

Addendum
Development Committee
5th June 2014

<p>Item 4</p> <p>12/00252/FUL – Star Lane Brick Works, Star Lane, Great Wakering - Re-Development To Provide 116 Dwellings Comprising 6No. One- Bedroomed Flats, 7No. Two- Bedroomed Flats, 21no. Two Bedroomed Houses, 48No. Three- Bedroomed Houses And 34No. Four- Bedroomed Houses, With Associated Parking, Landscaping and Open Space, Access From Star Lane And Construction Of Sub-Station</p>	<p>Contents:</p> <ol style="list-style-type: none"> 1. Additional/Revised Plans 2. Additional Agent Comments 3. Consultation Response 4. Officer Comments Regarding Access to SER9b Residential Allocation and Emergency Access 5. Officer Comments Regarding Clause in S. 106 Relating to Affordable Housing 6. Officer Comments Regarding Reduction in Dormer Surrounds 7. Officer Response to Additional Agent Comments 8. Parish Council Comments/Questions and Officer Response 9. Extra Condition <p>1. Additional/Revised Plans</p> <p>Alterations were made to some of the revised May 2014 drawings where some slight discrepancies had been identified. This included:-</p> <ol style="list-style-type: none"> 1. Site sections 11 and 12 (PL247 Rev C) – Provision of this drawing had been missed in the May 2014 amended drawings so this was subsequently provided. 2. House Type F1 Gable Variations Floor Plans and Elevations (PL236) – This referred to the wrong plot numbers and was subsequently amended. 3. House Type E Floor Plans and Elevations (PL222 Rev C) – Did not show the second floor and was subsequently amended. 4. House Type M1 Wheelchair Floors Plans and Elevations – Disabled bay measurement was not right sizing and was subsequently amended.
---	--

Other additional plans were also supplied including:-

1. A revised landscape plan titled 'general arrangement' (L0176L09)
2. 3D Aerial view of the entire site
3. 3D Street view 1 & 2
4. 3D Street view 3 & 4
5. 3D Street view 5 & 6

None of the additional/revised plans alter the recommendation made.

2. Additional Agent Comments

- It is anticipated that the management company would be responsible for the communal areas, including boundary landscaping, drainage, parking courts and the emergency access point;
- The intention is to maintain the native hedgerow to the Star Lane boundary where possible and subject to achieving necessary junction visibility;
- I understand that the emergency services would hold the key to the emergency access gate. Other than during emergencies, the gate would remain shut and locked;
- Glanvilles advise that the off-site junction improvements would be implemented under S. 278. Agreement would therefore be post planning consent;
- The HSE has now informed us that it will not advise against the proposed residential development based on the results of the trial pit exercise relating to the gas pipeline. I paste below a recent email exchange between the HSE and Ellis & Moore:-

Ellis & Moore (Applicant's Engineers):

Further to your email below dated 1 November last year, we have undertaken a suite of in-situ trial pits to investigate the cover depths of the existing LHP gas main, which runs adjacent to our site. A summary of the findings in relation to the proposed development is attached for your information.

The investigation works prove the crown of the existing gas main to be between 1.35m and 1.6m below ground level for the entirety of the run immediately adjacent to the proposed development. In the areas extending 100m north/south of the site, the pipe was found to be generally between 1.4m and 1.2m below ground level.

There was one small section, where due to a localised dip in the ground, the depth was recorded as 1.15m below ground level. This occurred approximately 75m to the north of the site boundary. The ground cover then quickly returned to 1.2m and is at that depth 100m north of the proposed development.

We have discussed the findings with National Grid, and they are of the opinion that protection works to the pipe would not be required based on these results. Could you please advise if this approach would be acceptable?

Health & Safety Executive:

Based on this information, I am of the opinion that HSE would not wish to advise against a development for residential use at the location specified when formally consulted by Rochford District Council. This assumes that no changes are made to the development proposal or the pipeline before HSE is consulted.

3. Consultation Response

Agent acting for adjoining landowner

I act as you know for the owners of land immediately adjacent to the application site's east and southern boundaries, including allocation sites SER 9b and NEL 2 (formerly NEL 3).

