

Development Committee – 25 February 2016

Minutes of the meeting of the Development Committee held on **25 February 2016** when there were present:-

Chairman: Cllr C G Seagers
Vice-Chairman: Cllr M R Carter

Cllr T G Cutmore	Cllr J R F Mason
Cllr J Hayter	Cllr D Merrick
Cllr G J Ioannou	Cllr M J Steptoe
Cllr Mrs C M Mason	

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs C I Black, Mrs H L A Glynn, S P Smith and I H Ward.

SUBSTITUTE MEMBERS

Cllr R A Oatham	- for Cllr C I Black
Cllr J L Lawmon	- for Cllr Mrs H L A Glynn
Cllr Mrs B J Wilkins	- for Cllr I H Ward
Cllr Mrs M H Spencer	- for Cllr S P Smith

NON-MEMBERS ATTENDING

Cllrs Mrs D Hoy, M Hoy, Mrs J R Lumley and D J Sperring.

OFFICERS PRESENT

S Scrutton	- Director
C Lyons	- Assistant Director, Planning Services
M Stranks	- Team Leader (Area Team North)
C Todman	- Solicitor
M Pinnington	- Trainee Solicitor
L Spicer	- Senior Communications Officer
S Worthington	- Committee Administrator

PUBLIC SPEAKERS

Cllr Mrs D Mercer	- for item 8(2)
R Harris	- for item 8(2)
J Dagg	- for item 8(2)
N Diamond	- for item 7

27 MINUTES

The Minutes of the meeting held on 21 January 2016 were approved as a correct record and signed by the Chairman.

28 DECLARATIONS OF INTEREST

Cllr D Merrick declared a disclosable pecuniary interest in item 8(2) relating to application no. 15/00321/FUL by virtue of living in close proximity to the application site and left the Chamber during debate of that item.

Cllrs J L Lawmon and Mrs M H Spencer each declared a non pecuniary interest in items 8(1) and 8(2) relating to application nos. 15/00845/ADV and 15/00321/FUL respectively by virtue of membership of Rayleigh Town Council.

Cllr J Hayter declared a non pecuniary interest in item 8(2) relating to application no. 15/00321/FUL by virtue of potentially being affected by on street parking in his road.

29 15/00736/FUL – LAND ADJACENT TO GRANGE VILLA, LONDON ROAD, RAYLEIGH

It was noted that this item had been withdrawn from the Agenda.

30 15/00321/FUL – THE FITZWIMARC SCHOOL, 72 HOCKLEY ROAD, RAYLEIGH

The Committee considered an application for the construction of an external 3G artificial turf pitch (ATP) with fencing, flood lighting and a storage container.

Officers read out the contents of two further consultation responses received since the issue of the Committee report.

Mindful of officers' recommendation to approve the application, Members nevertheless considered that the application should be refused on the grounds that the hours of operation applied for are excessive and would lead to a loss of residential amenity for residents in respect of noise and lighting illumination.

Resolved

That the application be refused for the following reasons:-

1. The flood lighting to the artificial turf pitch proposed to be used late into the evenings on each day would generate unacceptable light pollution and disturbance to neighbouring residential properties surrounding the school playing field proving detrimental to the amenity occupiers of those homes ought reasonably expect to enjoy contrary to policy DM5 (iii) of the Development Management Plan 2014.

2. The artificial turf pitch would generate additional playing noise and activity within the school playing field late into the evenings and at weekends in close proximity to those neighbouring residential properties that surround the school playing field. Such additional activity is considered to represent unacceptable noise disturbance detrimental to the enjoyment and privacy reasonably expected by the occupiers of properties that surround the school playing field of their properties and garden areas contrary to part (ix) to policy DM1 of the Development Management Plan 2014. (ADPS)

31 15/00776/OUT – LAND REAR OF CHERRY ORCHARD BRICK WORKS, CHERRY ORCHARD LANE, ROCHFORD

The Committee considered a hybrid application for outline planning permission with all matters reserved apart from access to the site for the provision of a rugby club, associated pitches and facilities with submission of full details for vehicular access to the site and pitches.

