

Development Committee – 23 July 2015

Minutes of the meeting of the Development Committee held on **23 July 2015** when there were present:-

Chairman: Cllr C G Seagers

Vice-Chairman: Cllr I H Ward

Cllr C I Black	Cllr J C Lawmon
Cllr Mrs L A Butcher	Cllr Mrs G A Lucas-Gill
Cllr T G Cutmore	Cllr Mrs J R Lumley
Cllr R R Dray	Cllr M Maddocks
Cllr J H Gibson	Cllr Mrs C M Mason
Cllr Mrs H L A Glynn	Cllr J R F Mason
Cllr K J Gordon	Cllr Mrs J E McPherson
Cllr J D Griffin	Cllr D Merrick
Cllr Mrs A V Hale	Cllr R A Oatham
Cllr J Hayter	Cllr Mrs C A Pavelin
Cllr B T Hazlewood	Cllr Mrs C E Roe
Cllr N J Hookway	Cllr Mrs M H Spencer
Cllr Mrs D Hoy	Cllr D J Sperring
Cllr M Hoy	Cllr M J Steptoe
Cllr K H Hudson	Cllr M J Webb
Cllr G J Ioannou	Cllr Mrs C A Weston

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs J C Burton, M R Carter, Mrs J A Mockford, S P Smith and Mrs B J Wilkins.

OFFICERS PRESENT

S Scrutton	- Director
A Law	- Assistant Director, Legal Services
J Bostock	- Assistant Director, Democratic Services
M Stranks	- Team Leader (Area Team North)
K Rodgers	- Team Leader (Area Team South)
C Todman	- Trainee Solicitor
L Spicer	- Communications Officer
S Worthington	- Committee Administrator

PUBLIC SPEAKERS

M Nuttman	- for item 6(3)
C Meech	- for item 6(3)

(Note: It was agreed on a show of hands that Cllr I H Ward should act as Vice-Chairman at this meeting)

148 MINUTES

The Minutes of the meeting held on 25 June 2015 were approved as a correct record and signed by the Chairman.

149 DECLARATIONS OF INTEREST

Cllr C G Seagers declared an other pecuniary interest in respect of item 6(1) of the Agenda relating to application 15/00041/FUL – Land between Main Road, Rectory Road and Clements Hall Way, Hawkwell and withdrew from the Chamber during debate of that item and Cllr Mrs M H Spencer declared a non pecuniary interest in the same item by virtue of being a personal friend of one of those who had submitted representations.

Cllrs R R Dray, I H Ward, J L Lawmon, Mrs C E Roe, Mrs M H Spencer, Mrs J R Lumley and D J Sperring each declared a non pecuniary interest in item 6(2) of the Agenda relating to application 15/00241/FUL – 81 High Street, Rayleigh by virtue of Membership of Rayleigh Town Council. Cllr D Merrick declared a disclosable pecuniary interest in the same item by virtue of being a consultant at Rudds and left the Chamber during debate of that item.

150 15/00394/FUL – CARIADS REST, KINGSMANS FARM ROAD, HULLBRIDGE

It was noted that this application was deferred to a future meeting of the Committee.

151 15/00183/COU – LAND ADJACENT TO 1 PARKWAY, RAYLEIGH

It was noted that this application was deferred to a future meeting of the Committee.

152 15/00041/FUL – LAND BETWEEN MAIN ROAD AND RECTORY ROAD AND CLEMENTS HALL WAY, HAWKWELL

(Note: Cllr I H Ward chaired this item)

The Committee considered an application to vary condition 15 to permission granted on 3 June 2014, application 13/00709/FUL from: 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 no. H4606 dated January 2013' to:

15 'The development shall be implemented with jet washer on site and mechanical sweeper, as required, for off site roads and as specified at appendix C to the construction management project plan no. H4606 and dated January 2013 accompanying application 12/00381/FUL, as approved on 17 December 2012.

Members expressed concern that one of the conditions attached to the planning permission for this application was not adhered to by the applicant and that it was not now practicable to enforce the condition. There was a general consensus that the proposed condition should be further revised to include a requirement for a road sweeper to follow all HGVs departing from the application site to clean the road.

Resolved

That the application be approved, 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).
- (4) 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 with details for the wheel cleaning of construction vehicles before their exiting the site and to comprise of not less than one jet washer on site and mechanical sweeper as required for off site roads and as specified at Appendix C to the Construction Management Project Plan No. H4606 and dated January 2013 accompanying application 12/00381/FUL as approved on 17th December 2012. The mechanical vacuum tanker road sweeper shall follow each HGV vehicle leaving the site to sweep detritus from the road surface arising from such construction vehicles along Rectory Road. 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.
- (16) 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.
- (17) 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.
- (18) 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.
- (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.

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

- (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. (Director)

153 15/00241/FUL – 81 HIGH STREET, RAYLEIGH

The Committee considered an application for the change of use of pavement to provide outside seating areas in connection with the ground floor of No. 81 High Street, Rayleigh.

Mindful of officers' recommendation to approve the application, Members nevertheless considered that the application should be refused on the grounds that this would result in a narrowing of the High Street pavement in a

very busy part of the town and contravenes section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve and enhance the Conservation Area.

Resolved

That the application be refused for the following reasons:-

- (1) The application will result in an unacceptable narrowing of the High Street pavement in a very busy part of the town in the vicinity of Rayleigh Market and a well used taxi rank to the detriment of pedestrian safety and the free-flow of pedestrians and contrary to the emerging Rayleigh Area Action Plan which seeks improved pedestrian accessibility within the town centre and contrary to Manual for Streets (2007) guidance.
- (2) The proposed development would result in an unwelcome intrusion into the streetscape of the Conservation Area. The seating and proposed barrier would create street clutter and the barrier would appear as a garish element uncharacteristic of the Conservation Area setting. The proposal would not preserve and enhance the Conservation Area and would therefore fall contrary to the requirements for such, as set out in the National Planning Policy Framework for the preservation of heritage assets and contrary to Policy CP2 of the Rochford District Core Strategy (2011). (Director)

154 15/00284/FUL – 12A PURDEYS WAY, ROCHFORD

The Committee considered an application for the change of use of the site from Class B8 use to Class D2 use as a trampoline centre.

Resolved

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

- (1) SC4B Time Limits Full - Standard
- (2) The development shall only be used as a trampoline centre and for no other purpose, including any use otherwise permitted within Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (including any Order revoking or re-enacting that Order, with or without modification), or such uses ordinarily incidental to the use hereby permitted.
- (3) Prior to occupation of the facility a minimum of twelve secure cycle parking spaces shall be provided on the site. (Director)

Development Committee – 23 July 2015

The meeting closed at 9.00 pm.

Chairman

Date

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