You will recall that I made representations in relation to the brick works application on behalf of the adjacent landowners, which related to the need to provide unencumbered access through the brick works site to allocation site SER 9b, in order to comply with policies contained within the Rochford Site Allocations Plan.

The content of the Committee report, which advises Members on access matters generally and in relation to the nearby wildlife site has prompted my client to put forward some observations for Members to consider, including tighter wording of the officers' suggested planning condition numbered 15 in the report; the observations are as follows:-

Access to Allocation SER9b:

Essex Highways notes that the road access is only suitable for access for up to 200 homes and as such the design as proposed would only enable around 85 homes to be built on SER9b when something like 180-250 is proposed within the adopted site allocation document. In order for larger number of homes to be built on the site Essex Highways has suggested (as indicated by you previously) that the developer has intimated that the secondary access into the site would come from the high street. As they are not in control of the SER9b land and no design has been undertaken to establish whether this solution is indeed workable from a highways/legal perspective, we would like to put on record that should an access onto the high street not be possible and the same be the case through the Star Lane industrial estate (as it does not come forward for development in the near term) then an alternative access would potentially be required to be taken in a southerly direction through the wildlife site, into NEL2 and onto Star Lane. This should be possible, with adequate mitigation measures including, and if required, the potential for additional land being put over to the wildlife site that sits to the south of the fishing lakes and is currently being farmed.

The report confirms that the access to SER9b land shall be unfettered and no ransom shall be created.

To legally cover this point the intention it seems is to safeguard this requirement through a planning condition. The drafting put forward, is we assume an abridged version of a condition yet to be written in full, to give Members a flavour, rather than the condition itself. You will no doubt appreciate that the final condition will need to meet all statutory tests so that it is robust and ensures the proper delivery of the adopted site allocation SER 9b.

We have taken the liberty of setting out a draft condition for Members to consider, which states (and subject to Members' agreement to its inclusion, will need further review by the Council's legal department to ensure it meets the tests above):-

"Not to occupy more than 50 dwellings until the main access road that runs from Star Lane to the adjoining land allocation SER9b (registered in part at the land registry under title number EX754553) has been constructed and adopted by Essex County Council in a manner that ensures that unfettered and unobstructed access is provided from land allocation SER9b to the public highway without the need to pass over any other land".

Existing Access/Emergency access:

The report suggests that the existing access at the southern part of the site that serves the fishing lakes and land generally within our ownership is to become an emergency only access point with a barrier and keys potentially being held by the emergency services only. We would like to point out that we have not been formally consulted on this point and it is likely that what is intended substantially interferes with the legal right of access that we benefit from.

Wildlife Site:

Some of the earlier consultations suggest increased access onto the wildlife site, which I think was due to some confusion in the design and access statement and also possibly because local residents thought the land was in the applicant's ownership. Within the Committee report, however, it does look as though this point has been covered although we would just like to reiterate that the land is in my client's ownership and the only access that is afforded to the public, is via the public right of way. In terms of the fishing lake there is access granted to the fishing club, however this agreement is only a short term licence. Therefore the development of the brick works site should not suggest any increased public access to our land, other than people

properly using the public footpath to walk through to Alexander Road.

We pointed out during the consultation stages of the site allocation process that there had not been sufficient work carried out to properly assess the extent of the wildlife site and what should and should not be included. Whilst this does not necessarily cause a concern at this stage, it is something to bear in mind in light of the comments above relating to the access into SER9b and the potential need to provide an additional access point that run through the wildlife site.

4. Officer Comments Regarding Access to SER9b Residential Allocation and Emergency Access

The requirement for access to residential allocation SER9b from other routes, in addition to the main access through the Star Lane brick works site, is not a matter for this application to consider in detail.

A draft planning condition has been put forward by the agent acting for the adjacent landowner with regard to the access to SER9b. A planning condition similar in wording can be imposed. The precise wording will be discussed with the Council's legal team and must meet the statutory tests.

An additional clause within the section 106 legal agreement regarding adoption delivery of the main access road, further to head of condition no.15, as set out in the report, is also proposed.