Resolved

That the application be **APPROVED**, subject to the following heads of conditions and following consultation with the HSE as to whether it would request that the application be called in for determination by the Secretary of State:-

- (1) No development shall commence within that area of the site edged and shaded pink on Drawing Number A_8114 Rev A until plans and particulars showing precise details of the layout, scale, design, external appearance, access (save for vehicular access to the site as shown on the approved plan Drawing Number A_8116 Rev A) and landscaping of the site, (herein after called the "Reserved Matters"), have been submitted to and approved in writing by the Local Planning Authority. All development at the site shall be carried out in accordance with the Reserved Matters details approved.
- (2) In the case of the Reserved Matters, application for the first reserved matters application for approval shall be made no later than the expiration of two years beginning with the date of this permission. Application for the approval of the remaining "Reserved Matters" shall be made to the Local Planning Authority before the expiration of three years from the date of this planning permission.
- (3) The development hereby permitted in respect of the rugby pitches, as shown on Drawing Number A_8114 Rev A, shall be begun before the expiration of three years from the date of this permission.
- (4) The development hereby approved shall be constructed in strict accordance with the following approved plans: Details of Proposed

Access (A_8116 Rev A), Pitch Layout & Access Detail (A_8113 Rev A), Proposed Building Heights (A_8115 Rev A), Proposed Development Areas (A_8114 Rev A), Details of Proposed Access (A_8116 Rev A), Location Plan (A_0101 Rev D).

- (5) No development or preliminary ground works of any kind shall commence at the site until field work, as detailed in a mitigation strategy which shall have been submitted to and approved in writing by the Local Planning Authority, has been completed and written confirmation that the archaeological field work has been completed. Written confirmation that the archaeological field work has been completed in accordance with the agreed strategy shall need to have been issued by Essex County Council's Archaeological Officer and submitted to and agreed by the Local Planning Authority (LPA) within a timeframe that shall have previously been submitted to and agreed by the LPA.

Within 6 months of the completion of the field work agreed in any mitigation strategy, a post excavation assessment to include completed post excavation analysis, a full site archive and report ready for deposition at a local museum and a publication report shall be submitted to and agreed in writing by the Local Planning Authority.

- (6) 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, must be submitted to and approved in writing by the Local Planning Authority.

This should be based on the outline drainage strategy SJC/582098/JRC-RC-DS Rev1 and the following mitigation measures:-

- Limiting the discharge from the site to 24.2l/s
- Providing attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.
- Providing the necessary number of treatment stages associated with each element of the 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 subsequently be agreed in writing by the Local Planning Authority.

- (7) The development hereby permitted shall not be commenced until such time as a scheme to minimise the risk of off site flooding caused by surface water run off and ground water during construction works has

been submitted to, and approved in writing, by the Local Planning Authority. The scheme shall be implemented as approved.

- (8) Prior to practical completion of the development hereby approved the applicant must submit 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.
- (9) The (adopting) body responsible for maintenance of the surface water drainage system must record yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon request by the Local Planning Authority.
- (10) Prior to first use of the development a vehicular turning facility for the largest vehicles accessing the site, of a design to be approved in writing by the Local Planning Authority, shall be constructed, surfaced and retained free from obstruction within the site at all times for that sole purpose.
- (11) 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
- (12) The public's rights and ease of passage over local public footpath no. 40 shall be maintained free and unobstructed at all times.
- (13) The removal of any vegetation at the site must take place outside of the bird breeding season (March to August inclusive). If this is not possible a prior check of the vegetation proposed for removal must be undertaken by an experienced ecologist and confirmation that no nests were present submitted to and agreed in writing by the Local Planning Authority before any clearance of vegetation takes place.
- (14) A survey for breeding birds shall be carried out at the site in the appropriate season in 2016 and the results submitted to and agreed in writing by the Local Planning Authority. Skylark nesting plots shall be created (and confirmation provided of their provision) on adjoining farmland in accordance with the details that shall have been previously submitted to and agreed in writing by the Local Planning Authority prior

to commencement of ground works at the site unless the LPA confirms that this provision is no longer required as a result of the survey work undertaken.

