' recommendation to approve the application, Members nevertheless considered that the application should be refused on the grounds that the proposed access was too narrow, that the access arrangement was likely to result in damage to adjacent buildings at 7 and 9 Cheapside East and that vehicles would have to reverse out of the narrow access in the event of an emergency on site.

Resolved

That the application be refused on the grounds that the proposed access is inadequate. (ADP&E)

128 17/00877/OUT – CHERRY ORCHARD BRICK WORKS, CHERRY ORCHARD LANE, ROCHFORD

(Note: Cllr Mrs J R Lumley declared a non-pecuniary interest in this item by virtue of membership of Essex County Council.)

The Committee considered an outline application with some matters reserved for a proposed retirement village consisting of 32 no. over 55's apartments, 22 no. over 55's dwelling houses and 9 no. over 55's bungalows, 30 no. assisted living apartments, 34 no. sheltered apartments, 93-bed care home, 903sqm of A1 space, 397sqm of A3 space, 1974sqm of B1 space, 890sqm of D1 space and 197 parking spaces. Access to the site is the only reserved matter for consideration at the outline stage.

Mindful of officers' recommendation to refuse the application, Members nevertheless considered that the application should be deferred to allow officers to re-consider it in the context of the Government Planning Guidance issued on 26 June 2019 and to allow time for outstanding consultation responses, including that from County Highways, to be received.

Resolved

That the application be deferred to a future meeting of this Committee. (ADP&E)

129 18/01022/OUT – MICHELIN FARM, ARTERIAL ROAD, RAYLEIGH

The Committee considered an application for the erection of buildings for use within Classes B1(c), B(2) and B8 with access and servicing arrangements, car parking, landscaping, drainage features and associated highway works (Phase 1); outline planning application for up to 33,500 square metres of employment uses (Classes B1(c), B2 and B8), including means of access with all other matters reserved (Phase 2).

Resolved

That the application be approved, subject to an agreement under Section 106 of the Act to the following heads of terms:-

- a) Financial contribution of up to £473,878 for off site early years and childcare provision.
- b) Financial contribution of £5,000 for the management of the Travel Plan.

and to the following conditions

Full

- (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:

18007 P003 Rev. A, 8007 P004 Rev. A, 18007 P006 Rev. A, 18007 P007 Rev. A, 18007 P003 Rev. A, 18007 P008 Rev. A, 18007 P010 Rev. A, 18007 P012 Rev. A;

18007 P1001 Rev. A 18007 P1002 Rev. A, 18007 P1003 Rev. A, 18007 P1006 Rev. A, 18007 P1007 Rev. A;

18007 P2001 Rev. A, 18007 P2002 Rev. A, 18007 P2003 Rev. A, 18007 P2004 Rev. A, 18007 P2005 Rev. A, 18007 P2006 Rev.A.

- (3) No development 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 and approved in writing by the Local Planning Authority. The development shall be carried out using the materials and details as approved.

Reserved Matters and Phasing

- (4) Application for the approval of the reserved matters for the phase two of the development shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- (5) Phase two hereby permitted shall be begun within two years from the date of the final approval of the reserved matters for phase two. The development shall be carried out as approved.

Uses

- (6) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (GPDO) as amended, none of the premises as built shall benefit from provisions within the GPDO which allow for a change of use. The development hereby permitted shall be restricted to the uses proposed in this application and for no other purpose.

Landscaping and Trees

- (7) Phase one hereby permitted shall be carried out in full accordance with the submitted arboricultural impact assessment produced by Tyler Grange dated 2 November 2018, unless otherwise agreed in writing by the Local Planning Authority.
- (8) No development shall commence before all existing trees, together with shrubs and hedgerows on the approved drawing 11866/P04, have been protected by chestnut paling fencing erected at the full extent of the crown spread, which shall remain for the duration of the development hereby permitted. Such protective fencing shall be removed only when the full extent of the development (including all underground services and works) have been completed. Under no circumstances shall any equipment or materials (including displaced soil) be stored or buildings or structures erected (including site offices), nor shall any changes be made to the existing ground level within the area marked by the chestnut paling fencing.
- (9) The 'Green Mesh Palisade Fence' to be provided in accordance with the plans and landscape specifications shall be erected within the first available planting season (October to March inclusive) following the commencement of the development and shall be retained in perpetuity for the life of the development thereafter.
- (10) No development shall be occupied before plans and particulars showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted and shall be submitted concurrently with the Reserved Matters referred to in conditions 4 and 5 above, 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:
 - 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);

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.