The agent acting for the adjacent landowner has suggested that the emergency access to the south of the site may interfere with their legal right of access. The emergency access to the southern boundary, however, would not obstruct access to the existing southern access track, but would just provide access onto it in case of emergency only. This is not considered objectionable and any legal rights of way that may be affected with regard to this would need to be addressed privately.

	<p>5. Officer Comments Regarding Clause in S. 106 Relating to Affordable Housing</p> <p>A clause shall be included in the s.106 relating to affordable housing such that should the site not come forward for development in the short term (exact time frames to be agreed) and the affordable housing not be built for some time, affordable housing viability will be re-assessed in terms of housing quantity and tenure mix (to be funded by the applicant).</p> <p>6. Officer Comments Regarding Reduction in Dormer Surrounds</p> <p>The amended drawings to house types E, G and K now show a 100mm reduction in the dormer surrounds. However, the dormer scales remain the same and it is advised that suggested condition no.19 should still be imposed.</p> <p>7. Officer Response to Additional Agent Comments</p> <p>Trial trenching has now confirmed that the main gas pipeline is predominantly below 1.2m and HSE has informally advised the developer that it no longer has an objection to the proposal. Suggested condition no. 43 required further investigative works to be undertaken to the main gas pipeline and any required work implemented. As the results of such works have not been viewed and HSE not formally consulted on them by the Local Planning Authority it is considered that this condition should remain and resolution reached through submission of the results and formal confirmation from HSE as part of a discharge of condition process.</p> <p>The other comments do not alter the recommendation made.</p> <p>8. Parish Council Comments/Questions and Officer Response</p> <p>1. I have forwarded on my old email assessment of the previous scheme. A lot I would assume is still not addressed and I would think the points on contamination, waste removal, fire brigade access still need to be addressed. This should be raised with the</p>
--	--

	<p>conditions in the form of a request for a site waste management plan and fire control sign off of the design.</p> <p><i>Officer response</i> – A further condition regarding site waste management could be imposed. Conditions regarding contamination have been suggested by RDC Environmental Services and are included (no. 35). All dwellings are less than 45m from a road with width of 3.7m for fire tender access. A swept path analysis shows the ability for a refuse vehicle to manoeuvre the site and a fire engine is similar in sizing.</p> <p>2. The notice has been placed on site but there is only one and it is in bad condition and does not have a date on it.</p> <p><i>Officer response</i> – This notice was one of two placed on the site entrance gate on 15 May 2013 as part of the re-consultation for 116 rather than 140 dwellings on the site. A further two were also placed on the southern red gate to the site on this date, which would have been visible from the public footpath. The dates should have been written on the notices; they may have eventually come off in the rain/faded in the time that has passed. There was no need to put new site notices up as no formal consultation process has occurred since the initial re-consultation.</p> <p>3. We should request the planning authority provide us with a copy of the planning conditions should it gain approval and we wish to be notified of the submissions and validations to discharge the conditions so we can track this development, which is our local development.</p> <p><i>Officer response</i> – A copy of decision notice with conditions, if approval is granted, will be sent to the Parish Council. We can also notify the Parish Council when discharge of condition paperwork is received and confirmed to be valid.</p> <p>4. The notice period to us is unacceptable. Shaun Scrutton’s team has acted poorly here; we are the Parish Council acting for the parishioners and we</p>
--	---

receive the brunt of RDC incompetency from the residents so wish to have full involvement.

Officer response – It would have been courteous to have advised the Parish Council sooner of this application's intended inclusion on 5 June Committee Agenda. Apologies that officers did not advise the Parish Council directly of this earlier.

5. There needs to be a clear strategy for how the infrastructure is to be upgraded and maintained. Bus stops, lanes, highways, road signage, crossings, school, medical centre, foot ways, etc.

Officer response – This can be addressed by wording of planning condition and within s.106 legal agreement where infrastructure works are intended/required as part of this application.

6. Any contribution to this or other local infrastructure should be allocated to Great Wakering. We have the direct impact and contributions should be made to our village whether it be through a section 106, community infrastructure levy or alternative agreement. I think a section 114, that allows it all to be allowed to us can be easily allocated to us by the district. We have had enough of being told our council tax contributions and other funds are allocated to other higher priority areas. Any benefits from this development should be directed to Wakering.

