

**PLANNING SERVICES COMMITTEE**  
**13<sup>TH</sup> DECEMBER 2001**  
**ADDENDUM**

**Agenda  
Item 5**

Research has indicated that some preparatory landscaping works were undertaken following the grant of consent. However, the majority of the required works remain outstanding. The value of the preparatory work after such time may be questionable. The recommendation remains the same to secure full compliance to lay out, plant and landscape the site.

**Schedule  
Item D1**

**Rayleigh Town Council** refer to information that they have received from the National Playing Fields Association (NPFA) that indicates the planning permission is not required for the installation proposed. (Comment – whilst the NPFA interpret the permitted development rights in this way it is considered that the interpretation already made by this Council, that permission is required, is correct).

The Town Council also refers to correspondence from the NPFA which confirms that the NPFA is in favour of the installation in principle and that it should be at least 30m from the boundary of the nearest dwelling.

**Schedule  
Item D2**

The description of the proposal is changed such that the fencing to be provided shall only be 2.4m in height (not 3.3m).

Members will note that conditions suggested require the placing of fences to the north and east boundaries, such that existing footpaths and bridleways are maintained free of obstruction. Therefore, no landscaping condition has been proposed due to the further loss of useable site for the occupier.

As a result it is suggested that condition 13 should be deleted. If Members are mindful to add a condition requiring a landscape scheme, condition 13 should be amended to require submission of the details to this Authority rather than to the CAA.

Additional response from the **Environment Agency**. Acknowledges the completion of a soil survey report in relation to methane emissions, but confirms that the responsibility for safe development rests with the developer.

**Schedule  
Item D3**

Amendment to condition 5:

The maximum height referred to, should be 3m (not 4m).

Additional condition 14:

Once this permission is implemented, the previous uses on the combined units 36 and 37, granted by virtue of permissions ROC/0538/87 and 99/00204/FUL, shall be discontinued.

Response from **Anglian Water** confirms that conditions should be applied requiring the details of foul and surface water to be supplied and agreed. (Comment – these conditions are already suggested).

**Schedule  
Item D4**

Additional condition to require the suggested floor mitigation measures in the construction of the house specified in the report.

"11. Details submitted pursuant to condition 1 above shall include appropriate flood mitigation measures in the construction of the dwelling, e.g. high level electric fixtures, flood water gully."

**Schedule  
Item 5**

The **County Highway Authority** comments as follows:

*No objection is raised to the proposals subject to the following:  
No consent is issued until a Legal Agreement has been entered into which will deal with:*

- 1. highway works as shown on the submitted plan and hard surfacing of the existing bridleway to the north to a point to be agreed;*
- 2. parking facilities to be provided for motorcycles and bicycles;*
- 3. provision of Green Travel Plans to include the identification of pedestrian/cycle access points to the north and west;*
- 4. financial contribution of £150,000 to be made towards infrastructure;*
- 5. financial contribution to the required amount for the works within the Southend Councils area;*
- 6. dedication of a bridleway on the western side of the site;*
- 7. no development prior to the submission of detailed engineering drawings;*
- 8. no beneficial occupation until the agreed works have been carried out.*

*The Highway Authority also adds a note that negotiations should be carried out with the bus company to secure diversion of the closest service to serve the site.*

**Comment**

Many of these aspects are already built into the recommendation in the report. It is considered that, of the points above, nos 2, 3, 6, 7 and 8 are inappropriate for a legal agreement. These are already covered by conditions suggested



in the report, are not appropriate at the outline stage, are not considered necessary as part of the development or are dealt with by other means of control.

It remains then that the legal agreement can deal with the improvements to highway infrastructure required outside the site. These details will include the provision of surfacing to part of the existing bridleway to the north of the site, such that it forms a cycle link to the site. The creation of a link into the site is required by virtue of suggested condition 18.

The figure of £150,000 quoted by the Highway Authority is not considered to be sufficiently justified and, indeed, is disputed by the applicant. Instead of a figure it is considered that the legal agreement should be worded such that financial provision is required sufficient that an identified list of works can be achieved. This list is set out below.

### **LEGAL AGREEMENT**

Taking account of the response from County Highways, the recommendation with regard to the legal agreement in paragraph 5.94 of the report should read:

- 1) That a financial contribution be made to Essex County Council and/or Southend on Sea Borough Council (as appropriate) of an amount as appropriate to ensure that the following works can be achieved:
  - the provision of improvements to the Eastwoodbury Lane/ Nestuda Way roundabout as identified in the Bellamy Roberts Traffic Report.
  - The provision of hard surfacing to that part of the bridleway to the north of the site required to form a cycle link between it and existing provision on Cherry Orchard Way
  - The provision of one or two bus waiting shelters to an agreed specification, as may be required and depending on the result of requests to revise existing bus routes in the area.
  - Any other detailed improvements/ alterations to road alignments/ kerbing/ paving and improvements to facilitate access to the site by all means of transport, as may be agreed between the Highway Authority and the applicant.
- 2) Item 2 to the Agreement, as set out in the report, is to be withdrawn. This is acceptable to the applicant.
- 3) As per the report

### **HEADS OF CONDITION**

In relation to the conditions and following discussions with the applicant, amendments are proposed as follows:

No 3 Proportion of the site to be put to car related uses, excluding the body shop/vehicle preparation uses, to be no more than 50%.

No 11 Details of the proposed sound insulation scheme for the development, including predictions of the noise level at the boundary of the application site, shall 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.

No 19 Provision of foot link within buffer strip.

No 20 Provision of Green Travel Plans to include consideration of the provision of a foot link between the site and residential area to the West.

No 21 Condition deleted.

**Schedule  
Items 6  
and 7**

Additional comments have been received from the **Woodlands and Environmental Specialist**. He considers that, following his earlier comments in relation to the inadequacy of survey information, there has been no attempt to study the badgers. There has been visit at night and assumptions with regard to populations should not be made. Foraging areas will vary throughout the year. It is not considered reasonable to restrict the sett as the applicants consultant suggests, and the animals will probably create new openings anyway.

In conclusion the mitigation strategy is considered to be based on insufficient observation or evidence. The sett would be affected and the whole long term viability may well be threatened.

One additional neighbour writes to comment that he is very impressed by the proposals. It is suggested that windows to the first floor of the north side of plot 1 be obscure glazed.  
(Comment – this is to be required by condition).