- (15) Prior to the commencement of development at the site details of exclusion fencing to be placed a minimum of 25 metres from the badger sett at the site shall be submitted to and agreed in writing by the Local Planning Authority. Fencing as agreed shall be erected and retained in place throughout the duration of construction operations at the site.
- (16) Prior to the erection of any flood lighting at the site details of the proposed flood lighting shall be submitted to and approved in writing by the Local Planning Authority. Details should demonstrate accordance with design principles and considerations as per guidelines from the Bat Conservation Trust, as set out at 6.1.2 of the Ecological Appraisal and Protected Species Surveys October 2015 report accompanying the planning application and compliance with CAP 168.
- (17) Only those lights as agreed in respect of condition 18 above shall be installed at the site and be retained in perpetuity. Only the senior pitch 1 and training pitch as shown on the approved layout Drawing Number A_8113 Revision A shall be flood lit.
- (18) Prior to the first beneficial use of the new rugby pitches hereby approved 8 No. bat roosting boxes shall be installed on mature trees along the northern river corridor and retained in perpetuity in accordance with details that shall have been previously submitted to and agreed in writing by the Local Planning Authority.
- (19) No ground work or development shall take place until a tree protection plan and method statement in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The tree protection measures as agreed shall be implemented on site prior to commencement of development and retained throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.
- (20) Prior to first use of the rugby pitches and/or club house hereby approved on site parking shall be provided, hard surfaced, sealed and marked out in parking bays for 81 spaces each to the preferred bay size of 5.5 metres by 2.9 metres and in addition an overflow parking area with a grasscrete surface shall be provided with minimum dimensions of 37 metres by 32 metres in accordance with details which shall have previously been submitted to and approved in writing by the Local Planning Authority. All parking as agreed and provided shall be retained on site in perpetuity and not used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

- (21) No works shall commence to facilitate the development hereby approved (including any ground works), until sub conditions 2 to 4 below have been complied with in full. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1 "Site Characterisation", and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2 "Submission of Remediation Scheme", which is subject to the approval in writing of the Local

Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3 "Implementation of Approved Remediation Scheme".

5. Validation Certificate

Prior to first use of the club house hereby approved and the provision of any services, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 2 "Submission of Remediation Scheme" above.

This certificate is attached to the planning notification.

- (22) A Dust Management Plan shall be submitted to and agreed in writing with the Local Planning Authority before the commencement of works and shall be implemented in full for the duration of the construction works.
- (23) Details of cycle storage to provide a minimum of 19 spaces, designated spaces to park a minimum of 6 powered two-wheelers, a minimum of 5 disabled bays and a minimum of two coach parking bays shall be submitted to and agreed in writing by the Local Planning Authority prior to installation on site which shall in turn be completed prior to first use of the rugby pitches and/or club house hereby approved.
- (24) The rugby club house hereby approved shall meet the BREEAM (Building Research Establishment Environmental Assessment Method) rating of 'Very Good' as a minimum unless such requirements would render the development economically unviable in which case details as to why the building cannot viably achieve the 'Very Good' rating and what standard can be achieved shall be submitted to and agreed in writing by the Local Planning Authority and the building will be constructed in accordance with the details agreed.
- (25) No development shall commence until a detailed playing field construction specification including an implementation programme prepared in accordance with the TGMS feasibility study for the construction of winter sports pitches for Westcliff RFC on land off Aviation Way, Southend-on-Sea - 26 June 2015 [Rev 2 02/02/2016] recommendations and in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority. The approved specification and implementation programme shall be

complied with in full prior to the completion of the development unless otherwise agreed with the Local Planning Authority.

- (26) The floor space of the club house hereby approved shall accord with Drawing Reference: 0688 A_109 as a minimum (this is the non-RFU compliant layout) and Drawing Reference: 0688 A_811 A as a maximum (this is the RFU compliant layout), but allow flexibility for further iterations of the layouts, which fall between the minimum and maximum, as this may be required and submitted for consideration at the Reserved Matters stage.
- (27) Prior to first use of the rugby pitches and or club house as hereby approved, the vehicular access to the site shall be constructed to tie into the existing carriageway at the site boundary, which has been provided and inclusive of wearing course and provision of footways on both sides.
- (28) Prior to commencement of the development hereby approved details of existing and proposed land levels for the proposed rugby pitches shall be submitted to and approved in writing by the Local Planning Authority. Levels shall be provided on site in accordance with the details as agreed.

32 15/00854/ADV – 45 HIGH STREET, RAYLEIGH

The Committee considered an application for a replacement fascia sign, to be internally illuminated.

Resolved

That the application 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.

REASON: Required to be imposed pursuant to Regulation 14 of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007.

- (2) 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.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) 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. (ADPS)

The meeting closed at 9.10 pm.

Chairman

Date

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