Officer response – Contributions will be agreed by s.106 legal agreement between the relevant parties and used accordingly as per the officer recommendation. It will not be the case that all contributions would be allocated specifically to Great Wakering as implications of the development are wider, for example, the secondary education contribution would not be directed towards Great Wakering village.

7. There needs to be a construction plan in place and also a travel plan for both during and after construction works so we can notify residents of planned disruptions.

Officer response – A travel plan is suggested by planning condition (no. 27). The requirement for a construction traffic route to be agreed is recommended by inclusion of an extra planning condition no. 53.

8. Can we ensure this scheme is developed as safe by design. Having a safe and secure neighbourhood is essential and every effort should be made to maintain this.

Officer response – A planning condition is suggested requiring Secured by design compliance to be agreed (no. 18) as suggested by Essex Police.

9. Who will maintain the roads and green areas which form the communal zones of the development? Is there an intention to form a section 278 or other agreement for the adoption by the Council or will the residents have to pay into a communal fund and who will control this?

Officer response – It is hoped that the roads will be adopted. All communal areas, including unadopted roads, will be controlled by a management company within a s.106 legal agreement.

10. Please confirm the social housing quota and the justification for its application to the area as we are rural and away from main towns and employment areas.

Officer response – The proposal provides 10% affordable housing equating to 11 units. A viability assessment also tested independently by the Council concludes that this provision is acceptable here.

11. There needs to be an assurance that investment in the school will be provided to ensure it is not over subscribed. Local residents are very concerned by this and losing places for their younger children a few years down the line.

Officer response – ECC Education team has been consulted and have advised that the latest forecasts and

	<p>information indicates that there will be sufficient provision at primary level. But additional provision is considered to be required at secondary level and a £337,371 contribution is required to this effect.</p> <p>12. With greater children numbers will the school receive funding towards its new sports centre, community facilities and school after hours and holiday clubs?</p> <p><i>Officer response</i> – As part of the required youth and community facilities a contribution of £25,000 towards a Multi Use Games Area (MUGA) will be provided and secured through s106 legal agreement. It is possible, with the agreement of Great Wakering Primary School, that this could be provided at the school.</p> <p>13. The access road adjacent to the site leading to the lakes needs to be maintained and protected for community access for fishing; it should be added to the land registry and signage installed and any other actions necessary to protect it.</p> <p><i>Officer response</i> – This is outside the application site. Future maintenance of this access road, land registration, signage in relation to this would not be for discussion under this application.</p> <p>14. The front of the development does not have a full pathway. If pedestrian traffic is going to increase should this not be introduced across the full length of the front of the development?</p> <p><i>Officer response</i> – ECC Highways has not advised that this should be a requirement. At the end of the brick works site such a pathway would not lead anywhere. An uncontrolled crossing facility between the proposed new footpath to the north of the site and the opposite side of Star Lane is required as part of this application. There is a footpath along virtually the entire length of Star Lane on this opposite site leading into Southend's borough.</p> <p>15. Will Star Lane's speed rating be reduced?</p>
--	---

	<p><i>Officer response</i> – ECC Highways has asked for a £3,000 financial contribution towards the advertising, creation and, if successful, the implementation of a Traffic Regulation Order to move the existing 30mph speed limit to the south of the brick works site. This would be controlled by s.106 legal agreement.</p> <p>16. Do ILG plan to develop the site themselves?</p> <p><i>Officer response</i> – Another planning agency has been querying the Committee date and application progress in general on behalf of their client. It is not known whether ILG intend to develop the site themselves.</p> <p>9. Extra Condition</p> <p>53 Contruction traffic routing to be agreed avoiding Great Wakering village.</p>
<p>Item 5</p> <p>14/00138/COU – 215 London Road, Rayleigh</p>	<p>1. Revised Comments from Rayleigh Town Council</p> <p>The Town Council has no objection to this application .</p> <p>2. Neighbour Contributor Letter – 201 London Road</p> <p>Can someone please come back and explain to me how Rayleigh Town Council can object to this application on 15 April 2014 due to the proposal being "detrimental to the area and an inconvenience to residents" and yet less than a month later approve this proposal. What has happened in the interim to make this no longer an inconvenience or detrimental to the area??</p>