- (11) No ground work or development shall take place within phase two (with a phase equivalent to a Reserved Matters application submission) until an Arboricultural Impact Assessment and tree protection plan and method statement in accordance with BS5837:2012 has been submitted to and approved in writing by Rochford District Council for that phase taking account of trees within the phase or whose root protection areas lie in any part within that phase. Tree protection measures, as agreed, shall be implemented prior to commencement of ground works within the relevant phase and the agreed method statement shall be complied with throughout the construction period.

Ecology

- (12) Prior to commencement of development an updated survey for badgers should be undertaken and the findings of the survey and any additional mitigation measures proposed submitted to and approved in writing by the Local Planning Authority.
- (13) No disturbance of soil, roots or vegetation in respect of the development hereby approved shall take place until a full reptile survey has been undertaken and the details submitted to and approved in writing by the Local Planning Authority. The details shall include measures and programme for reptile mitigation and conservation, including a detailed methodology for the capture and translocation of such. The mitigation and conservation measures shall be implemented in accordance with the approved details and programme to the satisfaction of the Local Planning Authority.

SUDs

- (14) No surface drainage works 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:

- The appropriate level of treatment for all run off leaving the site, in line with the CIRIA SuDS Manual C753.
 - 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.
- (15) No construction works other than enabling 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.
- (16) The development should not be occupied until 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, has been 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.
- (17) The applicant or any successor in title shall maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.
- (18) No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.
- (19) Prior to the construction of buildings above damp proof course, 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.

Contaminated Land

(20) Prior to each phase of development approved by this planning permission no development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A 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 at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

No occupation of any part of the permitted development/of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long term monitoring and maintenance plan”) for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long term monitoring and maintenance plan shall be implemented as approved.

No development should take place until a long term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the local planning authority, shall be submitted to and approved in writing by the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the local planning authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the local planning authority.

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

No occupation of any part of the permitted development/of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long term monitoring and maintenance plan shall be implemented as approved.

No development should take place until a long term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports, as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Noise

- (21) The design of the development shall be of such a standard that it will protect from the nearest noise receptors from external and internal noise. Noise mitigation measures must be carried out in accordance with the approved Noise Assessment (Section 6) produced by WYG (reference A110509 dated 28 September 2018) to ensure that the nearest noise receptors are not exposed to daytime and evening noise levels exceeding 50 dB(A), L_{Aeq} , 1hr in outdoor living areas and 25 dB(A), L_{Aeq} , 1 hr for indoor living areas.
- (22) All buildings operating within B2 (general industrial) across phase one shall be constructed so as to provide sound attenuation against external noise.
- (23) Where used, only visual and/or broadband reversing alarms will be permitted on vehicles operating and based on the site.

Archaeology

- (24) Where used, only visual, broadband reversing alarms and/or tonal reversing beepers will be permitted on vehicles operating and based on the site.

Highways

- (25) No development 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.
- (26) No unbound material shall be used in the surface treatment of the vehicular access within 30 metres of the highway boundary.
- (27) 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
- (28) There shall be no discharge of surface water onto the Highway.
- (29) Prior to commencement of development the associated land identified for the improvement works at adjacent Fairglen interchange (A127/A1245) under the applicant's control shall be transferred to Essex County Council without charge, solely for the purposes of highway improvements.
- (30) Prior to the first occupation of the proposed development, the developer shall submit a Travel Plan to the Local Planning Authority in consultation with Essex County Council – Highway Authority and Highways England. The document should cover the following issues:
- Signing Strategy
 - Promoted Vehicle Routes
 - Travel Plan co-ordinator
 - Travel Surveys
 - Measures to be taken to encourage walking, cycling, use of public transport and reduce car travel by staff
 - Monitoring and review in collaboration with Highways England
 - Programme for implementation

The approved Travel Plan shall be implemented in accordance with the approved implementation programme.

BREEAM

- (31) All buildings within the site shall achieve a BREEAM rating of 'Very Good' unless this cannot be achieved for reasons of viability in which case details of the BREEAM rating that can be achieved, including details to demonstrate the viability case to demonstrate why the 'Very Good' rating cannot be achieved, shall be submitted to and approved in writing by the Local Planning Authority. If an alternative BREEAM standard is approved for any building this shall be met.
- (32) All buildings within the site shall achieve at least 10% of their energy from decentralised and renewable or low carbon sources, unless this cannot be achieved for reasons of viability in which case details of the rating that can be achieved, including details to demonstrate the viability case why 10% cannot be achieved, shall be submitted to and approved in writing by the local planning authority. If an alternative percentage of energy from decentralised and renewable or low carbon sources is approved for the buildings this shall be met. (ADP&E)

130 19/00315/REM – LAND NORTH OF LONDON ROAD AND SOUTH OF RAWRETH LANE AND WEST OF RAWRETH INDUSTRIAL ESTATE, RAWRETH LANE, RAYLEIGH

The Committee considered an application for the construction of a spine road (central section), erection of additional pumping station and an electricity sub station, construction of a surface water attenuation pond and associated strategic landscaping.

Resolved

That planning permission be approved, subject to the following condition:

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

131 19/00367/ADV – HOCKLEY WOODS, MAIN ROAD, HOCKLEY

(Note: Cllr Mrs C A Weston declared a non-pecuniary interest in this application by virtue of membership of Essex County Council.)

The Committee considered an application for the temporary display of a banner advert 4m x 0.7m to advertise Council events.

Resolved

That Advert Consent be approved, subject to the following conditions:

- (1) This consent shall expire at the end of a period of five years from the date of this decision notice.

(2)

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to: -
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity. (ADP&E)

132 19/00257/FUL – 33 EASTWOOD ROAD, RAYLEIGH

The Committee considered an application for the change of use of a building from class A1 (retail) to a mixed use of predominantly A4 (drinking establishment) and some A1 (retail) to allow for the use of the building as a micropub with retail sales.

Resolved

That the application 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 plan & plan-proposed dated 20th March
- (3) Before the use hereby approved commences the building envelope shall be insulated against the egress of internally generated noise, in

accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority. Such agreed works shall be fully implemented prior to the commencement of any use hereby permitted and shall be maintained in the approved form while the premises are in use for the permitted purpose.

- (4) Before the use hereby approved commences, details of any external equipment or openings in the external walls or roofs of the building proposed at any time in connection with the permitted use, shall be submitted to and approved in writing by the Local Planning Authority before the machinery is installed or the opening formed. The equipment shall be installed or the openings formed as approved prior to the use commencing and shall be maintained in the approved form while the premises are in use for the permitted purpose.
- (5) Before the use hereby approved commences, details of the external area to serve the A4/A1 use (including but not limited to positioning, sizing and any external paraphernalia) shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed, the external area shall be provided in accordance with such details prior to first use of the development hereby approved.
- (6) The forecourt area beneath the existing canopy adjoining the angled display window fronting onto the junction made between Eastwood Road and Websters Way shown cross hatched on the approved proposed floor plan sheet 1 of 1 shall be kept free from any means of enclosure, free standing advertising material such as “A” boards, storage, seating and furniture. Furthermore, the same area shown cross hatched shall not be used by patrons for outside dining, drinking or congregation. (ADP&E)

REASON: In order to keep the forecourt area free from obstruction in the interests of highway safety, given the relative narrowness of the pavement and conflict with the adjacent crossing and in order to restrict outside activity such as groups of patrons congregating in this area giving rise to noise and disturbance adversely impacting upon the amenity occupiers to flats above the premises ought reasonably expect to enjoy.

The meeting closed at 9.25 pm.

Chairman

Date

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